

HB  
500

$1\frac{1}{2}$



Official Business

# Alaska State Legislature

## House of Representatives

Committee on

### Health, Education & Social Services

Pouch V  
State Capitol  
Juneau, Alaska 99811

TO: REP. TERRY MARTIN

FROM: Kris Gray, House H.E.S.S.

Date Feb. 3, 1982

Rep. Martin: Here is the transcript of the first 3 witnesses for the hearing on HE 500, Jan. 21st, 1982. I had a little trouble in a few places on exact wording, but hope this will serve your purpose. If you have any questions, please let me know.

2/2/82

TRANSCRIPTION OF TAPE # 5, Committee meeting on HB 500. Meter reading 0000 - 563.

Rep. Martin:

21st of January, for the records, present at the committee of House H.E.S.S Rep. Sally Smith, Rep. Hugh Malone, Rep. Betty Cato, and myself, Chairman for the day, Rep. Terry Martin. Today's hearing will be limited to HB 500, the limiting the State's money to pay for abortions. I'd like to begin with testimonies by Representatives of the Alaska Dept. of Health and Social Services and then immediately followed by Judge Thomas Stewart. Mr. Rod Betit, and Mr. Rich Robertson:

Martin:

For the information of the people here we have had extensive hearing, a very long day in Anchorage, during the interim, about 12 hours and we had quite a bit of testimonies on various side and points of view on this issue, so we wanted to give out people from Southeast Alaska in Juneau an opportunity to express points of view on this issue, too.

Martin:

Mr. Betit?

Mr. Betit: I'm Rod Betit, Director of the Division of Public Assistance, Foreman of the divisions of the Departments of Health and Social Services. There are representatives here from the Dept. of Law and Public Health and other interested groups. I'm taking the lead for the department primarily because the bill impacts Medicaid, which is ... by the Div. of Public Assistance. I doubt that you've seen the position paper so if you'd like me to summarize it, or read it, or whatever you think would work out best, Mr. Chairman,...

Martin: probably summarize it.

Betit: Basically, HB 500 is a bill that would limit State use of State money in the area of Abortions and targets specifically on the Medicaid program. Just by way of background, current Ak. law permits a woman, in consultation with the physician, to have an abortion and that's an individual judgement that is currently entered in to between the two without any involvement on the part of the Department. And we pay for those low income women under the general relief medical program. Currently, no abortions are being funded under the Medicaid program because of the limitations of the Hyde amendment at the Federal level. At the start of the 1970 period, when the law was liberalized and the abortion coverage was expanded in the State of Ak, the money was originally funded through the general medical program; when the state went into the Medicaid program, in 1972, the Federal attitude was much broader than it is right now. A lot of that was moved into the Medicaid program and the pressure was taken off the general relief medical. But in '76, as a result of all the flip-flopping at the Federal level, the money was permanently taken out of the general relief medical program and that's where it is right now. The Department is currently operating under the Attorney General's opinion which was reaffirmed last year, which basically says we're not in a position where we can change the current abortion rules through an amendment to State regulations. In fact, the State Attorney General cautions that the even the legislature may be on questionable grounds if it were to attempt to do that for low income group, as the right to privacy and equal protection on the Alaska constitution is a little broader, in their judgement, than at the national level. The effect of HB 500 would be essentially to limit Medicaid State funds, expenditures, for abortions. It doesn't ... I don't think, what the intent of the bill is and that's to eliminate it from any of the State program, so if this were in fact, to be successful, it would have to be broadened to include the citation to the general relief medical program which is in a different chapter of the Statutes, 47.25. And it would also define

2.

an abortion as a medical procedure to terminate the pregnancy of a nonviable fetus. Right now, a nonviable fetus is defined in state regulations under Title 12 as one that has... is under 150 days from the date of the last period. Consequently, we're at a part with the Department in terms of its position that we're not going to come out for or against this bill; we're going to provide information. We're not in a position of being able to impact the bill on a policy level since it's completely out of the regulation process. A number of people are here from the Department to give you whatever information you would like to have. There is a fiscal note attached to the bill; you'll note the bill would end up costing the State an additional \$700,000 in State general fund money across a number of programs. We can certainly explain how those costs were arrived at. I do have some additional material with me and I think one of the most interesting ones have to be the situation in two states, CA & MASS, where the courts have ruled on state constitutional grounds the legislature could not limit abortions for low income people. .. They essentially ruled if you give access to prenatal and delivery service you have to give access to abortions and that was defined in 1976 by a federal court in New York as to include all factors relevant to the well being of the patient, and that was physical, psychological, emotional, and familial. So it's a pretty broad definition.

MARTIN: First I'd like to get into the point of cost. Would you explain why this is going to cost, if we're going to not fund state abortions?

BETIT: Sure, if you want to flip to the fiscal note, summary of it on the 2nd page of the fiscal note... and show you where the impact will be in terms of savings as well as where we're going to see increased cost. There's four categories in general relief medical, the abortions themselves, at... 300 hundred abortions under the program at \$900/abortion, all state money works out to \$270,000. This is for fiscal year '83. Medicaid would see those come across as covered deliveries, because if they are eligible for gen. relief abortion services, they are going to be also eligible for delivery and prenatal services... so at \$2500 for routine delivery in the St. of AK times 300 such deliveries, you're talking about \$750,000, half of which is State money; most of these people will be eligible to AFDC, the cost of that per case, \$ 559 times 150 cases, a little over a million \$, half St. money... and then once the children get into the program there's a real extensive EPSDT effort targeted at the kids to take care of problems and to see that things are going well in the first year and we estimate the cost of that at around \$850 /child... and that's close to a 1/2 million dollars, half of which is State money.

Martin: So, basically, what we're saying... the cost is a matter that if they are now let live, we have to absorb these cost factors.

Bet it: That's correct. I don't really think its a funding issue at all. It boils down to a different consideration. But there is an increased impact on the State budget, if HB 500 were successful.

Martin: When did the State get into direct paying of abortion? This was an administrative decision when the Federal dropped it? That the State did it on its own?

Betitt: No, the GR medical program picked it up as the law, in 1970, was broadened to permit it in Alaska. In '72 the Medicaid program came along as it was pushed over into that because it was reimbursable at 50% federal money. Then Medicaid took different positions over the next 4 years, increasingly different positions, and finally it boiled down to the last version of the Hyde amendment that was that only when the mother's life was in danger would Medicaid pay for the abortion. That was a much more conservative policy than the state was; we pushed those services over to GR medical. Policy has been the same in Ak since 1970, the only thing that has been altered was the funding source for the service. It's not unusual in terms of other services that Medicaid people are eligible because Ak when they went into Medicaid specifically avoided some of the options, like drug coverage, and left those over on the GR side because it was more cost effective to do it that way. So any services that GR med has under it, which a Medicaid person can not have through the State run Medicaid program, is available to those same people.

Martin: You mentioned earlier the laws said that anyone can have an abortion, it was my understanding that we had a limit of 24 weeks according to the letters and intent signed under then Senate president, John Rader, that 24 weeks was the minimum.

Betitt: The State regulation is not defined in weeks, it is defined in days--150 days.  
Under Title 20, state reg. reads 150 days.

Martin: Another part that you mentioned as far as state law is the right to privacy. In reviewing the history of that amendment to the Constitution at that time the right to privacy was mainly concerned with people, police or agencies busting into your home and there was a big do-to about wire tapping at the time. Has the Dept. stretched this to the right of privacy to one's body rather than working it to your health?

Betitt: I'd like to let the Attorney General's office speak to that. Again, these are recent ruling in CA and Mass where they give the State constitution's extending more into privacy and equal protection than the U.S. constitution does. And that even though Congress was able to put that limitation on the low income group that the individual state constitutions didn't afford that kind of authority.

Malone: I think we will get into the question of how the Ak constitution would affect this bill if it did become law.

Martin: ...the first sentence of the State Constitution which says a natural right to life. Ak is the only state that uses that "natural" right to life. How does the Dept. take that?

Betitt: I really can't answer that, Mr. Chairman. I don't know that the dept. has any kind of policy put together on that.

Smith: I'm not questioning your authority at all, but I do question if the line of questioning here has any relationship to the bill we are discussing. We're not discussing the right of a woman to have or not to have an abortion.

.....  
Martin, Rick Robertson

Robertson: ...I've asked to speak today to bring to the attention of the committee

several legal issues that in my judgement are raised by HB 500. Two of the issues are purely technical, one is substantive, and in my judgement, potentially fatal to this legislation. The first two have been alluded to by Mr. Betit. The first is the question as to whether or not HB 500 purports to cover the GRM program. I note that the Bill would amend 47.07 of the AS which addresses Medicaid. GRM is addressed in Title 47.25 and I would think that if the bill is intended to cover GRM, under which elective abortions are currently being funded, then the bill should say so, with additional clarity. The second issue, a technical issue, has to do with compliance with federal requirements. Over the years, the Hyde amendment has taken various forms as to which particular exceptions it will allow to be performed with federal money. I'm not sure what the present form of the Hyde amendment now is, but 1<sup>st</sup> AK law is locked into a definite pattern that as federal law fluctuates it could be presented with a question of compliance with Federal requirements--I defer to Mr. Betit as to how that would impact his agency. The following issue is more serious. In an opinion dated Jan. 12, 1981, the office of Att. Gen. concluded that the AK Supreme Ct. would likely find that the course of action embodied in HB 500 would violate the AK Constitution. That opinion, as I understand it, is appended to the position paper presented to you by H & SS. I think the opinion itself is pretty straight forward. It addresses a number of options in this area. I would add a few comments to it. The opinion, of course, was drafted largely in response to the decision in Harris v McRae, in which the Hyde Amendment was challenged on the Federal level and in that case the U.S. Supreme Ct., in split 5-4 decision, upheld the validity of the amendment. Again, that deals with fed. Medicaid coverage. Since that decision has come down, at least two state courts had considered under state const. the identical question. Two cases are Committee to defend reproductive rights, which is a CA case, and in a 4-2 decision decided that not all of the federal ...[ ] in Harris v McRae. And the state of Mass. MOe V. Sec of Admin., I believe with 1 descent, the State of Mass also failed to follow the lead of the U.S. Supreme Ct. in Harris v. McRae. Each of those state court decisions, I think, could well constitute a harbinger of what the AK Supreme Ct. could do. It's well settled in this state that the right of privacy, which is embodied in the AK Const., is not embodied at all in the federal const., in as many words, is more protective of individual rights than under federal law and there is a corresponding difference in treatment with respect to the equal protection clause. The decisions themselves are quite lengthy...would encourage members to review those decisions. I have brought copies... In a very few words, the federal approach, again in a split decision, was that the failure to fund elective abortions for poor women presented no new restrictions on access to abortions. Under that line of reasoning, they considered it permissible. The states took a different approach, ... they considered that if a state is to confer benefits, it must do so even handedly. The basic notion that since there is a fundamental right here, right of a woman to make her own decision, at least in the first trimester of her pregnancy, as to whether or not to obtain an abortion, the state can not, in CA and MASS, at least, and likely in AK, can not require relinquish a constitutional right in order to obtain eligibility for public benefits. ... I would be happy to provide this information.

MARTIN: I have a couple of questions... the main things seems to there will be a challenge...people challenge a case just because they think it's going to be a challenge and that's not a reason not to persue what the people thank it right?

ROBERTSON: Lawsuits can be brought for many reasons,...the opinion was merely to advise the governor and my testimony today to advise this committee as to what we think is the probable result, of the enactment of HB 500. Certainly statutes are enacted which are unconstitutional and they can be duly considered ...by the courts. There are a couple of consequences of that which the committee might want to consider. The enactment of legislation which does have a significant chance of being challenged presents, a danger of : 1, potential waste of public assets and litigating the question, 2. an act which is eventually determined to be unconstitutional could be well be applied before that determination .... some ... kind of relief by the courts. If that is the case individuals could be harmed by legislation determined to be invalid. The third considered...more philosophical...if legislation is on verge of being unconstitutional, what that really means, is that the legislation is possibly c<sup>f</sup> a kind which the framers of the constiution, a document on which our government is based, should never be enacted. That type of legislation is something simply to be avoided and thus a protection would be embodied in the constitution. If you're getting in that area, even a chance, I would simply encourage the members of the committee to act very deliberately and with a great deal of thought.

MARTIN: ...opinions of Attorney General have consistently hit on the "right to privacy", 24th admendment, I've often found it surprising that the Dept. of Law has never expressed an opinion on the 1st admendment of our constitution, the "natural right to Life". What do you feel that sentence means?

ROBERTSON: I'm not familiar with any Ak cases that addressed that particular aspect of the 1st admendment. I'd be happy to look into the question in greater detail and report back to the Committee. ...Opinion thrt the Dept of Law has expressed is what we believe would under existing prececlence ... controlling law.

MARTIN: Maybe because noone had challenged that that is left alone for now?

ROBERTSON: I don't know precise language.

MARTIN: I ask because we eliminate monies for abortion that we somehow deprived the person of the right to privacy, but no one has challenged, nor did the Dept. speak of the apprc -iations dropped in 1976 or 74, where we do not help with carrying pregnancies to term. We prevent them from having children on one hand, but we'll help them with monies to have an abortion- -- is there an inconsistency with the right to privacy and rights to help the poor?

ROBERTSON: Perhaps one point of clarification would help. Both of the state cases as well as the minority in Harris v. McRae did not say that the constitution requires states to pay for abortions for people with limited means. What they do say is that if the state chooses to provide funds for having children, if they are going to enter into that arena, they have to do evenhandedly. So our analysis assumes that the Dept. will continue to provide coverag<sub>e</sub> for the process of having children that they do now.

BETT: A point of clarification- he's talking about delivery, as opposed to an abortion. The State did at one time offer AFDC aid to mothers expectant and did not have any other kids, the child being 4-5 months from being born. That piece of the AFDC program was dropped by the legislature in 76. Separate consideration

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That's a separate consideration, I think, than the consideration of being able to get access to the delivery coverage under Medicaid as well as the abortion coverage.

ROBERTSON: Here we're dealing with medical payments. The AFDC program, as I understand it, is a financial case program which helps buy groceries, day care, etc. .

MARTIN: But not health. Do we have any programs that help the poor women of need to carry forth her program ...her baby? Medical?

Robertson: Definitely, the medical program is there and as it is set up right now it will handle either the delivery or the abortion, as long as thier eligible for it.

MARTIN: Next witness, Judge Thomas Stewart.

STEWART: I have want to preface what I have to say about HB 500 by saying that I've received a telephone call from Sen. Fischer, who is an old friend, who asked me if I would be willing to testify about this bill. ... He caused to send over to me the bill and two memoranda, one on dated Sept. 4, 1981 by Lynn Asper and one dated Oct.7, 1981 by James Lear. I want also to say very clearly that I do not represent the Ak court system, I don't speak anyway for the people of the administration, any judges and when I looked at this material, I decided that it was not a subject that I wanted to express any personal opinion about; I'm not here to speak about political wisdom or morality, political, ethical wisdom of legislation of this sort. If I have any capacity to be of any help to

the Committee, it would be limited to whether or not it would be lawful, whether it would be constitutional under the provisions of our constitution. I prepared for comment on that only to the extent on the cases that are cited in Mr. Lear's memo. It would be my view that both Mr. Lear and Mr. Asper are correct. It is highly likely that the legislation as it is now framed would be found unconstitutional under the particular provision of the Ak constitution. For the reasons stated in the Meyers case from CA, I assume you have a citation to, and the Moe case from MASS-- I have read both of these cases and parts of the McRae case from the U.S. Supreme court and I think that if I were a sitting judge and I had the case presented to me, I would rule that it is unconstitutional, as the language is not framed. I think that there are some steps that people who may promote this legislation may take, short of what that says. For example, if you look at the Mass Leg., it hinges any state financial aid to medically necessary procedures. The Ak statute AS 47.07.030, does not limit the aid to medically necessary procedures. It gives the aid to anybody who desires medical services and does not have the money to pay for it. I think it is probably constitutional to modify that and say that you are not going to give any medical services, except for medically necessary services, and it would become, therefore, necessary to be shown that services for an abortion were necessary for some reason. But you can't do what this legislation says, offer medical services but limit it in this way for this specific reason.

MARTIN: In short, sir, if it were limited to elective abortions, non-therapeutical abortions...

STEWART: I'm not sure that would do it. It would have to be all medical services given only when they're shown to be necessary. Not just because somebody wants them. But to limit it to abortions, you run into the same problem that is taken up more explicitly in these two opinions.

MARTIN: In previous testimony with Mr. Robertson, maybe we'll have to clean this up too, you say we were in the right realm when we said AS 47.07.030... our original intent was to correct 47.07.030 but Mr. Robertson mentioned that we should zero in on another section of the law, 47.25.120.

STEWART: I Did not consider that. I did encounter Mr. Robertson(in library) He said there were some other problems concerning the state's administration of medicaid money.

MARTIN: I do have one question. In the testimony that we've had for the past 3 or 4 years, often it is used that the right to privacy is supreme and everything else, but I keep on going back to the first sentence of our constitution, which says we dedicated ourselves to the 'natural right to life'. And that word 'natural' is not in any other constitutions, or U.S. constitution. It seems to me that Alaskans, our founding fathers, had an extra meaning there when they used the word 'natural'.

STEWART: I don't know of any case that has tested the significance of that language. Certainly there has been none from Alaska in this context. There are other differences in the language of the CA Constitution, dealing with the right to privacy. But its clear that the federal constitution...that you can't prohibit abortion per se, because it would be an invasion of the federal right to privacy. And the right to privacy in the Ak const. is explicit and broader in its reach than the federal right. What the impact of that term that you have, I don't know, would be in realm of guess work. What I'm saying is that I believe Mr. Asper and Mr. Lear are correct in their analysis, relates to language that has been dealt with in cases, not to what you're saying, language that hasn't been dealt with in cases. It is possible that it would have such an effect. I don't know Mr. Lear, but do know Mr. Asper... his background lends credence to my judgement of his opinion. But I'm convinced by my own reading... that it's highly probably that this particular language in HB 500 would be found unconstitutional.

MARTIN: One final question, sir. There are people who are concerned about the protection of life; do you feel that because of the first clause in our constitution, that they may have a legitimate right through the courts to proceed

action and get a determination from the court of what we mean by a 'natural right to life'?

STEWART: Sure. That would have an effect on an ultimate result. But I wouldn't say at this point ...not that I know of are there any cases that deal with the . As you pointed out when you raised it, it's perhaps unique to the AK. constitution and you wouldn't find another case in another jurisdiction.

MARTIN: Thank you Judge Stewart.



Official Business

# Alaska State Legislature

## House of Representatives

Committee on

Health, Education & Social Services

Pouch V  
State Capitol  
Juneau, Alaska 99811

January 21, 1982

### AGENDA

HB 500- An Act limiting the use of state money to pay for abortions

The following is a list of all those individuals who have called our office stating that they wanted to testify on HB 500. We have asked that everyone limit their comments to no more than five minutes. Where possible, we have tried to schedule those individuals requesting a particular time period.

*Mr. Rob Betit*

*Rich Robinson*

- ✓ Dept. of H.E.S.S. (2 persons)
- ✓ Phil McMurray - *no class*
- ✓ Delsey Kirney
- ✓ Bishop Michael Kirney
- ✓ Susan Clark
- Judge Thomas Stewart
- ✓ Ken and Ann Matson
- ✓ Sid Hyderdorf
- ✓ Patricia Hall
- ✓ Charles Helms
- ✓ Rev. Innocence
- ✓ Sue Miller
- ✓ Dr. Rude

- ✓ Janet Lantanski
- ✓ Curtis McLain
- ✓ Barbara Tyndoll
- ✓ Lisa McClaren
- ✓ Pat Denny
- ✓ Rosie Peterson
- ✓ Sara Felix
- ~~Connie Davis~~ *Cancelled*
- ✓ Peggy Mentele
- ✓ Jane Angvik
- ✓ Grace Brayton

*Good PM*

*Hans HESS*

*Get Bradley to consult with Rob Robinson - Dept. of Law.*

Introduced: 4/14/81  
Referred: Health, Education &  
Social Services

1 IN THE HOUSE

BY MARTIN, METCALFE AND BEIRNE

2 HOUSE BILL NO. 500

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An act limiting the use of state money to pay for  
7 abortions; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 47.07 is amended by adding a new section to read:

10 Sec. 47.07.035. LIMITATION ON PAYMENT FOR ABORTIONS. Notwith-  
11 standing AS 47.07.030, <sup>25,030 2 AM.</sup> state money or money controlled or disbursed by  
12 a department of the state may not be used to pay for an abortion unless  
13 the physician performing the abortion certifies in writing that the  
14 abortion was necessary to <sup>to prevent the death</sup> [save the life] of the woman undergoing the  
15 abortion and that in the physician's professional judgment reasonable  
16 efforts, consistent with saving the life of the woman undergoing the  
17 abortion, were made to save the life of the unborn child.

18 \* Sec. 2. AS 47.07.080 is amended by adding a new paragraph to read:

19 (5) "abortion" means an operation or procedure to terminate  
20 the pregnancy of a <sup>viable</sup> [nonviable] fetus. <sup>woman</sup> of a pregnant woman with own viable fetus

21 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.  
22 10.070(c).

MSG 82-00002395 PRTY 1 01/20/82 14:24:55 ORIG: LJ08 IN= 0015 OUT= 0093  
FROM: JOYCE TO: JUNEAU  
TARGET: LJH2 SUBJ: P O M PAGE 0001

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TO: ALL REPRESENTATIVES

FROM: DOROTHY WILSON  
P. O. BOX 629  
JUNEAU, AK 99802  
586-6358

I SUPPORT HB 500 AND URGE PASSAGE.

MSG 82-00002380 PRTY 1 01/20/82 14:03:29 ORIG: LJ08 IN= 0014 OUT= 0081  
FROM: JOYCE TO: JUNEAU  
TARGET: LJH2 SUBJ: P O M PAGE 0001

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TO: ALL REPRESENTATIVES

FROM: BONNIE ZEMAN  
BOX 47  
DOUGLAS 99824  
364-3491

I AM IN FAVOR OF HB 500. THANK YOU.

MSG 82-00002360 PRTY 1 01/20/82 13:32:15 ORIG: LA00 IN= 0012 OUT= '0080  
FROM: MARCIE, ANC INFO TO: POM, JUNEAU INFO  
TARGET: LJH2 SUBJ: P O M PAGE 0001

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TO: REPRESENTATIVES MARTIN, BEIRNE, CATO, SMITH, AND MALONE  
FROM: MICHAEL KASNICK, P. O. BOX 4177, ANC 99509 (272-6091)

I OPPOSE HOUSE BILL 500 VERY STRONGLY AND I AM SURE THAT THE REASONS  
BEHIND THAT WILL BE ELABORATELY EXPRESSED BY OTHER MESSAGES RECEIVED  
REGARDING THIS BILL. THANK YOU.

MSG 82-00002357 PRTY 1 01/20/82 13:26:13 ORIG: LF01 IN= 0014 OUT= 0068  
FROM: DEBBIE/FBKS TO: JUNO LTN PAGE 0001  
TARGET: LJH2 SUBJ: POMS

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TO: HOUSE HESS COMMITTEE  
REPS. BEIRNE, MARTIN, CATO, SMITH, MALONE

FR: JUDY HARVEY  
SR BOX 70389  
FAIRBANKS, AK 99701

RE: HB 500

MSG: I'M OPPOSED TO HB 500. WHEN ABORTION IS LEGAL IN ALASKA IT'S NOT FAIR  
TO DISCRIMINATE AGAINST LOW INCOME WOMEN.

*Valerie M. Therrien*  
*Attorney at Law*  
*779 8th Avenue*  
*Fairbanks, Alaska 99701*

907 452-6194

907 452-6195

January 18, 1982

Representative Mike Beirne  
Chairman House Health, Education  
and Social Services Committee  
Pouch V  
Juneau, Alaska 99811  
Mail Stop 3100

Dear Representative Beirne:

Re: House Bill 500

I urge you to consider the many women that could be dangerously hurt if House Bill 500 passes and the State no longer funds abortions. A woman does have the legal right to an abortion, but often, cannot exercise this right because of the expense of an abortion. State funding of abortion equalizes the rights between poor women and women who can afford to pay for an abortion.

Considering the gravity of the problem, an unwanted abortion and the state's wealth from oil and other sources, I would consider a vote in favor of this legislation to be a flagrant violation of a woman's right to be treated equally in society.

Consider also the burden on the State's welfare system if the mother does carry the fetus to term and a child is born. There is sufficient data available to support the conclusion that a welfare mother would cost the state considerable more money, to care for the child than would the cost of an abortion.

I cannot state how strongly I support the right to an abortion, by choice, and that I believe the State should continue to fund abortions. I hope you will consider the issue carefully before deciding on your vote on this issue. Please don't be swayed by the argument that the fetus is a living being and that the act of abortion is a crime. It isn't, and morality does not enter into this decision. What does come into play is the quality of life of a mother who cannot afford an abortion versus one who can afford this decision.

Thank you for your careful consideration of this matter.

Sincerely yours,

*Valerie M. Therrien*  
Valerie M. Therrien

VMT/bce

MSG 82-00002179 PRTY 1 01/19/82 18:41:22 ORIG: LA00 IN= 0030 OUT= 0161  
FROM: CINDY, ANCH TO: JNU INFO  
TARGET: LJH2 SUBJ: POM PAGE 0001

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TO: REPRESENTATIVES BEIRNE, CATO, MALONE, MARTIN, SMITH  
FROM: PATRICIA ERETZIAN, 2520 NORTHRUP PL. 99504 (275-9396)

I STRONGLY OPPOSE HB 500 AND URGE YOU TO VOTE AGAINST IT. IT IS  
VERY DISCRIMINATORY AGAINST THE UNDERPRIVILEGED.

MSG 82-00002360 PRTY 1. 01/20/82 13:32:15 ORIG: LA00 IN= 0012 OUT= 0080  
FROM: MARCIE, ANC INFO TO: POM, JUNEAU INFO  
TARGET: LJH2 SUBJ: P O M PAGE 0011

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TO: REPRESENTATIVE MIKE BEIRNE  
FROM: SUSAN CUNNINGHAM, 4011 MERRILL DRIVE, ANC 99503 (248-0272)

I AM OPPOSED TO MAKING ABORTIONS ILLEGAL.

MSG 82-00001801 PRTY 1 01/18/82 16:45:26 ORIG: LF01 IN= 0008 OUT= 0119  
FROM: ANNIE IN FAIRBANKS TO: JUNEAU INFO.  
TARGET: LJH2 SUBJ: POM PAGE 0001

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TO: REPS. BETTISWORTH, BROWN, FANNING, RANDOLPH, ROGERS, AND SMITH  
SENS. BENNETT, FAHRENKAMP, AND PARR  
REPS. BEIRNE, MARTIN, CATO, AND MALONE

FROM: THERESA HOBBY, S.R. BOX 90341, FBKS. 99701 488-3070

RE: HB500

I AM OPPOSED TO HB500 BECAUSE I THINK IT DISCRIMINATES AGAINST THE POOR  
WOMEN OF ALASKA.

MSG 82-00002168 PRTY 1 01/19/82 17:43:52 ORIG: L000 IN= 0005 OUT= 0157  
FROM: KODIAK TO: JUNEAU  
TARGET: LJH2 SUBJ: PUBLIC OPINION MESSAGE PAGE 000

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TO: REPRESENTATIVES MIKE BEIRNE, TERRY MARTIN, BETTE CATO, SALLY SMITH,  
HUGH MALONE

FROM: JANET WENTE  
P.O. BOX 2791  
KODIAK, AK. 99615, 486-5725

HB 500 IS A BIG STEP IN THE WRONG DIRECTION. I AM OPPOSED TO IT AND FEEL THAT  
LEGISLATION LIMITS WOMEN'S REPRODUCTIVE RIGHTS. WOMEN MUST HAVE SAFE, LEGAL  
AND, IF NECESSARY, STATE SUBSIDIZED ABORTIONS AVAILABLE TO THEM.

MSG 82-00002168 PRTY 1 01/19/82 17:43:52 ORIG: L000 IN= 0005 OUT= 0157  
FROM: KODIAK TO: JUNEAU  
TARGET: LJH2 SUBJ: PUBLIC OPINION MESSAGE PAGE 0003

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TO: REPRESENTATIVES MIKE BEIRNE, TERRY MARTIN, BETTE CATO, SALLY SMITH AND  
HUGH MALONE

FROM: ANN MARSHALL  
P.O. BOX 371  
KODIAK, AK. 99615, 486-5725

I AM OPPOSED TO THE PASSAGE OF HB 500. I FEEL THAT THIS LEGISLATION IS ONE  
WHICH WOULD LIMIT WOMEN'S REPRODUCTIVE RIGHTS. IT IS MY CONVICTION THAT ALL  
WOMEN ARE ENTITLED TO SAFE, LEGAL AND SUBSIDIZED ABORTIONS.

FROM: BEIRNE, CATO, MALONE, MARTIN, SMITH  
FROM: PATRICIA ERETZIAN, 2520 NORTHRUP PL. 99504 (279-9396)

I STRONGLY OPPOSE HB 500 AND URGE YOU TO VOTE AGAINST IT. IT IS  
VERY DISCRIMINATORY AGAINST THE UNDERPRIVILEGED.

MSG 82-00002180 PRTY 1 01/19/82 18:54:29 ORIG: LA00 IN= 0031 OUT= 016  
FROM: CINDY ANCH. TO: JNU INFO  
TARGET: LJH2 SUBJ: POM

PAGE 000

TO: REPRESENTATIVES BEIRNE, CATO, MALONE, SMITH  
FROM: EILEEN F. LEVINSON, 101 W. 22ND AVE., ANCH 99503 (274-3792)

RE HB 500  
THE DECISION TO HAVE AN ABORTION IS UP TO THE WOMAN INVOLVED AS IT IS  
HER BODY. BY WITHHOLDING STATE FUNDING YOU ARE DENYING POOR WOMEN ACCESS  
TO SAFE ABORTIONS.

MSG 82-00002168 PRTY 1 01/19/82 17:43:52 ORIG: L000 IN= 0005 OUT= 0157  
FROM: KODIAK TO: JUNEAU  
TARGET: LJH2 SUBJ: PUBLIC OPINION MESSAGE PAGE 000:

TO REPRESENTATIVES MIKE BEIRNE, TERRY MARTIN, BETTE CATO, SALLY SMITH AND  
HUGH MALONE

FROM BRENDA BOUTHOT  
P.O. BOX 953  
KODIAK, AK. 99615. 486-5725

I WOULD LIKE TO STATE MY OPPOSITION TO HB 500. IT IS MY OPINION THAT THIS  
LEGISLATION IS INCONSISTENT WITH WOMEN'S REPRODUCTIVE RIGHTS AND DISCRIMINATI  
AGAINST ECONOMICALLY DISADVANTAGED WOMEN.

500

# TELEGRAM

RECEIVED  
FEDERAL BUREAU OF INVESTIGATION  
JUN 15 1968

02651 NL TDA NORTHPOLE AK 50 01-18 1008P AST

PMS REP MIKE BEIRNE

1198

JUN

WE THE UNDERSIGNED STRONGLY OBJECT TO HB500. THE RIGHT TO  
ABORTION CANNOT BE TAKEN FROM ANY WOMAN.

TRUDIE DARNELL, VICKI SHOFFSTALL, ANDI ABBOTT,  
ROGER SHOFFSTALL, TOM DARNELL, BOB MIERS, SHERRY MEYERS,  
TRACY THOMAS, MARVA LARSON, SALLY THOMAS, PENNY DAVIES,  
PAUL LARSON

## SECTIONAL ANALYSIS FOR SSHB500

**PURPOSE:** The sponsor substitute for HB 500 differs from HB 500 not only in its scope, but in the specific laws which are affected. SSHB 500 would broaden the scope of monies effectively prohibited for payment of abortions. It more stringently protects the welfare of the unborn child and eliminates public assistance funding for abortions as provided for in the Administrative Code.

Sec. 1. SSHB 500 shifts its location from AS 47.07, relating to Welfare, Social Services and Institutions, to AS 18.16, which specifically relates to abortions. A new section is added which would limit any state or state-disbursed funding for abortions. The only abortions for which payment is authorized are those (line 16) necessary to prevent the death of the mother. Note the change in wording from the original bill, which says, "to save the life of the woman." Both bills require a written certification to this effect from the physician.

Line 19 adds the phrase "and health" in reference to the duties of the physician toward the unborn child. This reference tightens up the language and would prevent possible abuses.

Section (b) defines "instrumentality of the state." This replaces the comparable section in the original bill which defined "abortion" for the purposes of the context of the other statute (47.07).

Sec. 2. This section annuls specific regulations in the Administrative Code which deal with medicaid payments for family planning, for performance of abortions by physicians, or for payment for drugs and related items for abortions.

7AAC 47.170(4) repeals the category "females seeking abortion or treatment following an abortion" from the application age requirements for General Relief or General Relief Medical assistance.

Sec. 3. Provides for an immediate effective date.

2/19/82



Official Business

# Alaska State Legislature


## House of Representatives

### Committee on

### Health, Education & Social Services

Pouch V  
State Capitol  
Juneau, Alaska 99811

January 21, 1982

TO: All Members, House H.E.S.S.  
FROM: Jens Zehbe, Committee Aide   
REGARDING: Summary, House Bill 500

An Act limiting the use of state money to pay for abortions

This bill amends Title 47, Chapter 7 regarding Medical Assistance for Needy Persons. As stated, it would prohibit the use of state money to pay for abortions unless the physician certifies in writing, that the life of the mother would be in danger were the pregnancy to continue.

*Valerie M. Therrien*  
*Attorney at Law*  
*779 8th Avenue*  
*Fairbanks, Alaska 99701*

907 452-6194

907 452-6195

January 18, 1987

Representative Mike Beirne  
Chairman House Health, Education  
and Social Services Committee  
Pouch V  
Juneau, Alaska 99811  
Mail Stop 3100

Dear Representative Beirne:

Re: House Bill 500

I urge you to consider the many women that could be dangerously hurt if House Bill 500 passes and the State no longer funds abortions. A woman does have the legal right to an abortion, but often, cannot exercise this right because of the expense of an abortion. State funding of abortion equalizes the rights between poor women and women who can afford to pay for an abortion.

Considering the gravity of the problem, an unwanted abortion and the state's wealth from oil and other sources, I would consider a vote in favor of this legislation to be a flagrant violation of a woman's right to be treated equally in society.

Consider also the burden on the State's welfare system if the mother does carry the fetus to term and a child is born. There is sufficient data available to support the conclusion that a welfare mother would cost the state considerable more money, to care for the child than would the cost of an abortion.

I cannot state how strongly I support the right to an abortion, by choice, and that I believe the State should continue to fund abortions. I hope you will consider the issue carefully before deciding on your vote on this issue. Please don't be swayed by the argument that the fetus is a living being and that the act of abortion is a crime. It isn't, and morality does not enter into this decision. What does come into play is the quality of life of a mother who cannot afford an abortion versus one who can afford this decision.

Thank you for your careful consideration of this matter.

Sincerely yours,  
*Valerie M. Therrien*  
Valerie M. Therrien

VMT/bcc

# Juneau Pro-Choice Coalition

## STATEMENT OF PURPOSE

The Juneau Pro-Choice Coalition supports the right of all people to have control over their bodies and their lives. The Coalition will work for the right of all women to make decisions about reproduction and to have access to safe contraception and abortion.

### WE SUPPORT:

- *the right of all women to freely choose abortion as one option for dealing with unwanted pregnancy;*
- *provision of medical services, including abortion, to all women, regardless of income;*
- *an end to restrictive requirements imposed by the medical establishment on those women seeking abortion. These include requirements for advance payment for abortion and for unnecessary overnight care for abortion patients;*
- *development of safe methods for abortion and contraception.*

### WE OPPOSE:

- *any requirement imposed by state, federal, or local government that restricts a woman's right to choose abortion.*

The first priority of the Coalition is to prevent any state action restricting availability of, or funding for, abortion. Our area of active concern, however, covers all reproductive freedoms, including contraception, healthcare, and birthing methods. Because reproductive freedoms are inseparable from the full spectrum of social and economic rights and freedoms, we support all groups in our society, including women, people of color, gays, elders, youth, and working people, who are struggling for equality and control over their own lives.

### WE DO THE FOLLOWING:

- *lobby the legislature and other policy makers;*
- *educate the public through media, speakers, and public events;*
- *conduct internal study and training through reports, discussions, and workshops;*
- *coordinate and mobilize support with other groups and individuals around issues of common concern*

IF YOU WOULD LIKE TO WORK WITH US, BE ON OUR MAILING LIST, CONTRIBUTE MONEY TO OUR CAUSE, OR SIMPLY WANT MORE INFORMATION ABOUT OUR COALITION OR ABOUT REPRODUCTIVE RIGHTS, PLEASE CALL OR WRITE US AT:

JUNEAU PRO-CHOICE COALITION  
P.O. Box 1325  
JUNEAU, AK 99802

# asa reprint

ASSOCIATION FOR THE STUDY OF ABORTION, INC., 120 West 57th Street, New York, New York 10019

## ABORTION vs. THE RIGHT TO LIFE

### THE EVIL OF MANDATORY MOTHERHOOD

GARRETT HARDIN

**I**N JANUARY 22, 1973 the U.S. Supreme Court ruled, by a seven to two majority, that states can not pass laws prohibiting abortion. The Court declared that American women have a Constitutional right to free themselves from unwanted pregnancy. Those of us who had worked for the repeal of antiabortion laws were ecstatic. We thought our work was finished. Today, however, a small but energetic Right-to-Life movement has mounted an assault in Congress and state legislatures that threatens to overturn the Supreme Court ruling, and drag the country back to the days of mandatory motherhood.

As one often identified as being "in favor of" abortion, let me point out that I'm in favor of abortion in the same way I'm in favor of tooth extraction. Neither operation is desirable in itself; but each is generally better than its alternative. If you have a hopelessly decayed tooth, you'll be better off having it extracted. Similarly, if you are pregnant, poor, unmarried, and frightened at the thought of having a child, you'll be better off having your pregnancy terminated, if that's what you want. Not otherwise.

Until about 1870, abortion was legal in the

U.S., though not advisable in those days of primitive medicine. Then, in rapid succession, one state after another passed laws against abortion. Some forbade it completely. Others permitted it only to save the life of the mother. These restrictive laws made it difficult, dangerous and expensive for women to avoid unwanted motherhood.

#### Procreation Faster Than Justice.

Although all these ill-considered antiabortion laws were unconstitutional, they were not subjected to legislative review for nearly a century. A few lawyers wanted to test them, but that required a test case, which was hard to come by, since justice is considerably slower than procreation. A woman pregnant against her will can't wait for the Supreme Court to make up its mind. She goes out and finds an illegal abortionist. It's faster, and cheaper.

Finally some cases did reach the Supreme Court, however, and in 1973 it threw out all the state abortion-prohibition laws. Within a few weeks of the decision, the Right-to-Lifers began their counterattack. They have written numerous letters to the editors of local papers; they have booked speakers at social and service clubs across the country; they have staged a demonstration on Capitol Hill; and they have introduced about 200 antiabortion bills in more than 40 state legislatures.

Some of the proposed state laws would forbid the use of welfare funds to pay for abortions, which would create one kind of medicine for the poor, and another for the rich. Although all such discriminatory laws would be unconstitutional, they would serve as effective harassment. During the time between their legislative passage and

their judicial repeal, they would make anyone think twice before requesting, permitting or performing an abortion. After all, hospital administrators are not noted for their courage; district attorneys must get themselves reelected; and doctors don't want lawsuits.

On Capitol Hill, the Right-to-Lifers have introduced several proposed constitutional amendments which would overturn the Supreme Court ruling. A typical one, submitted by Representative Lawrence Hogan (Republican-Maryland) reads: "Neither the United States, nor any State shall deprive any human being, from the moment of conception, of life without due process of law; nor deny to any human being, from the moment of conception . . . the equal protection of the law."

Suppose the Right-to-Lifers do manage to sway enough public or Congressional opinion to pass an abortion-prohibition amendment that could be ratified by enough state legislatures . . . is there anyone so naive as to believe that would end the matter? Have we forgotten Prohibition?

Truths in history are not as certain as the laws of science, but it is generally agreed that the principal legacies of Prohibition were the flourishing of organized crime and a widespread contempt for the law among ordinary citizens. Considering the current public acceptance of abortion, we would undoubtedly face similar problems if it suddenly became illegal again. The clock of history can never be turned back. A new abortion-prohibition law would surely be flouted, because the operation is no longer considered a shameful or dangerous, and because the Women's Liberation movement has had too permanent an effect for women to accept passively the reinstatement of compulsory pregnancy.

#### What is Life?

Whatever their possibilities of success, the Right-to-Lifers have already performed an educational service. They have forced people to think about basic scientific and ethical questions like: What is life? What is the value of life? Are all lives equally valuable? Though they have made people think deeply, however, I doubt that Right-to-

Excerpts from *Mandatory Motherhood: The True Meaning of "Right to Life"* as printed in *Psychology Today*, November 1974. Copyright © 1974 by Garrett Hardin. Reprinted by permission of Beacon Press.

Lifers have helped them to think well. As a biologist I know that life is not a simple concept. We have learned a great deal about the nature and value of life in the last century, particularly in the last 40 years. This new knowledge is eminently relevant to the questions raised by the Right-to-Lifers, but apparently almost none of it is known to them.

In their pamphlets and slogans the Right-to-Lifers always refer to rights of the "unborn child." But if you think about that for a moment, you will realize how ridiculous the term is. We don't speak of an "unborn voter," or an "unborn senior citizen." To use such terms is to impute properties of a later stage of development to an earlier one that does not possess them. And those imputations prejudice our minds.

In the eyes of the law, a child is a human being. What is unborn is not a child, but merely an embryo, or fetus. We give a child the right to life. But until we have decided that we also want to give an embryo the very same rights, unconditionally, we should not call it an "unborn child."

#### Tadpoles, Acorns and Salmon Eggs.

In biology, we universally distinguish between mature stages and immature ones. We use different words in referring to frogs' eggs, tadpoles, and hopping frogs, because their places in the scheme of nature differ. Early stages have only a fraction of the value of the adults. Destroying 10,000 salmon eggs in a stream has very little effect on the salmon population in subsequent years; destroying a similar number of adult salmon is very serious. If we see a small boy sneaking a thousand acorns we don't charge him with deforestation, as we would a man who burns down a forest. Early embryonic stages just aren't worth much, either biologically or economically. That's the way it is among all plants and animals.

"But why put a comparative value on embryos?" some people ask. For this reason: We have to. When an unmarried 14-year-old is unwillingly pregnant, the embryo threatens to ruin a precious part of her life. When an impoverished woman with eight children is unwillingly pregnant for the ninth time, the embryo threatens not only her well-being, but also that of her other children. Life threatens life. We weigh the value of one life against another in order to minimize the suffering in the world.

The Right-to-Lifers claim life begins at conception. But when does life really begin? The true answer is simple: Never. Life ends, often, but it never begins. It is just passed on from one cell to another. All biologists and medical men are in agreement on that answer. Any other opinions philosophers or theologians may have are unsupported by facts.

In the human life cycle, a living sperm cell from the male unites with a living egg cell of the female. The resulting fertilized egg or zygote is also alive. The zygote divides into two living cells, then four, and so on. Thus there is no time in the life cycle of human beings "before life begins."

The proper question then is not "When does life begin?" but "When does *human* life begin?" When does this thing that is alive become human? At what stage in its development can we start calling it human? Right-to-Lifers impute "humanity" to the fertilized egg, and their proposed legislation would forbid abortion "from the moment of conception."

#### The Humanity of a Zygote.

Let's examine the "humanity" of the fertilized egg for a moment. The fertilized human egg is about 130 microns in diameter, barely visible to the naked eye in a strong light. Even when studied under an ordinary microscope, it seems to have little structure in it. Yet the egg contains all the chromosomes needed to produce an adult human being. In other words, the adult human being is *there*, but only in a potential sense, just as the pattern of a rug is present in the punched cards that guide the loom. What the fertilized egg really contains is *information*, genetic information to create the adult structure if the cell and its derived cells are suitably fed and cared for. Then, and only then, the potential becomes actual.

The Right-to-Lifers say that since a zygote has all the information it needs to produce an adult human being, it is a human being. But this apparent statement of fact is really a personal judgment. Let us seek some general principles in a less emotional situation. Suppose a man is about to build a house that will cost \$30,000. As he stands on the site, looking at the blueprints, a practical joker comes along and sets fire to the blueprints. Question: Can the owner go to court and collect \$30,000 for his lost blueprints? Obviously not. If another set of blueprints will cost \$10, that's what the court will award him. Conclusion: the value of replaceable information is the cost of its replacement. The principle applies equally to blueprints for houses, and blueprints for living beings, which is what the chromosomes of a nucleus amount to. No one is foolish enough to call a set of blueprints a house. Why should we call a fertilized egg or a tiny embryo a human being?

The farther along a living organism is in the developmental process—the more nearly that potential has become actual—the more valuable that organism is, by any rational standard of value. Despite what the Right-to-Lifers say, the early stages of existence have much less actual value than later ones. This is not only a rational conclu-

sion; it is also what all ordinary persons know, particularly mothers.

#### Embryos Vs. Children.

A simple thought experiment shows this to be true. Suppose you notice a young woman weeping. On inquiring why, you learn that six months earlier her child died. "How old was it?" you ask. She replies, "Ten years old." Now consider what your reaction would be if she told you her "child" had been a six-week old embryo. How much sympathy would you feel in the latter case?

An early embryo is not fully human in several senses. Before the brain is well formed, there can obviously be no mind; and with no mind, nothing can be human. Only in the last two months can one say the embryo's mind is well formed, and even then it is much inferior to that of the newborn child.

Consider the mother's conception of the embryo. During the first two months, the fetus is just a little blob of tissue, no larger than a dime; it hardly seems human. If abortion occurs spontaneously, which happens to more than a third of all embryos started on the road to human life, a woman feels little sense of loss. Usually this happens so early that she thinks she merely had a late menstrual period; even when she knows she has aborted, she usually feels no great sense of loss, as long as she believes she can readily get pregnant again. Such feelings contrast sharply with feelings about children who die. If a third of the children died in the first two years, the parental suffering would be considerable. Young children seem human; tiny embryos do not.

The actions of all normal, loving women are consistent with the view that embryos are not nearly as important or as valuable as children. By their actions people show that no one really believes all stages of human existence have equal value. And biology backs them up. Ethical theory must accommodate what is simultaneously the intuition of common people, and also the hardheaded conclusion of rigorous biology.

#### The Slide Show.

One of the most effective methods of propaganda that Right-to-Lifers use is their color slide show of fetuses. At meetings across the country they show slides of grotesque little fetuses, to real life not much larger than one's hand, but now blown up to six feet tall on the screen, in living garish color. Most people have never seen real embryos, and their shock at these slides often leads them to suspend their reasoning during the accompanying lecture.

The emotional effectiveness of the slides is rooted in our ambivalence. Six-month-old

fetuses both resemble and do not resemble adult human beings. Viewing the slides, we feel both attracted and repelled. When the tiny human features are magnified on the screen, people accept the fetus as some kind of human being. But suppose that six-foot-tall grotesque creature came to life and stepped off the screen into the lecture hall. The audience would probably run screaming from the room, the same way they would if some creature from a horror movie suddenly came to life.

The Right-to-Life shows also offer an abundance of photos of mangled bloody embryos and fragments of embryos, all in glorious and repulsive color. One is supposed to look upon them as the innocent victims of the crime of abortion, the crime of murder.

Most fetuses used in Right-to-Life slide shows are 20 weeks or older, well along in development, when the human likeness is greater. But most abortions occur at a much earlier and less human stage, when the embryos are so imperfectly formed that only the specialist can recognize them as embryos of human beings. Photos of these embryos don't have the visual impact the Right-to-Lifers want, so they generally don't show them.

Faced with the emotionally effective slide shows of the Right-to-Lifers, their opponents might be tempted to use equally gory photographs of women who have died of unprofessional or self-induced abortions. But I think it would be a moral mistake to use them, just as it is for the Right-to-Lifers to show those mangled embryos. Both propaganda approaches obscure the ethical issues. The Right-to-Lifers should be debating the question of whether an embryo, unwanted by the woman who carries it, should be given the right to live and develop into a child, regardless of how much its development might damage the woman and her family.

#### The Right to Be Wanted.

Since most Americans now approve of abortion, particularly if the mother's life is at stake, why then should we not also approve abortion if a woman is going crazy trying to raise 10 children; or if a family has insufficient funds to support another child; or if the embryo has been conceived too soon in the life plans of the prospective parents?

Until recently, purely voluntary motherhood has been impossible because birth control was imperfect. Only after contraception and abortion became effective did it become possible to dream of a world in which motherhood would be a matter of choice, and in which all births and children were wanted. As Margaret Sanger always said in her speeches back in 1916: "The first right of every child is to be wanted, to be desired, to be planned for with an intensity of love that gives it its title to being." ■

# ABORTION: NO LASTING EMOTIONAL SCARS

**A**S GARRETT HARDIN points out, Right-to-Lifers who scream "murder" are the most vocal and active foes of abortion. But others, who advance the more subtle argument that having the operation will leave lasting emotional scars, may be more effective in dissuading women from seeking abortions. Ironically, research indicates that an abortion rarely damages a woman's emotional health; it often brings improvement.

In *The Abortion Experiment*, Howard and Joy Osolsky, an obstetrician and psychologist respectively, review studies conducted over the last 20 years, and report on their own work on the psychological effects of abortion.

Prior to the late 1960s, many women had to defy both law and social custom to obtain an abortion. The results were often tragic. Women died on dirty tables in abortionists' kitchens or days later of septicemia. But richer and more fortunate women found qualified physicians to perform covert surgery. Either way, if the patient survived the operation, people commonly assumed she would carry a life-long burden of shame and guilt. Not so, say the Osolskys, who cite studies to support their argument.

In 1958, Paul H. Gebhard and his colleagues published their results from interviews with 442 women, most of whom had had criminal abortions. Only a few reported any postoperative emotional stress. Later Kenneth R. Whittemore interviewed another group of women who had undergone illegal abortions; 10 percent of them had experienced postoperative infections, but none of them regretted their decision. Two of them, however, did regret that they had previously borne a child out of wedlock.

Even before changes in the law, some women could terminate their pregnancies legally when, for instance, having a baby would be detrimental to their physical or mental health. But these operations were still controversial, cloaked in mystery, and hidden by most women who had them.

People still assumed they would produce lasting emotional problems. Again, the Osolskys draw upon psychological data to suggest that this is incorrect.

First, they point out that psychiatrists rarely see women with postabortion psychological stress. Jerome M. Kummer surveyed 32 psychiatrists in Los Angeles, and found that three fourths of them had never seen a patient with a moderate or severe reaction to a therapeutic abortion.

Women themselves rarely report post-abortion stress. In a New York study of 50 women who had therapeutic abortions, only one woman said she suffered an acute reaction to the operation. Her problem was quickly resolved through psychotherapy. Only one fifth of the women said they felt a little guilty about the operation; this reaction subsided in less than six months. All but one woman said she would prefer another abortion to continuing an unwanted pregnancy.

Researchers studied 46 women in St. Louis, one third of whom had been granted abortions for psychiatric reasons. Although the emotionally healthy women responded to the operation better than those who had preoperative psychiatric disorders, investigators found little new psychiatric illness after the procedure.

Even when the old New York abortion law was interpreted strictly (nine of 26 patients who needed psychiatric hospitalization at the University of Rochester Medical Center during pregnancy were refused permission for abortion there), two thirds of the severely distressed patients who got abortions felt immediate emotional relief, and most patients were in the same or better emotional health several months after the operation than before.

Women who elect abortion may well suffer less emotionally than women who go through the normal process of bearing a child they want. Kenneth R. Niswander gave personality tests to women seeking abortions and to women on a maternity ward. Although the abortion patients were initially more disturbed than the maternity patients, six months after the abortion or birth, both groups improved in their mental health. The abortion patients improved to a far greater extent.

Since it is much easier now to qualify for an abortion, one would expect women to suffer less from the experience. Studies in California, Colorado and New York indicate this is true. Today, patients generally have a positive reaction to the procedure, and experience little if any guilt after the operation.

When the New York law was liberalized, the Osolskys opened an abortion program at the State University Hospital in Syracuse, New York. They gathered psychological information on all the patients who sought abortions there in 1970. After their operations, 70 percent of the patients reported they were very happy about their abortions, fewer than one out of 10 were moderately sad about the operation, and only three per-

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cent said they were very sad about terminating their pregnancies. More than eight out of 10 of them felt no guilt, 10 percent felt some guilt, five percent reported considerable guilt. And when researchers asked them how they felt about their decision, only one percent said they were angry with themselves.

A month after the abortion, only two percent of the patients said they were dissatisfied with their decision, and few patients reported any psychological stress from the

abortion. Three fourths of them resumed full active lives two days after the operation, and nine tenths were functioning normally within a week. The Ososkys are conducting another experiment at Temple University and so far their results confirm their earlier data.

These studies indicate that those who assail abortion on psychological grounds are using invidious and spurious arguments. For the vast majority of women, abortion is a relatively quick, safe and healthy solution to

the complex problem of unwanted pregnancy.

MARGIE CASADY

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from:

ASSOCIATION FOR THE  
STUDY OF ABORTION, INC.  
120 West 57th Street  
New York, New York 10019

# PROTESTANTISM AND ABORTION

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Testimony presented by  
Theresa Hoover

Statement of the  
Religious Coalition for Abortion Rights  
before the  
Subcommittee on Civil and Constitutional Rights  
of the  
Committee on the Judiciary  
U.S. House of Representatives  
March 24, 1976

I am Theresa Hoover, Associate General Secretary of the Women's Division, Board of Global Ministries of the United Methodist Church. I am also Chairperson of the Racial Justice Commission of the Young Women's Christian Association, and a national sponsor of the Religious Coalition for Abortion Rights. I welcome this opportunity to address your Subcommittee on this most important subject of amending the Constitution to prohibit abortion rights.

The Coalition was founded two-and-a-half years ago, when it became evident that there would be continuing efforts by a vocal and determined minority to overturn the Supreme Court decisions of January 22, 1973. The membership of the Coalition has grown to 23 national Protestant, Jewish, Catholic and other religious organizations—all with different positions on abortion and widely differing perspectives and views on when abortion is morally justifiable. This diverse membership gives the Coalition a unique character, the very nature of which explains our presence here today in opposition to any constitutional amendments which would limit abortion rights.

Let me begin by explaining this diversity. Within our Coalition, some organizations believe that abortion is justified only in cases of rape, incest, or when the life of the woman is threatened by pregnancy. Others believe, with equal conviction, that only a woman and her doctor should decide when abortion might be advisable. But despite our differences on the issue of abortion, we are agreed that every woman should have the legal choice with respect to abortion, consistent with sound medical practice and in accordance with her conscience and religious beliefs. None of our member groups would wish to impose its teachings concerning abortion on other individuals or religious groups, and we do not wish to have the teachings of another religion on this matter imposed on us through law. We believe this to be essential for the preservation of the principles of the First Amendment—that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

There has been a tendency to simplify and distort the

position of those who believe that enactment of a constitutional amendment outlawing abortion would abrogate the right of religious groups who support abortion rights to follow their own teachings concerning abortion. We do not seek to force those who disagree with us or those who would not themselves ever undergo an abortion to do so. But we are committed to safeguarding the right of each faith group to support or oppose abortion according to its own doctrines, a right upheld by the Supreme Court decisions of 1973. We would oppose any efforts towards forced abortion equally as vehemently as we oppose efforts to deny the option of abortion.

It must be emphasized that our opposition to the proposed constitutional amendments stems from the recognition that the question most basic to the abortion debate is the question of when life begins. We believe this to be above all a theological question on which each denomination or faith group must be permitted to establish and follow its own teachings, but must not be allowed to impose them through law on society at large.

Judaism and Christianity have differing interpretations on the beginnings of life, and within Christianity there are also divergent beliefs on this point. While some Christian denominations hold that life begins at conception, others believe that life cannot be considered to be present until the point of viability, i.e., when the child in the womb is capable of existing independently of its mother. This latter theory must be considered to have considerable validity even by those who believe life begins at conception, for even they do not baptize

or hold funerals for the products of a spontaneously aborted, pre-viable fetus. Some Christians believe that starting at conception, human life becomes increasingly important as the fetus develops, and at viability fetal life is considered to hold equal value with that of the mother. Still another theory favored by many modern theologians is that life is a developing continuum in which conception and viability are points along the way. Implicit in this concept is the belief that rationality and relationality—the ability to make moral decisions and to be aware of self—are major determinants of human personhood. Judaism has still other beliefs on the beginnings of life.

Clearly, these examples illustrate just how diverse is the religious opinion on the question of when life begins. It is not for any of us to evaluate these theories of life, nor to judge which is most creditable or valid. To do so in any debate would be to insult those of us who hold any of these beliefs. And yet enactment of a constitutional amendment embodying one theory of life would be far more than an insult: it would constitute the denial of one of our most basic freedoms—the right to practice our religions freely. As the U.S. Commission on Civil Rights stated in its 1975 report, *Constitutional Aspects of the Right to Limit Childbearing*,

... so long as the question of when life begins is a matter of religious controversy and no choice can be rationalized on a purely secular premise, the people, by outlawing abortion through the amending process, would be establishing one religious view and thus inhibiting the free exercise of religion of others.

In addition to the question of when life begins there are a number of other important religious principles and traditions held by many of our members upon which their positions on abortion rights are based and which must, therefore, be equally respected and protected.

● Many Protestant denominations have a strong tradition of advocating individual responsibility in matters concerning family, sexuality, and community. This derives from their belief that God, through Jesus, encourages the freedom of humans to exercise responsibility and make responsible personal decisions. For instance, one of our Coalition members, the American Baptist Convention, adopted a position in 1968 favoring abortion rights under certain conditions. It begins with this statement: "Because Christ calls us to affirm the freedom of persons and the sanctity of life, we recognize that abortion should be a matter of responsible personal decision." (Emphasis added.)

It should be noted, moreover, that for many religious groups, the right to privacy is intrinsic to this decision-making process. It is expected that a woman, guided by her religious beliefs and teachings and by her own conscience, will make a responsible decision concerning a problem pregnancy. But she has the right to make that decision in private consultation with her doctor, without the interference of other persons or the state. Were a constitutional amendment enacted, the American Baptists and the many other denominations which share this particular religious concept of choice and privacy would be prevented from exercising their convictions and only those forbidding abortion could follow their religious teachings.

● While reverence for life is an essential and fundamental principle of our Judeo-Christian heritage, religious organizations may differ in how each interprets and seeks to safeguard this tenet. Many Protestant organizations express their concern for living children and set forth other considerations

which should be taken into account. A statement entitled *Freedom of Choice Concerning Abortion* adopted by the General Synod of the United Church of Christ, June 29, 1971, says:

An ethical view does not require an undifferentiated concern for life. It places peculiar value upon personal life and upon the quality of life, both actual and potential ... The implication is that factors other than its (the fetus) existence may appropriately be given equal or greater weight at this time—the welfare of the whole family, its economic condition, the age of the parents, their view of the optimum number of children consonant with their resources and the pressures of population, their vocational and social objectives, for example.

Still other concerns on the quality of life are reflected in the *Resolution on Responsible Parenthood* adopted by the 1972 General Conference of the United Methodist Church:

... Because human life is distorted when it is unwanted and unloved, parents seriously violate their responsibility when they bring into the world children for whom they cannot provide love ... When, through contraceptive or human failure, an unacceptable pregnancy occurs, we believe that a profound regard for unborn human life must be weighed alongside an equally profound regard for fully formed personhood, particularly when the physical, mental and emotional health of the pregnant woman and her family show reason to be seriously threatened by the new life just forming.

● Another basis for the support of abortion rights among our member organizations is a concern for the health and welfare of women. They are recognized as creative, loved and loving human beings who have achieved full personhood. In the sight of most Protestant denominations, to equate personhood with an unborn fetus is to dehumanize the woman, to consider her a mere "thing" through which the fetus is passing. To deny this essential tenet of our beliefs—the concept of personhood—would constitute a gross violation of our Christian faith.

As concerned, responsible organizations, we cannot dismiss lightly the many possible health reasons which would lead a woman to choose abortion. A woman suffering from heart disease, diabetes, or cancer could suffer grave, if not fatal, risks if she continued a pregnancy to term. And a woman who is the carrier of a genetic disease, such as sickle cell anemia or Tay-Sachs, which may be transmitted to the fetus, should not be compelled to bear that fetus if she does not choose to after medical tests have confirmed that the fetus is affected. We cannot in good conscience force a woman who has been raped to carry the possibly resulting pregnancy to term. To do so would be to totally disregard the anguish women suffer in such circumstances.

One concern for women's welfare is not limited to physical health. We recognize that a woman rightfully has hopes and concerns in her life which do not and cannot include an unplanned pregnancy. While there are several alternatives which she may explore in the event such a pregnancy occurs, we believe that abortion should be one of the choices available to her. And should she choose abortion, safe, legal abortion services are her right.

● Our member organizations know that laws prohibiting abortion have never in the past and will not in the future stop abortions. Such laws merely make abortions extremely dangerous and/or expensive. Upper-income women will be able to travel to countries where abortion is safe, or will pay a doctor to perform a safe abortion in this country, disguising the operation under any number of acceptable euphemisms for abortion. Lower-income women, on the

other hand, unable to travel and lacking access to local facilities, will either bear an unwanted child or resort to paying exorbitant prices for the services of an unscrupulous abortionist under totally unsafe conditions.

Many of our member organizations specifically acknowledge the risk of such prohibitive laws in their positions affirming abortion rights. The statement on *Freedom of Personal Choice in Problem Pregnancies* adopted by the United Presbyterian Church, USA, in 1972 says,

Prohibitive and restrictive abortion laws have perpetuated inequality between those who can afford an abortion and those who cannot, leading to grave risks to the emotional and physical health of the woman, her family, and the community and aggravating already grave social problems.

All these factors are cornerstones upon which the convictions concerning abortion rights are founded. We believe they must be respected, and those who follow and practice them must be allowed to continue the exercise of these beliefs as guaranteed by our Constitution.

It should be made clear that none of our members advocates abortion or considers it an easy solution to a problem pregnancy. Certainly none considers it a desirable means of

knew, would perform safe, albeit illegal, abortions. In essence, the Clergy Consultation Service, as it came to be called, was a movement based on conscience which helped untold numbers of women in tragic circumstances.

Since the Supreme Court decisions, many of our member groups continue to provide caring, responsible and informed counseling to women who seek it. In this way, a woman can be advised of the full range of alternatives and she may be assured of support when she most needs it. The General Assembly of the Presbyterian Church in the United States in 1970 adopted a resolution which included a passage along these lines:

The Church should develop a greater pastoral concern and sensitivity to the needs of persons involved in "problem pregnancies." Such persons should be aided in securing professional counseling about the various alternatives open to them in order that they may act responsibly in the light of their moral commitments, their understanding of the meaning of life, and their capacities as parents.

It is important to stress at this point that statements such as the one just quoted are not arrived at lightly. Nor are they the beliefs of just the leadership of these organizations. The positions of each of our member organizations on abortion rights—as on any issue before them—are arrived at

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**Whatever its position on the abortion issue,  
each religious organization must respect the right of others to believe differently  
if we are to retain the freedoms of our democratic pluralistic society.**

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birth control. But each is aware that there are circumstances under which abortion may well be the most acceptable among a series of difficult alternatives, and each believes that women should have the full range of choices available to them—including safe, legal abortion.

Our member organizations are actively involved in seeking to insure that the need for abortion is reduced by advocating responsible family planning and working for the development of support services. These include improved health care for the poor and increased child care for those women who must work to support their families and those who choose to pursue careers while still having young children at home. Most of our members encourage their constituents to adopt and practice those values which are most conducive to achieving a society where abortions will not be necessary. As an example, the recent statement adopted by the Union of American Hebrew Congregations' Commission on Social Action states,

It is our responsibility to educate our people fully in the moral aspects of birth-control, and abortion decisions in accordance with the values of our Jewish tradition. Society must provide birth control information and services and guarantee their accessibility to all people in this country and must fully alleviate the social and economic conditions which often make abortion a necessity.

Long before the 1973 Supreme Court decisions, thousands of clergy recognized that women facing unwanted pregnancies would, if desperate enough, risk possible death at the hands of an illegal abortionist or as a result of their own attempts at self-induced abortion. Rather than condemn them to such harsh fates, these clergy counseled the troubled women and referred them to responsible doctors who, they

only after careful study and reflection, debate, and finally, approval by a majority of the delegates at a national representative assembly. This involvement of the laity in decisions is a strong tradition within Protestantism. Positions supporting abortion rights arrived at in this manner are held with just as much integrity and conviction as are the beliefs of those opposing abortion rights.

Because convictions on this issue are so strong, and because emotions around it run so high, we are concerned about the divisiveness that would be unleashed in this country should any constitutional amendment banning abortion pass the Congress and be submitted to the state legislatures for ratification. Certainly conflicts which would arise are apt to weaken the all too fragile ties now existing among religious groups in this country. Far better that our energies be devoted, in the spirit of ecumenism, toward removing the conditions which make abortion necessary, and that on this issue, we agree to disagree.

Whatever its position on the abortion issue, each religious organization must respect the right of others to believe differently if we are to retain the freedoms of our democratic pluralistic society. Mr. Chairman, I cannot believe that this Subcommittee, the Congress, or the American people wish to erode one of the most basic rights of this democracy—the right to the free exercise of religion—by enacting a constitutional amendment prohibiting abortion. The 1973 Supreme Court decisions permit each faith group to follow its own teachings and beliefs; no one is forced to do otherwise. We therefore strongly oppose any constitutional amendments which would deny our rights to practice the tenets which are so much a part of our religious beliefs, in this matter of abortion.

# Religious Liberty and Abortion

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Excerpts from a speech delivered  
by

**Elizabeth Miller**

Secretary of Issue Development, National Ministries  
American Baptist Churches, USA

at the New England Conference of the  
Religious Coalition for Abortion Rights  
North Andover, Massachusetts  
November 4, 1976

Religious liberty in the United States found its major prophet in Roger Williams, a young Puritan minister who came to this State of Massachusetts seeking freedom. Here he found that religious requirements were enforced by the state and after preaching against this invasion of personal liberty, founded the first colony to grant complete religious freedom and also founded the first Baptist church in this country. Rhode Island became a center of Baptist growth and of Baptist concepts with regard to the fundamental rights of persons. This concern with rights was so strong that when Rhode Island finally ratified the Constitution, it insisted that a Bill of Rights be added to it. Rhode Island included four articles to be included in that Bill of Rights: freedom of religion, freedom of speech, freedom of the press and the right of trial by jury.

## The Baptist Position

According to Dr. Robert G. Torbet, Baptist historian, "Baptists have . . . a conviction that religious liberty must be granted in society, because this is the only principle by which freedom for all people can be preserved in the body politic . . ."

"They see that the church does have the right to express approval or disapproval of events in the general community, particularly if they affect the moral good of society. But they readily admit that the church should not seek to force its standards upon the public conscience. Indeed, they realize that the church, in claiming freedom for itself, must also defend and guard the freedom of all minority elements in the community . . ."

## Public Morality and Personal Morality

In considering the relationship of law and morality, morality can be divided into two general types—public

morality and personal morality. By public morality, I mean those ethical and moral principles which guide a nation in setting its priorities, determining courses of action and judging the performances of public officials . . . . The church has a responsibility to build among its constituency an understanding of the moral implication of issues such as these, and to speak prophetically to the state to call it to operate on higher moral principles.

With regard to personal morality, the state has a more limited role . . . . This is the realm of personal decision-making influenced by the church or whatever other source the person seeks for guidance in setting his or her own standards. In this realm, the church should be actively influencing its constituents and, if it wishes, members of the general public, but it should not seek to enlist the coercive power of the state to enforce its views . . . . The fact that a particular act is not illegal does not comprise endorsement by the law. Many things that are not illegal are regarded as immoral by various religious groups although groups differ in what they perceive as immoral.

In spite of the fact that they lack the coercive power of the law, religious groups through education, discussion, persuasion and the applications of their own sanctions are often quite effective in influencing their own constituency and sometimes the general public to reject behavior the group defines as immoral. In fact, if there is not a general consensus in society with regard to the rightness or wrongness of particular personal actions, the use of a law to coerce persons to conform may be ineffective and damaging to the observance of law. It may also result in limiting the effectiveness of the religious group in influencing its own constituency.

## A Precedent to Heed: The Failure of Prohibition

The most prominent example of an attempt to legislate morality was the passage of the Eighteenth Amendment to the Constitution which made Prohibition the law of the land. While persons from all religious groups were included among those supporting Prohibition, one of the major factors in its passage was the strong support given by evangelical Protestant groups, including Baptists.

The passage of the Eighteenth Amendment appeared to be the culmination of a long process which had built a national consensus for prohibition.

A consensus, however, did not exist. While there was a strong enough majority to get a law passed, a sizable minority did not agree. They felt enraged that someone else's standards were being imposed on them and they felt the Eighteenth Amendment was a violation of their personal rights. They felt that the government had no right to interfere in what was essentially a private matter and as a result, there was widespread violation of the law.

Further, the fact that a large minority of the population was not willing to observe the law, provided the opportunity for an underworld business to develop to meet the demand for alcoholic beverages. Church groups which had looked upon prohibition as a way to fight crime and corruption, now found themselves in the tragic situation of discovering that the law they had worked so hard to pass was now itself providing the opportunity for a major increase in crime and corruption.

## Legislating Morality and Legalizing Abortion

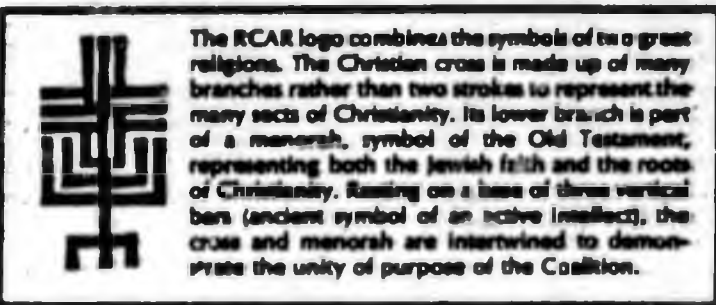
According to Protestant perceptions, God's love frees persons to become fully human and to increase their areas of responsibility as they participate in God's mission. Thus, taking responsibility for themselves, for the world in which they live and for their future is essential if persons are to make their best contribution to

the work of God in the world.

It has been natural, therefore, for Protestants to accept family planning as a responsibility as well as a right. Decisions to bring children into the world are important decisions in themselves and increasingly in relationship to the need for food and other resources by the world community.

Protestants have also seen sexual intercourse and sexual relationships as having a larger purpose than simply procreation. Sexual intercourse for procreation probably plays a limited role in most sexual relationships. More important is the role sexual intimacy plays as men and women deepen their relationships to each other, rejoice in their growing knowledge of each other and celebrate their life together.

The above concepts hold within them some of the reasons why abortion during the early months of pregnancy has been acceptable to Protestants. Family planning is already recommended and is usually practiced. There is no particular point at which it can be said that an embryo or fetus becomes a full human person. Rather



The RCAR logo combines the symbols of two great religions. The Christian cross is made up of many branches rather than two strokes to represent the many sects of Christianity. Its lower branch is part of a menorah, symbol of the Old Testament, representing both the Jewish faith and the roots of Christianity. Resting on a base of three vertical bars (ancient symbol of an active intellect), the cross and menorah are intertwined to demonstrate the unity of purpose of the Coalition.

the fetus is in the process of becoming human. While the fetus has the potential of becoming human, it is only the potential.

The woman who is carrying the fetus is a full human being and also usually has much potential for growth and development in her life. For some, that potential may be fulfilled by continuing the pregnancy to term and bearing a child. For other women the continuation of pregnancy will deny, stifle or warp their potentials. To insist on developing the unknown potential of the fetus while denying the woman the right to make a choice about her own life and her potential is a denial of her personhood.

Further, since there are many different views among theologians, philosophers and scientists concerning when life begins, no law should be put on the books which requires all persons to hold to a course of action based on a particular interpretation . . . .

A constitutional amendment that gave protection from the moment of conception would eliminate some of the most commonly used means for family planning. The elimination of the most widely used methods of family planning would not be acceptable to either women or men and the law would not be observed.

Further, the fact that abortions are illegal will not prevent women from getting them. Women will have difficulty getting abortions under safe medical conditions. Back room abortionists will begin practicing and many women will die and more will be maimed and injured. The wealthy will be able to find good abortionists or go out of the country to have them done in hospitals abroad. As usual, the poor will suffer the most.

Before the Supreme Court Decision, many of the finest, most sensitive and socially concerned Protestant clergy ran the risk of prison in order to help women who were desperately seeking an abortion. They counseled with them and if they wished an abortion, they directed them to a competent doctor who performed the abortion at a reasonable price under sanitary conditions . . . . If abortions once again become illegal, many of our finest Protestant clergy will again find themselves in the position where they will have to run the risk of prison to help women desperately seeking abortions.

While the law can play a teaching role, it can do so only to a limited degree with regard to personal morality. Where there is a broad general consensus the law may be able to undergird that consensus. When there are wide differences, however, and these differences are based on deeply held theological and moral convictions, it is most difficult for the law to serve as a teacher and an attempt to teach through law may put the law itself in disrepute. In that situation it is far better for the law to be neutral and differences to be subject to ongoing dialogue.

Our law depends heavily on precedents. In light of the decisions which lie ahead, the precedents we set should keep decisions concerning reproductive processes in the hands of the person or persons involved. We would not want to find ourselves trapped sometime in the future by discovering that we have given away control of our reproductive processes to a third party designated by the state.

## Conclusion

In light of this discussion, the Supreme Court decision seems to be best for our pluralistic society. The decision of the Supreme Court does not determine whether abortion or any other act is moral or immoral. It simply defines the area in which the state has a legitimate interest and, therefore, the right to legislate.

Churches and other concerned groups have a responsibility to train their constituency and to keep before the general public their understanding of moral and ethical behavior as they relate to each other, to the world in which they live and to their creator.

\*Torbet, Robert C., "Religious Liberty and Religion in the Public Schools," *Foundations*, January, 1961, pp. 4-6.

### Members of the Religious Coalition for Abortion Rights

National Ministries  
American Baptist Churches  
American Ethical Union  
National Women's Conference  
American Ethical Union  
American Humanist Association  
American Jewish Congress  
Women's Division  
American Jewish Congress  
B'nai B'rith Women  
Catholics for a Free Choice  
Division of Homeland Ministries  
Christian Church (Disciples of Christ)  
Episcopal Women's Caucus  
Division for Mission in North America  
Lutheran Church in America  
National Council of Jewish Women  
National Federation of Temple Sisterhoods  
General Assembly Mission Board  
Presbyterian Church in the US  
Committee on Women's Concerns  
Presbyterian Church in the US  
Union of American Hebrew Congregations  
Unitarian Universalist Association  
Unitarian Universalist Women's Federation  
Board of Homeland Ministries  
United Church of Christ  
Office for Church in Society  
United Church of Christ  
Board of Church and Society  
United Methodist Church  
Women's Division  
Board of Global Ministries  
United Methodist Church  
Council on Women and the Church  
United Presbyterian Church, USA  
Program Agency  
United Presbyterian Church, USA  
United Synagogue of America  
Women's League for Conservative Judaism  
Young Women's Christian Association

### Statement of Purpose

"The Religious Coalition for Abortion Rights is an organization of national religious bodies which, on the basis of constitutional guarantees of privacy and religious freedom, seeks to encourage and coordinate support for safeguarding the legal option of abortion; for ensuring the right of individuals to make decisions concerning abortion in accordance with their consciences and responsible medical practice; and for opposing efforts to deny these rights through constitutional amendment, or federal and state legislation."

1/21/82

STATEMENT TO THE ALASKA HOUSE H.E.S.S. COMMITTEE ON H.B. 500

My name is Phil McMurray. I am speaking as a member of the Juneau Pro-Choice Coalition. We formed as a group over three years ago in response to a behind-the-scenes attempt to eliminate state funding for abortions in the budget free-conference committee. We were strongly opposed to removing State funding for abortions then and we are strongly opposed to H.B. 500, which attempts the same thing, now.

We support continued State funding for poor women in aiding them with any medical care they seek with regard to reproductive issues. Having a low or no income severely restricts or eliminates women's choices, whether that choice is to end an unwanted pregnancy or to carry it to term and raise a child.

This bill is clearly an attack on one small, select group - that of poor women ... women who often already have one or more children. And it's an attack leveled not because of some fiscal concern for too much state spending - because the amount of money is incredibly small - but because one small group believes that abortion is morally wrong.

The State provides medical assistance to needy Alaskans. It is for the legislature to decide how much financial assistance to provide and to whom; but it is not for the legislature to dictate to its citizens what medical procedures they may have and what procedures they may not. The choice of medical procedures is for the patient and her physician to decide. Poor women have a right to the same freedom of choice as rich women. It is an abuse of legislative power to single out one medical procedure to deny poor women on the basis of someone else's personal moral values. Each woman must make her own choices according to her own conscience.

The 1980 census showed a large increase in the number of single women with children, and a dis-proportionate number of them live on incomes below the poverty level. With the worsening recession and its accompanying higher unemployment rate, these women will suffer the most. Thanks to the Reagan administration's program of

dismantling equal opportunity and affirmative action guidelines, women will be the first to feel the effect of the cutting of federal budgets. This bill to remove state funding for abortions is just another cruel attack on poor women.

The Juneau Pro-Choice Coalition over the past several years has been a diverse group of women and men, of varying ages, lifestyles, family situations, religious beliefs and work experience. Some would not choose to have an abortion themselves, believing it to be wrong for them. But all of us fully understand that it is ultimately a woman's right to decide for herself on the matter of whether to end an unwanted pregnancy or carry the pregnancy to term. It's a woman's right to direct her own life and to make decisions about her own body. A woman's life is a human life. Her rights are violated by the loss of the right to choose abortion ... her life is at stake when there is not safe, affordable abortion services available and financial aid if needed.

It is very clear that this bill is sponsored and supported by those who not only want to eliminate state funding for abortions, but they want to eliminate all abortions. They want to make women who have abortions into criminals and they want to return to the days when hundreds of women a day around the country entered hospitals severely maimed or dying because of desperate attempts at aborting a pregnancy they could not support.

We see the anti-choice movement elsewhere besides in the abortion rights fight. Most of the same people who oppose abortion also oppose the Equal Rights Amendment because they see a specific role for women which mandates that they be mothers and wives exclusively. These people are also incredibly homophobic, feverishly fighting to deny the simple right of gay people to choose to love whomever they wish.

The anti-choice movement is not a "moral" movement, but an ultra-conservative, often reactionary movement. It grew in strength because of a reaction to the economic ills of this country, in reaction to the international upheavals against our U.S. government's interference in the lives of other national peoples. It's not a coincidence that legislators in Washington, D.C. who want to outlaw abortions also vote for higher national defense budgets, vote against other social and welfare funding, and support right-wing dictatorships

in central and south America where hundreds of people are slaughtered each day.

We believe that our true "moral" obligation is to continue State funding for abortion, as well as other services which help those who truly need help. This committee should oppose H.B. 500.

Because it's very possible that you have never had the opportunity to read such material, I've given each of you a packet of general information. It contains the Juneau Pro-Choice Coalition Statement of Purpose, and a variety of well-written information about religious, ethical, economic and social issues involved with the right to abortion. I encourage you to read it carefully.

*Phil McMurray*

Phil McMurray

c/o Juneau Pro-Choice Coalition

P.O. Box 1325

Juneau, AK 99802

Home Phone: 586-1617

Work Phone: 364-4322



Official Business

# Alaska State Legislature

## House of Representatives

Committee on

### Health, Education & Social Services

Pouch V  
State Capitol  
Juneau, Alaska 99811

January 21, 1982

TO: All Members, House H.E.S.S.

FROM: Jens Zahbe, Committee Aide 

REGARDING: Summary, House Bill 500

An Act limiting the use of state money to pay for abortions

This bill amends Title 47, Chapter 7 regarding Medical Assistance for Needy Persons. As stated, it would prohibit the use of state money to pay for abortions unless the physician certifies in writing, that the life of the mother would be in danger were the pregnancy to continue.

MSG 82-00002395 PRTY 1 01/20/82 14:24:55 ORIG: LJ08 IN= 0015 OUT= 0095  
FROM: JOYCE TO: JUNEAU  
TARGET: LJH2 SUBJ: P O M PAGE 0001

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TO: ALL REPRESENTATIVES

FROM: DOROTHY WILSON  
P. O. BOX 629  
JUNEAU, AK 99802  
586-6358

I SUPPORT HB 500 AND URGE PASSAGE.

MSG 82-00002380 PRTY 1 01/20/82 14:03:29 ORIG: LJ08 IN= 0014 OUT= 0081  
FROM: JOYCE TO: JUNEAU  
TARGET: LJH2 SUBJ: P O M PAGE 0001

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TO: ALL REPRESENTATIVES

FROM: BONNIE ZEMAN  
BOX 47  
DOUGLAS 99824  
364-3491

I AM IN FAVOR OF HB 500. THANK YOU.

MSG 82-00002360 PRTY 1 01/20/82 13:32:15 ORIG: LA00 IN= 0012 CUT= 0080  
FROM: MARCIE, ANC INFO TO: POM, JUNEAU INFO  
TARGET: LJH2 SUBJ: P O M PAGE 0001

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TO: REPRESENTATIVES MARTIN, BEIRNE, CATO, SMITH, AND MALONE

FROM: MICHAEL KASNICK, P. O. BOX 4177, ANC 99509 (272-6091)

I OPPOSE HOUSE BILL 500 VERY STRONGLY AND I AM SURE THAT THE REASONS  
BEHIND THAT WILL BE ELABORATELY EXPRESSED BY OTHER MESSAGES RECEIVED  
REGARDING THIS BILL. THANK YOU.

MSG 82-00002357 PRTY 1 01/20/82 13:26:13 ORIG: LF01 IN= 0014 OUT= 0068  
FROM: DEBBIE/FBKS TO: JUNO LTN PAGE 0001  
TARGET: LJH2 SUBJ: POMS

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TO: HOUSE HESS COMMITTEE  
REPS. BEIRNE, MARTIN, CATO, SMITH, MALONE

FROM: JUDY HARVEY  
SR BOX 70389  
FAIRBANKS, AK 99701

RE: HB 500

MSG: I'M OPPOSED TO HB 500. WHEN ABORTION IS LEGAL IN ALASKA IT'S NOT FAIR  
TO DISCRIMINATE AGAINST LOW INCOME WOMEN.

*Valerie M. Therrien*  
*Attorney at Law*  
*779 8th Avenue*  
*Fairbanks, Alaska 99701*

907 452-6194

907 452-6195

January 18, 1982

Representative Mike Beirre  
Chairman House Health, Education  
and Social Services Committee  
Pouch V  
Juneau, Alaska 99811  
Mail Stop 3100

Dear Representative Beirre:                      Re: House Bill 500

I urge you to consider the many women that could be dangerously hurt if House Bill 500 passes and the State no longer funds abortions. A woman does have the legal right to an abortion, but often, cannot exercise this right because of the expense of an abortion. State funding of abortion equalizes the rights between poor women and women who can afford to pay for an abortion.

Considering the gravity of the problem, an unwanted abortion and the state's wealth from oil and other sources, I would consider a vote in favor of this legislation to be a flagrant violation of a woman's right to be treated equally in society.

Consider also the burden on the State's welfare system if the mother does carry the fetus to term and a child is born. There is sufficient data available to support the conclusion that a welfare mother would cost the state considerable more money, to care for the child than would the cost of an abortion.

I cannot state how strongly I support the right to an abortion, by choice, and that I believe the State should continue to fund abortions. I hope you will consider the issue carefully before deciding on your vote on this issue. Please don't be swayed by the argument that the fetus is a living being and that the act of abortion is a crime. It isn't, and morality does not enter into this decision. What does come into play is the quality of life of a mother who cannot afford an abortion versus one who can afford this decision.

Thank you for your careful consideration of this matter.

Since my young  
*Valerie M. Therrien*  
Valerie M. Therrien

VMT/bce

MSG 82-00002179 PRTY 1 01/19/82 18:41:22 ORIG: LA00 IN= 0030 OUT= 0161  
FROM: CINDY, ANCH TO: JNU INFO  
TARGET: LJH2 SUBJ: POM PAGE 0001

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TO: REPRESENTATIVES BEIRNE, CATO, MALONE, MARTIN, SMITH  
FROM: PATRICIA ERETZIAN, 2520 NORTHRUP PL. 99504 (279-9396)

I STRONGLY OPPOSE HB 500 AND URGE YOU TO VOTE AGAINST IT. IT IS  
VERY DISCRIMINATORY AGAINST THE UNDERPRIVILEGED.

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MSG 82-00002360 PRTY 1 01/20/82 13:32:15 ORIG: LA00 IN= 0012 OUT= 0080  
FROM: MARCIE, ANC INFO TO: POM, JUNEAU INFO  
TARGET: LJH2 SUBJ: P O M PAGE 0011

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TO: REPRESENTATIVE MIKE BEIRNE  
FROM: SUSAN CUNNINGHAM, 4011 MERRILL DRIVE, ANC 99503 (248-0272)

I AM OPPOSED TO MAKING ABORTIONS ILLEGAL.

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MSG 82-00001801 PRTY 1 01/18/82 16:45:26 ORIG: LF01 IN= 0008 OUT= 0119  
FROM: ANNIE IN FAIRBANKS TO: JUNEAU INFO.  
TARGET: LJH2 SUBJ: POM PAGE 0001

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TO: REPS. BETTISWORTH, BROWN, FANNING, RANDOLPH, ROGERS, AND SMITH  
SENS. BENNETT, FAHRENKAMP, AND PARR  
REPS. BEIRNE, MARTIN, CATO, AND MALONE

FROM: THERESA HOBBY, S.R. BOX 90341, FBKS. 99701 488-3070

RE: HB500

I AM OPPOSED TO HB500 BECAUSE I THINK IT DISCRIMINATES AGAINST THE POOR  
WOMEN OF ALASKA.

MSG 82-00002168 PRTY 1 01/19/82 17:43:52 ORIG: L000 IN= 0005 OUT= 0157  
FROM: KODIAK TO: JUNEAU  
TARGET: LJH2 SUBJ: PUBLIC OPINION MESSAGE PAGE 000

TO: REPRESENTATIVES MIKE BEIRNE, TERRY MARTIN, BETTE CATO, SALLY SMITH,  
HUGH MALONE

FROM: JANET WENTE  
P.O. BOX 2791  
KODIAK, AK. 99615, 486-5725

HB 500 IS A BIG STEP IN THE WRONG DIRECTION. I AM OPPOSED TO IT AND FEEL THAT  
LEGISLATION LIMITS WOMEN'S REPRODUCTIVE RIGHTS. WOMEN MUST HAVE SAFE, LEGAL  
AND, IF NECESSARY, STATE SUBSIDIZED ABORTIONS AVAILABLE TO THEM.

MSG 82-00002163 PRTY 1 01/19/82 17:43:52 ORIG: L000 IN= 0005 OUT= 0157  
FROM: KODIAK TO: JUNEAU  
TARGET: LJH2 SUBJ: PUBLIC OPINION MESSAGE PAGE 0003

TO: REPRESENTATIVES MIKE BEIRNE, TERRY MARTIN, BETTE CATO, SALLY SMITH AND  
HUGH MALONE

FROM: ANN MARSHALL  
P.O. BOX 571  
KODIAK, AK. 99615, 486-5725

I AM OPPOSED TO THE PASSAGE OF HB 500. I FEEL THAT THIS LEGISLATION IS ONE  
WHICH WOULD LIMIT WOMEN'S REPRODUCTIVE RIGHTS. IT IS MY CONVICTION THAT ALL  
WOMEN ARE ENTITLED TO SAFE, LEGAL AND SUBSIDIZED ABORTIONS.

BEIRNE, CATO, MALONE, MARTIN, SMITH

FROM: PATRICIA ERETZIAN, 2520 NORTHRUP PL. 99504 (279-9396)

I STRONGLY OPPOSE HB 500 AND URGE YOU TO VOTE AGAINST IT. IT IS VERY DISCRIMINATORY AGAINST THE UNDERPRIVILEGED.

MSG 82-00002180 PRTY 1 01/19/82 18:54:29 ORIG: LA00 IN= 00:1 OUT= 016  
FROM: CINDY ANCH. TO: JNU INFO  
TARGET: LJH2 SUBJ: POM  
-----  
PAGE 000

TO: REPRESENTATIVES BEIRNE, CATO, MALONE, SMITH  
FROM: EILEEN F. LEVINSON, 101 W. 22ND AVE., ANCH 99503 (274-3792)

RE: HB 500

THE DECISION TO HAVE AN ABORTION IS UP TO THE WOMAN INVOLVED AS IT IS HER BODY. BY WITHHOLDING STATE FUNDING YOU ARE DENYING POOR WOMEN ACCESS TO SAFE ABORTIONS.

MSG 82-00002168 PRTY 1 01/19/82 17:43:52 ORIG: L000 IN= 0005 OUT= 0157  
FROM: KODIAK TO: JUNEAU  
TARGET: LJH2 SUBJ: PUBLIC OPINION MESSAGE  
-----  
PAGE 000

TO: REPRESENTATIVES MIKE BEIRNE, TERRY MARTIN, BETTE CATO, SALLY SMITH AND HUGH MALONE  
FROM: BRENDA BOUTHOT  
P.O. BOX 953  
KODIAK, AK. 99615, 486-5725

I WOULD LIKE TO STATE MY OPPOSITION TO HB 500. IT IS MY OPINION THAT THIS LEGISLATION IS INCONSISTENT WITH WOMEN'S REPRODUCTIVE RIGHTS AND DISCRIMINATI AGAINST ECONOMICALLY DISADVANTAGED WOMEN.

500

# TELEGRAM

RECEIVED  
JUN 18 1980

02551 NL TDA NORTHPOLE AK 50 01-18 1000P AST

PMS REP MIKE BEIRNE

1198

JUN

WE THE UNDERSIGNED STRONGLY OBJECT TO HB 20. THE RIGHT TO  
ABORTION CANNOT BE TAKEN FROM ANY WOMAN.

TRUDIE DARNELL, VICKI SHOEFSTALL, ANDI ABBOTT,  
ROGER SHOEFSTALL, TOM DARNELL, BOB MIEFS, SHERRY MEYERS,  
TRACY THOMAS, MARVA LARSON, GALLY THOMAS, PENNY DAVIES,  
PAUL LARSON

## TESTIMONY BEFORE THE HESS HOUSE COMMITTEE RE HB 500

My name is Pat Derry, I am a 10 year resident of Alaska and a social worker. I wish to commend the Committee for hearing about HB500 and the sponsors for introducing this legislation. I support the concept of this bill. It seems from testimony given that additional mention should be made of limiting general relief funds as well as Medicaid funds, which are already mentioned. Attention should be paid to re-defining "abortion" in lines 19 and 20 in light particularly of the learned testimony of Mr. Heiderdorf.

I would like to point out the reasonableness of the legislature considering this Bill. In the letter of the Attorney General, Mr. Condon, to the Governor written in response to the Governors' request for options he might consider in respect to abortion funding, the Attorney stated, "Should you decide to seek elimination of state aid for elective abortions, legislative action would probably be the best means of doing so." He also quoted from the Supreme Court decision in *Harris v. McRae*, "when an issue involves policy choices as sensitive as those implemented (here)....., the appropriate forum for their resolution in a democracy is the legislature." 65 L.ED.2d at 811.

Other States have done the same thing. As far back as the 1979 legislative session there were 250 abortion related legislative proposals were entered. Only a couple of states had no abortion legislation. One state--Illinois--had more than 40 bills and resolutions.

Abortion funding topped the list of topics. There were 39 bills in 24 states that had to do with abortion funding (7 bills for 32 against).

My personal support for your interest in legislation that limits state payment for abortion comes not only for my concern for the life of the child but also my concern for the mother. Through 30 years in social work I have been involved with poor women. I have worked with many women who had abortions and later learned just what they had actually done and are beset with guilt and remorse. Sometimes they had a need to replace the child they aborted and got involved in another pregnancy to "undo" the abortion by bearing a child. Before the '73 Supreme Court decision, the argument was advanced that making abortions legal would eliminate illegal abortions. That has not been the case. Although no statistics are available for illegal abortions people in the know suggest that these are increasing at a rapid rate. No one quite imagined the tremendous increase in numbers of all abortions. For example, the number of women having repeated abortion is growing with acknowledged ill affects to the future child-bearing of these women. In New York, 2 out of 5 abortions are done on women having a second, third or fourth abortion. One unusual case was that of a young woman who had 14 abortions. Countries with a longer history than ours of legal abortions have verified statistics of the medical complications for women having repeated abortions. This is not something to be encouraged in poor women or in women with money. The ultimate cost in the mental and physical health of these women is a great loss. The death of 1.3 million children a year is a great loss. The basic assault to our country's humanity is a tremendous loss that we tend to overlook. That we can as a group take the lives of another whole group of weaker people is unconscionable. Any measure that limits this injustice should be pursued. At the least we can refuse to pay for these injustices with our taxes.

# Respect Life Report

Volume 2, Number 8, October 1979

NCCB Committee for Pro-Life Activities

## MAJOR CONFERENCE TO USHER IN 1990 FAMILY YEAR

Jim Guy Tucker, Chairman of the White House Conference on Families, will head dozens of prominent speakers at a three-day "kickoff" Conference on "Families in the '80s" sponsored by the National Conference on Family Ministry and Family Education. The Conference, which is expected to draw several thousand persons, is scheduled for October 26-28, in Kansas City, Missouri. Conference headquarters in Kansas City will be at the Radisson-Mushlebach Hotel (816/471-1400).

The October Conference is intended to prepare diocesan and parish leaders for the 1980 "Family Year" designated by the American Catholic bishops. According to Father Donald Conroy, USCC Representative for Family Life, the Conference "is intended to initiate the Family Year efforts of the Church in the United States and to introduce the Plan of Pastoral Action for Family Ministry beyond diocesan staff to parish level leadership such as pastors, family ministry coordinators, religious education directors, and parish council members."

The Conference agenda is impressive, and in addition to Mr. Tucker its 45 speakers include such well-known family specialists as Rosemary Haughton, Clayton Barbeau, Father Matthew Fox, Father Virgilio Elizondo, and Dolores Curran.

For details and registration forms, contact: National Conference on Family Ministry and Family Education, USCC Department of Education, 1312 Massachusetts Ave., N.W., Washington, D.C. 20005. Tel: 301/647-5896 (Baltimore exchange).

## ABORTION AND STRESS

In a study of 100 married mothers having babies and 200 abortion patients, Dr. Lawrence Downs, assistant professor of psychiatry at the New York Medical Center, found that by and large women choosing abortion were "overwhelmed with stress."

According to Downs, "The abortion patients were more depressed, anxious and impulsive than the married mothers." He also noted that within the year prior to conceiving, substantially more abortion patients had experienced stresses in five categories:

1. Death or dying of an immediate family member.
2. Loss, other than by death, of a long-standing love relationship.
3. Need for psychological or psychiatric help, or the prescription of a psychologically helpful drug by a doctor.
4. Major gynecological problems.
5. Unstable life situation in which the individual

## Respect Life!



### PRAYER FOR UNBORN CHILDREN AND THEIR PARENTS

Heavenly Father,  
you sent your son into the world  
to bring life  
in unsurpassing abundance;  
may we who share in your life  
welcome the unborn into our lives  
and may we offer generous support  
to parents  
and to all those who care for  
little children.  
Grant this through Christ our Lord.  
Amen.

Drawing by David A. Thompson, Atlanta, GA

experienced three or more changes in job, school, or residence.

Dr. Downs' report was given at a conference for abortion counselors sponsored by the Eastern Women's Center and the New York Hospital-Cornell Medical Center's ob-gyn department. See following article for more information.

## ABORTION REPEATERS

"Almost two of every five women having an abortion in New York City have had one before--or two, or four, or five, or, in one exceptional case, 14." So reported Nadine Brozan in a recent New York Times story on a conference for abortion counselors sponsored by the Eastern Women's Center (an outpatient abortion clinic) and the New York Hospital-Cornell Medical Center's ob-gyn department.

As to why women subject themselves to repeat abortions, most blame was directed at erroneous information, fear of the pill, and lack of choices concerning birth control. Most telling and poignant, though, is the recounting in the article of the story of a 19-year-old woman preparing for her third abortion.

The young woman had her first abortion at age 17, followed seven months later by her second abortion. Now, 17 months later, she was back for a third. All the young woman's pregnancies were fathered by the same young man.

"Each time this happened to me he wanted to get married and have the kid," said the girl. "He tried to talk me out of the abortions." The young woman tells the man she will marry someday, but

(continued page 3)

\* This prayer card, "Prayer for Unborn Children and Their Parents," is available from the Bishops' Pro-Life Office at \$2.50 per 100, \$20 per 1000.

ABORTION/DEATH AND DYING

LEGISLATIVE UPDATE

By Michael A. Taylor

ABORTION LEGISLATION  
TRENDS ON THE STATE LEVEL

The following observations on legislative trends concern abortion bills and resolutions only as introduced, not as debated, voted on, or enacted into law.

More Than 250 Measures

Every state legislature, except Kentucky, was called into session during 1979. As of mid-summer, more than 250 abortion related legislative proposals had been introduced--with more undoubtedly to come (10 states remained in regular session). Some 22 states will allow measures to be carried over from the 1979 to the 1980 session; and thus many of these proposals will be active again next year.

Only a couple of states had no abortion legislation. One state--Illinois--had more than 40 bills and resolutions.

Con/Con Resolutions in 19 States

Approximately 50 of the measures were resolutions. Thirty-three of these in 19 states petitioned Congress to call a constitutional convention to propose an amendment to protect the unborn. Eight resolutions in seven states petitioned Congress to propose the amendment to the states. (Two states had both kind of amendment petitions.)

Abortion Funding Tops List

One of the most important kinds of abortion bills can be called the general regulatory measure. It typically proposes a fairly comprehensive regulatory scheme, or at least includes several regulatory elements. Eighteen of these were introduced. (Many general regulatory bills were passed in the years immediately following the 1973 abortion decisions. Some of the earlier laws are now the subject of modification.)

The more numerous kind of abortion bill is focused on one topic. A survey of these single topic proposals gives a general sense of key legislative interests in the 1979 sessions.

| <u>Topic</u>  | <u>Bills</u> | <u>States</u> |
|---|--------------|---------------|
| Abortion funding (7 bills for, 32 against)                            | 39           | 24            |
| Informed consent  | 24           | 13            |
| Parental consent/notification   | 17           | 13            |
| Abortion reporting  | 16           | 11            |
| Protection of viable fetus  | 14           | 10            |
| Fetal experimentation prohibition                                     | 13           | 9             |
| Fetal death registration  | 10           | 6             |
| Health insurance coverage for abortion (1 bill requires, 10 restrict) | 11           | 6             |
| Clinic regulation   | 10           | 5             |
| Contraception protection  | 7            | 5             |

Over 40 additional bills, scattered throughout 12 states, were of a miscellaneous nature.

DEATH AND DYING: UPDATE

Definition of Death

Since the May Report, a bill which would amend the Michigan law was introduced--H. 4648.

Two more states--Alabama and Connecticut--have passed definition of death laws. This brings to six the number of states which have passed new laws this year, and to 25 the number which has passed laws since 1970.

ALABAMA

Bill Number: S. 66

Action: Introduced 4/17. On 4/24 passed the Senate. On 5/24 passed the House. On 6/5 signed into law by Gov. Forrest James, Jr. Act. 79-165.

Effective Date: When signed.

Description: The permanent loss of spontaneous respiratory or cardiac function are the normal signs of death. However, when respiratory and cardiac function are maintained by artificial means, "a person is considered medically and legally dead if, in the opinion of a medical doctor licensed in Alabama, based on usual and customary standards of medical practice in the community for the determination by objective neurological testing of total and irreversible cessation of brain function, there is total and irreversible cessation of brain function. Death may be pronounced in this circumstance before artificial means of maintaining respiratory and cardiac function are terminated." In this case, a second medical judgment is required. If an organ transplant is involved, neither of the physicians who determine death based on loss of brain function can participate in the removal or transplantation of an organ.

CONNECTICUT

Bill Number: S. 694

Sponsor: Barry, Gunther, Leonhardt, Fahey, Post, Swomley, Matties, Berman.

Action: Introduced 1/29. On 5/22 the Senate voted 28-5 to reject unfavorable committee report and to pass the bill with an amendment. On 5/31 the House voted 85-53 to reject unfavorable committee report; a separate House amendment was rejected and the bill was passed as amended by Senate. On 7/3 Gov. Ella Grasso signed the bill into law. Public Act 556.

Effective Date: October 1.

Description: Amends the anatomical gift act. "Without limitation, the method of determining death, a donor may be pronounced dead if two physicians determine, in accordance with the usual and customary standards of medical practice, that the donor has suffered a total and irreversible cessation of all brain function. A total and irreversible cessation of all brain function shall mean that the heart

(continued next page)

Testimony in reference to HB 500  
January 21, 1982

I do not think state monies should be used to pay for abortions. It is not a matter of poor, rich, minority, rape, incest, wanted, unwanted, planned, unplanned etc; it is a matter of life. Abortion takes the life of a living human individual. Biblical truth tells us human life begins at conception, "Before I formed you in the womb, I knew you; and before you came forth from the womb, I sanctified you, and I ordained you." Jer 1:5 Scientific truth tells us life begins at conception, when the zygote is formed by the fusion of the sperm and the egg. If you believe taking a human life is wrong, which I do, then abortion is wrong. The issue of abortion has far less to do with right to make choices than it does with giving up what it means to be human. I have no problem defining what it means to be human. I have no problem defining what abortion does to a human life. I do not want my tax money used for something that is wrong and destroys a human life.

I pray that God will guide your decision.

Thank you.

Mrs. Alice Bergdoll  
5896 Lund Street  
Juneau, Alaska 99801  
586-1355



January 20, 1982

H.B. 500

To Whom It May Concern:

As a citizen, woman, wife,  
and mother I feel compelled  
to ask the Committee to  
do all in their power to  
halt abortion at all  
all levels. We must  
speak up and protect those  
yet unborn who's lives  
rest in our hands.

Sincerely,

Lucia Ross  
4140 Tabor Avenue  
Juneau Alaska  
99801

My name is Jan Crepeau, I am a mother of four. I am here as a private citizen to urge against the passing of House Bill 500.

I firmly believe that every woman rich or poor has the right to choice over whether or not to bear children.

Passage of this bill would deny this right to poor women. Women who have the finances would still be able to have safe abortions. Women who are poor will either be faced with having an unwanted child or seek illegal abortions which put their lives in danger.

Unwanted Children will create huge problems in child abuse + neglect and place a greater burden on the state by creating another generation of welfare recipients.

I am concerned that this bill has no provision for abortion in cases where the pregnancy is a result of rape or incest.

No woman, rich or poor should be forced to have a child as a result of rape or incest. She has been through tremendous-trauma, ~~forcing~~ Forcing her to have a child as a result of this is inhuman.

I had a close friend nearly die as a result of an illegal abortion. I have seen first hand the damage this can cause.

In Closing, I urge against H.B. 500. ✓

SARAH J. PELIX  
Attorney at Law  
435 - 3rd Street  
Juneau, Alaska 99801

POSITION PAPER HB 500

My name is Sarah Felix, I am a practicing attorney here in Juneau. I am here to testify as a private citizen and offer comments on HB 500.

I do not support HB 500, I am completely opposed to the bill. Of the many reasons for my opposition to HB 500, here are a few:

1. HB 500, if enacted, will probably be struck down as unconstitutional by the Alaska Supreme Court. The California and Massachusetts Supreme Courts have struck down similar statutes. (Committee to Defend Reproductive Rights v. Myers, 625 P.2d 779 (1981); Moe v. Secretary of Administration and Finance, 417 N.E. 2d 388 (1981))
  - a. California and Alaska both provide their citizens with broad protection of the right of privacy and follow a strict reading of the equal protection clause, thus it is likely that Alaska will follow the California Supreme Court on this issue.
  - b. Although the United States Supreme Court has upheld legislation similar to HB 500 in Harris v. McRae, 65 L.Ed.2d 784 (1980), that case is distinguishable on the grounds that the court did not consider the question of a state prohibition on the use of state money for abortions and that the decision is based on the federal constitution, rather than our state constitution which gives Alaska's citizens broader protection of the right to privacy.
2. HB 500 does not provide for funding for abortions in case of pregnancies resulting from the violent crime of rape or for pregnancies resulting from incest or other forms of child sexual assault.
  - a. It is ludicrous for a grown woman or young girl to endure the degradation, violation and violence of one of these crimes and then have to bear the child that may result from the assault simply because she is too poor to pay for an abortion.
3. HB 500 will, if enacted, directly cause the deaths of many women and young girls. If an indigent woman becomes pregnant and chooses for any number of reasons not to have the child and therefore chooses to have an abortion only to discover that she cannot secure a legal abortion paid for by the state, then she will seek an illegal abortion. Chances are, the woman will die from the back street abortion. This legislation, if enacted, will usher back in the coat-hanger and vinegar abortion for poor women. Even if the woman does not die, she may be seriously injured by an illegal abortion. Legislation such as this ignores the fact that women will have abortions and poor women cannot afford safe, legal abortions and will seek abortions either from backstreet abortionists or attempt self-inflicted abortions, often with deadly consequences.

Proverbs 20:10,23

Divers weights, and divers measures, both of them are alike abomination to the Lord.

State funding for abortion is for me a flagrant disregard of my rights and my freedom of religion granted to me in the Bill of Rights. I am personally appalled by and morally opposed to abortion, yet I am forced, through my taxes to pay for it. I am forced to work against my own conscience and the moral teachings of my church.

Those same persons who would scream "My rights! My rights!" have blatantly ignored and abused the rights of those of us who regard human life as the most precious gift God has given.

How unjust, how incongruous of us to impose a 2 year sentence or a \$25,000 10,000 fine for merely touching an eagles egg, yet we sanction the slaughter of unborn babies with our tax dollars. There are \_\_\_ volumes of laws written for the protection of crab in Alaska, but no law protecting our greatest natural resource, the future generation of this state.

Where does it end? Where do you draw the line? Every year new demands are made for someone's so called "rights" at my and other tax payers expense. If we are to be perfectly just, those of us who believe it is our right and our duty to bear and raise our children, should receive state funding to accomplish that end. Ridiculous? Not any more ridiculous than state funding for those who have ~~chosen~~ <sup>claimed</sup> abortion as their "right" and lifestyle.

Stop state funding for abortions. Abortion is, always has been and will continue to be murder.

Beverly Sykes

PRO CHOICE COALITION  
P.O. BOX 1325  
JUNEAU, ALASKA 99801

Ms. L. ... on 5/11

In 1972, the federal and state governments began providing funding for abortions needed by poor women. In 1977, after a hotly contested debate that held up the massive HEW budget for months, federal funding for medicaid abortions was cut off by the so-called "Hyde" amendment. The State of Alaska, like many other states, continued to make the right to choice available to low income women by making up the difference in funding caused by the federal cutoff. In state fiscal year 1978, 312 abortions were performed for poor women under the general relief medical funding and 168 under Medicaid.

The need for these services is obvious. Poor women often have no resources to care for unwanted, unplanned children. Forcing such women to bear children can close off opportunities for training and education that can enable women to escape a life of poverty. Unwanted children are frequently subject to abuse, perpetuating the problem of domestic violence. Forcing low income women, especially those on welfare, to have children leads to an increased social services cost to the state and a social cost to the community, in the long run. Most important, to eliminate state funding for women at the poverty level leaves no choice. They simply cannot afford to pay for abortions.

In Alaska the situation is especially difficult because abortions cost three times as much as they do in the lower 48. The Department of Health and Social Services estimates that abortions performed in hospitals cost an average of \$1500.00 and that those performed outside of hospitals cost \$900.00. In the lower 48, clinics in major cities charge an average of \$175.00. Because less than a third of the medical facilities in Alaska offer abortions facilities, compared to about 60% in the lower 48, women must also pay high transportation costs to reach facilities that offer the service.

Few women have health insurance that covers these expenses. Only 14% of abortions are paid for by insurance companies. More than 30% of abortions are needed by girls under age 19 and 70% by unmarried women.

The right to choose is crucial in a state where birth control information is often unavailable. In Juneau, there is no available source of information and services for birth control. The Juneau Health Center is understaffed and is accepting only a handful of patients each month into its family planning clinic. All of the safe methods of birth control are subject to a failure rate, even if used properly and consistently. Women should not be forced to bear children because of mere chance.

Abortion is not baby killing, as some compulsory pregnancy advocates claim. Virtually all abortions in Alaska are performed during the first trimester of pregnancy. The idea that the union of two cells creates a human being is a religious, not a legal or scientific belief. Pro-choice respects that belief but do not believe that it should be imposed on people of other religions and beliefs.



St. Nicholas Russian Orthodox Church

326 - 5TH STREET

JUNEAU, ALASKA 99901

September 16, 1980

The Honorable Governor Jay Hammond  
Pouch 'A' Capitol Building  
Juneau, Alaska 99811

Your Excellency Governor Jay Hammond,

CHRIST IS IN OUR MIDST!

On June 30, 1980, the U. S. Supreme Court ruled that the Federal Government does not have to pay for welfare abortions. The Court also ruled that States do NOT have to pay for abortions. You have the authority to stop the use of State funds in this manner

The abortion movement is at its heart a movement denying rights to a silent segment of humanity and soliciting public sanction, support and subsidy for its own cause. Silence against this can be destructive.

The truth about man is simply taught in the sacred Scriptures:

"Then God said, "Let us make man in our image, after our likeness.".....So God created man in his own image, that he is a child of God. Genesis 1:26-27

Thomas Jefferson had written - March 31, 1809:

"The care of human life and happiness and not their destruction is the just and only legitimate object of good government."

And recently Mother Teresa had said:

"Abortion is a sign of the greatest poverty. It means that we cannot feed one more child so the child must die. It is the greatest poverty if we have to kill to live."

We request by the power invested in your office that use of State funds should not be used to pay for abortions.

May the blessings of Our Lord be with you always,

In Christ,  
+ *Archimandrite Innocent*  
Archimandrite Innocent (Pryntsko)

Enclosure 1. December 1975

The Orthodox Church - On moral issues and Defense of Life

Enclosure 2. March 1978

The Orthodox Church - Against abortion and 'Right to Life'.

Enclosure 3. Mayo Clinic genetics head scores abortion.

## SECTIONAL ANALYSIS FOR SSHB500

**PURPOSE:** The sponsor's substitute for HB 500 differs from HB 500 not only in its scope, but in the specific laws which are affected. SSHB 500 would broaden the scope of monies effectively prohibited for payment of abortions. It more stringently protects the welfare of the unborn child and eliminates public assistance funding for abortions as provided for in the Administrative Code.

Sec. 1. SSHB 500 shifts its location from AS 47.07, relating to Welfare, Social Services and Institutions, to AS 18.16, which specifically relates to abortions. A new section is added which would limit any state or state-disbursed funding for abortions. The only abortions for which payment is authorized are those (line 16) necessary to prevent the death of the mother. Note the change in wording from the original bill, which says, "to save the life of the woman." Both bills require a written certification to this effect from the physician.

Line 19 adds the phrase "and health" in reference to the duties of the physician toward the unborn child. This reference tightens up the language and would prevent possible abuses.

Section (b) defines "instrumentality of the state." This replaces the comparable section in the original bill which defined "abortion" for the purposes of the context of the other statute (47.07).

Sec. 2. This section annuls specific regulations in the Administrative Code which deal with Medicaid payments for family planning, for performance of abortions by physicians, or for payment for drugs and related items for abortions.

7AAC 47.170(4) repeals the category "females seeking abortion or treatment following an abortion" from the application age requirements for General Relief or General Relief Medical assistance.

Sec. 3. Provides for an immediate effective date.

2/19/82

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT.

Testimony Regarding HB 500 and HB 550

Health, Education, & Social Service Committee

Dear Committee Members

My name is Janet Mangan and I have been a resident of Alaska for about two years. I consider myself a religious person, I am a registered voter, and a home owner. I plan to stay in Alaska and am concerned about state laws.

HB 500

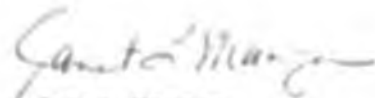
I strongly object to limitation of funds for abortions for low income people. With 8 years experience in the medical field I have seen many women of various economic groups in great distress over unwanted pregnancy. I have also seen the children of some of these women. Although perfect birth control throughout society would be ideal, it is unrealistic. Humans make mistakes. An unwanted child can be a huge burden to a low income person. That additional burden can, as I am sure you know, lead to child abuse, maladjusted personalities, substandard nurtured conditions, and continued burdens to society.

HB 550

I totally object to the inclusion of the word "fetus" in the murder statute as well as the vague exemption clause at the end of this bill. This bill is loose and could be interpreted to accuse a woman who has an abortion of murder. Let us deal with the abortion issue head on. This appears to be a "back alley" way of dealing with the abortion issue.

Thank you for your time and consideration.

Sincerely



Janet Mangan  
1512 Kepner Drive  
Anchorage, Ak 99504

HOUSE HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE

MR. CHAIR, REP. MIKE BEIRNE

I am Ilene Sackett  
5943 Glenkerry Drive  
Anchorage, Ak. 99504

I am a registered voter.  
I vote.

I support the Right to Choose.

I do not want any person telling me what I can or cannot do with my own body. I will decide whether I want a child. If contraception fails me, I have the right to decide whether to continue or terminate my own pregnancy. Until we have safe and fail-proof contraceptives, termination is one choice I have open to me. Every woman should have this option open to her.

I want continued support of state funds for abortion which has been part of our state constitution since 1970. I would rather have a society of wanted children.

I would rather my tax dollars go to state funded abortions than to increase state aid to support unwanted children. Economically it is cheaper and healthier for all concerned.

I also oppose HB 550. It is not a clear legislative bill. If the intent of this bill is to protect the women, than I think a bill can be more clearly written.

Written legislation protecting a woman against battering could be handled through a criminal code. I would not want to see this legislation adopted which I feel is one step away from making abortions illegal. Besides feeling that this bill is bad legislation, I think that making abortions illegal is one of the highest forms of punishment to a woman that I have seen yet in the country. To say to a woman she must carry out her pregnancy is not only punishment to the woman, but creating a society of unwanted children and child abuse.

"No woman can call herself "Free" until she can choose whether or not she will be a mother." Margaret Sanger

I feel no woman can remain free unless she has the right to her own choice which is a healthier, independent option for any person under a constitution which allows for many races, religions and opinions to be heard.

*Ilene Sackett*

# Confederacion Pro-Derecho A La Vida

P.O. Box 761 Davis, CA 95616

Re: Tax-paid Abortion

Dear Members of the Alaska Legislature:

Representing several minority organizations and our affiliated hispanic and eskimo members in the State of Alaska request that tax-paid abortion be suspended for the following reasons:

- 1.- People on welfare, many of them minority groups have never lobbied or demanded that abortion be giving to them using the taxpayers money. It has been imposed and lobbied by organizations such as Planned Parenthood, Zero Population Growth and these so called doctors involved in making money on abortion.
- 2.- Tax-paid abortion has not solved anything for the poor. It hasn't gotten rid of poverty, it merely has gotten rid of our children and destroyed the health of minority women .
- 3.- Tax-funded abortion money never goes to the poor, it goes to those who profit from them, those who are carrying out the task of eliminating poverty by eliminating the poor.
- 4.- Tax money ought to be better spent in taking care of our problems of education, housing, equal opportunity for jobs and not eliminating out children.
- 5.- Our leaders have spoken clearly on this issue. Cesar Chavez head of the United Farm workers, Dick Gregory, Rev. Jesse Jackson, Erma Craven of the Urban League, Indian Leader Dr. Constance Redbird Uri, Dr. Mildred Jefferson first Black woman Harvard Graduate, as well as the Southern Christian Leadership Conference. Therefore we request that you stop all tax funding of abortion in light of these reasons.
- 6.- Those who perform abortion have embarked themselves in a population control program against minorities and economically disadvantaged groups. Dr. Edward Alred one of the pioneers in the abortion business has 12 abortion clinics and received 12 million dollars in tax-funded abortions in 1980. He has publically stated " Take the new influx of hispanic immigrants. Their lack of respect for democracy and social order is frightening. I hope ;I can do something to stem that tide I'd set up a clinic in Mexico for free if I could. Maybe one in Calexico would help... The aid to Families With Dependent Children program is the worst boondoggle ever created..When a sullen black woman of 17 or 18 can decide to have a baby and get welfare and food stamps and

## Executive Committee:

Jose J. Granda  
President

Patricia Garcia  
Northern California  
Vicepresident

Mariana T. Rodriguez  
Public Relations Director

Carmen Trujillo  
Southern California  
Vicepresident

## Affiliated Organizations:

Confederacion de la Raza  
Unida  
San Jose

Suskol Indian Council  
Napa

American G.I. Forum

United Indian Tribes  
Redding

Centro de Vida  
East Los Angeles

Auxilio de la Vida  
San Jose

and become a burden to all of us, it's time to stop. In parts of South Los Angeles having babies for welfare is the only industry people have." There is no question in our minds that abortion is then being used as a method of population control of genocidal proportions.

7.- Finally there is stroght evidence that tax-paid abortion leads to fraud, many so-called doctors charge medicaid more that to private patients. We encourage the Alaska legislature to investigate every abortionist that receives money from the state.

Jose J. Granda  
President

*Jose J Granda P.E.*

James N. Shives, Jr.  
1407 Nunaka Dr.  
Anchorage, AK 99504

September 11, 1981

House Committee on Health, Education, & Social Services  
Alaska State Legislature  
P.O. Box 4-1439  
Anchorage, Alaska 99509

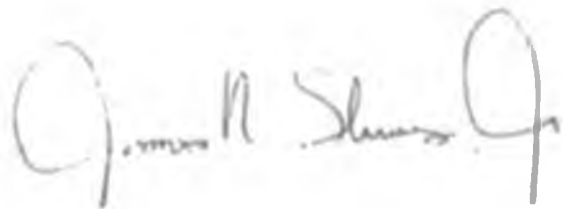
Dear Committee Members:

I wish to make public comment on House Bill 500 and House Bill 550. I strongly oppose both of these bills and would urge the committee to defer action on these bills.

I feel that HB 500 would force poor women to bear children which they do not want. Think of yourself being raised in an environment where you are not wanted and where the only income is welfare. HB 500 would also be a financial burden on the state since there would be many more people on the welfare rolls. I feel that when children are not wanted it is better for all concerned that those children are not born. Wouldn't it be a better idea to fund projects to educate poor people in better birth control practices instead of taking away one of their options for preventing an untimely family?

House bill 550 is an obvious attempt by so called "Right to Life" supporters to eliminate abortions altogether by trying to have a fetus declared an individual. I believe that this bill is unconstitutional, and I strongly oppose it.

Thank you for your consideration.

A handwritten signature in dark ink, appearing to read "James N. Shives, Jr.", with a large, stylized flourish at the end.

Rt. 1, Box 1282  
Kenai, Ak 99611  
September 3, 1981

Mike Beirne  
P.O. Box 4-1539  
Anchorage, AK 99509

Mr. Beirne:

I strongly oppose both HB 500 and HB 550. I feel it is unfair to impose on poor women no choice because they lack the funds to get a safe abortion if that is their choice. I also feel that saying a fetus is a human life to have grounds to press charges for murder when the fetus is miscarried through a violent act done to the pregnant woman is abhorable and totally unreasonable and throughly inflaming. I know there are other ways to protect the life of a fetus and the life of the mother from acts of violent crimes. I urge you to spend more time passing laws that protect women from violent acts and then there will be no need for laws like HB550.

Sincerely,

  
Ruth Johnson

P.S. In hopes that science soon will make it possible for all men to carry and bear children through whatever means so I don't have to listen to this.

My name is Mary Wheelock, I live at 5301 Dorbrandt St. #2, Anchorage Ak, 99502, district 12. I vote and I'm a member of the Prochoice Coalition.

I'm here testifying to appeal to you all <sup>against</sup> Bill 500, which will eliminate needed health care for poor women.

At the present I'm a divorced single parent who works part time and goes to school full time. I'm on various welfare programs right now, which include Aid to Dependent Children, Medicaid, Alaska State Housing Authority section 8, and the Day Care Assistance Program.

Without these programs I wouldn't be able to provide for my 5 1/2 year old boy.

Since I'm a woman on welfare I truly know how valuable these programs are. In my life right now if for some reason Bill 500 passes and I were to become pregnant my school would have to be postponed, I would have to quit my part time job in order to raise another child.

The results..... more programs and welfare money I would need from the state. I probably would be on welfare longer than I hoped to be and everything I am working towards in life would have to wait.

I would like to quote a lady who wrote to the editor of the Daily News. (quote)"Women with money can choose to have an abortion, poor women can't. The devastating effects of unplanned, unwanted, untimely pregnancy on women's lives of an unwanted child and our society at large are well documented.

In money terms state payment of abortion for poor women makes more sense economically than supporting unwanted children through Aid to Dependent Children programs.

The cost to tax payers is \$4,800 per year to support one woman with one child on Aid to Dependent Children, while it costs a fraction of that for the state to pay for an abortion." (end of quote)

Right now the State of Alaska wouldn't deny me money under the Medicaid program if I needed a cancer operation, why should there be a limit to state funding for abortions, if I need one??

Our Alaska Constitution was modeled after "individual privacy and freedom" with the rights to "reproductive freedom."

In my case just because I'm an indigent person should these rights be denied me. These individual rights are what make our state so unique. Let me have the right to choose and the rights to my "individualism" that is guaranteed in the Alaska Constitution.

Mr. Chair and members of the committee, don't let Bill 500 go any farther, let state funding be available for poor women in my position to have abortions if the need arises, and let us have our individual freedom of choice.

14 September 1981  
Hearing on HB 500 and HB 550  
Performing Art. Center, UAA  
Anchorage, Alaska

My name is Dorothy Patterson and I reside in Anchorage, Alaska, Voting District #7. I am the natural mother of four children and presently three grandchildren.

I have been a voter for 35 years and bills such as HB 500 and HB 550, I believe to be hopeful mandates from special interest groups which I believe to be Anti-Choice.

It offends my personal sensibilities and my civic responsibilities to know Anti-Choice people wish to legislate their ideas into other peoples lives.

HB 500 would make it impossible for poor women to obtain abortions regardless of the reason. It would however, not in anyway prevent wealthy women from having abortions, since they could afford to travel outside the state or the country to have their abortions.

HB 500 is a discriminatory Bill. It discriminates against that class of poor women which is against the intent of taxpayers, personal freedom, and the right to privacy. Poor people must also pay taxes. To force a woman to carry an unwanted child would only serve to intensify and multiply their problems both financially and emotionally. Forcing a woman to bear an unwanted child by means of withholding the funds necessary to pay for her abortion would afflict an undue burden on the total family life of a married woman. I believe in protection of each individual member of the family and the family as a whole. I believe in a quality family life, one which all families are entitled to.

When a woman, married or single, is pregnant through rape or incest, she is already suffering a frightful and almost unendurable experience which would in most circumstances present psychological problems for her for the rest of her life. Being unable to have a wanted abortion would certainly be detrimental to the woman, the family and the unwanted child. It would, in my opinion, be criminal to withhold state funds to prevent an abortion any woman may choose to have for any reason.

I trust this panel of legislators will take a good look at HB 500 which appears to be asking for legal discrimination of poor women who may need or choose abortion for themselves - and vote against it.

HB 550 is unclear to me. To my knowledge there has never been a constitutional definition of the term or word "fetus". I hope this panel will likewise vote against HB 550.

TO: House Committee on Health,  
Education and Social Services

DATE: September 14, 1981

FROM: Teresa Williams, Attorney

RE: Testimony on H.B. 550

### I. Introduction

My name is Teresa Williams. I am testifying on my own behalf as an attorney practicing law in the State of Alaska. I will be directing my comments towards House Bill 550. It is my understanding that others will speak on the constitutionality of House Bill 500. For the record let me state that I believe with them that House Bill 500, if enacted, would violate this state's constitutional right to *privacy*.

### II. Typographical Error

At the outset, let me draw your attention to a typographical error that changes the entire intent and meaning of the bill. Under Section 11.41.112, the three clauses labeled (1), (2), and (3) are not separated by an "or" showing that they are in the alternative. This deletion leaves the impression that the sections are cumulative, which would result in a law that was unconstitutional, vague, and overbroad.

If the "or" continues to be left out, the only exception to the general rule that destruction of a fetus is murder would be abortions performed with the consent of the mother in order to save the life of the mother by a licensed physician when the act otherwise accords with AS 18.16.010. On the face of it, this limited exception to the general murder rule violates the right under the United States Constitution that a woman has to

control over the decision to have an abortion. Further, the cumulative nature of the clauses would lead to bizarre results. An abortion performed outside of a hospital or similar facility by a licensed physician to save the life of the mother, for instance under emergency conditions, would be murder under this bill. An abortion by a midwife during labor in a hospital to save the life of the mother would be murder. An abortion in a hospital by a licensed physician to save the life of a minor, without the consent of a parent, would be murder.

It is vital that the omission of the "or" between clauses (1), (2) and (3) be corrected. If this is not done, the only result can be extensive and expensive litigation at the state's expense.

### III. Battered Women

I will assume that the typographical error will be corrected and will turn to the general nature of House Bill 150.

The problem attempted to be dealt with in this bill covers the scenario where an abusive husband beats his pregnant wife within an inch of her life, resulting in the destruction of the fetus. Currently, this act is a crime under the criminal code at AS 11.41.200. This act would be Assault in the First Degree, carrying with it a penalty of up to 20 years incarceration and up to \$50,000 fine. The nature of the assault would be taken into consideration in the sentencing.

This bill would escalate the crime and associated penalty to 2nd Degree Murder, carrying with it a possible sentence of 5 to 99 years and up to \$75,000 fine.

The obvious question is how to deal with the act discussed in the scenario. My recommendation is to continue with the current status as an assault, which after all covers other heinous crimes such as intentionally blinding or crippling a human being. An alternative would be to create a separate crime called "Aggravated Assault Resulting in the Destruction of a Fetus" or perhaps "Aggravated Assault", the latter which could also cover intentional blinding or crippling as well.

There are several reasons not to add the destruction of a fetus to the homicide statute. The homicide statute is complex enough without adding this new area to it. Additionally, this bill would not require that the accused have intent to cause the destruction of the fetus. As a doctor could better testify, miscarriages happen all the time from much more trivial causes than would cause the death of you or me. Should a person who intentionally assaulted a woman with less force than could cause her death be charged with murder when he did not intend the destruction of the fetus?

Another problem with this bill is that, by making the destruction of a fetus murder, it implies that a fetus is a human being. No one has been able to scientifically ascertain when human life begins. This decision has thus far been left to religious doctrine and individual belief. This bill would allow the government to make that decision for us, which is a form of establishment of religion. This bill equates the killing of an unborn fertilized zygote, which to many persons is not a human being, with the killing of an adult in this room. Should the sanctions be the same for both acts?

As it stands, this bill would be the first step toward giving a fetus the standing of a "person" under state and federal law. This person would, in turn, be entitled to equal protection of the laws under the state and federal constitutions. The estate of a fetus could sue for wrongful death if jarred loose during a car accident or turbulent plane flight. The estate of a fetus or a disabled child could sue the mother for use of coffee or cigarettes during pregnancy. Currently, under inheritance laws, a fetus can only inherit if born alive. If a fetus is defined as a person, then the estate of a fetus would be entitled to a share. Again, granting the status of "person" to a fetus would affect governmental benefit programs that depend on the number of children, such as welfare, unemployment and food stamps. A fetus would be entitled to a permanent fund dividend. There would be a question whether a pregnant woman could be incarcerated for a crime she committed when the fetus would also be incarcerated.

The complications which are caused by including the destruction of a fetus in the homicide statute can be avoided by continuing the present status or else creating a distinct crime which would cover this distinct act.

ANCHORAGE ASSOCIATION OF WOMEN LAWYERS

POST OFFICE BOX 3882  
ANCHORAGE, ALASKA 99510

TESTIMONY ON HOUSE BILL 500

PUBLIC HEARING

BEFORE HOUSE HESS COMMITTEE

September 14, 1981

Anchorage

Good afternoon. My name is Susan A. Vaillancourt. I will testify today as president of the ANCHORAGE ASSOCIATION OF WOMEN LAWYERS against House Bill 500.

House Bill 500 is entitled " an act limiting the use of state money to pay for abortions." This bill is abhorrent to the constitutional rights of Alaska citizens. It should not be allowed to pass out of this committee.

The right to decide whether to continue or terminate one's pregnancy is founded in the constitutional right to privacy. See, Roe v. Wade, 401 U.S. 113 (1973).

The Alaska Constitution, contrasted to the federal constitution, has an express, rather than implied, right to privacy. Article I, Section 22. Our Supreme Court has consistently maintained that our right of privacy affords greater protection than does the federal constitution. See, e.g., Skagloak v. State, 597 P.2d 142 (AK.1979); State v. Glass, 583 P. 2d 872 (AK.1978); Ravin v. State 537 P.2d 494 (AK. 1975).

While the language of this bill has the potential of effecting many areas of state funds, let us focus on the state medical assistance program. The effect of this bill to a person receiving medical assistance is that it requires the recipient to waive her constitutional right to privacy in order to receive this state benefit. This is tantamount to a situation which would require a recipient to waive his or her constitutional due process rights to a involuntary commitment hearing in order to receive mental health assistance. Such a result is deplorable.

The legislature cannot make a law to abridge a constitutional right such as the right to privacy. This bill is broadly drafted to prohibit the use of state medical aid funds, welfare funds, any state benefits or dividends or even state salaries for payment of elective or non-elective abortions except in rare cases. This bill makes no exceptions for abortions required for victims of rape or incest. It does not permit a woman and her doctor to make a sound medical and personal decision that a pregnancy should be terminated to prevent serious and permanent damage to the health of the mother or of the fetus. Unquestionably, this bill has substantial impact on a woman's right of privacy regardless of whether the fetus has any potential for surviving, healthy or otherwise. If this bill becomes law, it will undoubtedly be struck down under the Alaska Constitution as a measure which unduly restricts a woman's access to abortions and which directly interferes with protected activity.

It should be noted that the Hyde Amendment upheld by the United States Supreme Court in Harris v. McRae, 100 S.Ct. 2671 (1980) under the more narrow federal right to privacy, at least provided for

abortions for victims of rape and incest. The Hyde Amendment addressed in the Harris case limited use of federal medicaid funds for abortions except in a few cases.

It is also evident that this bill would not pass an equal protection challenge under the Alaska Constitution. In Harris v. McRae, supra, the U.S. Supreme Court upheld the Hyde Amendment against equal protection challenge based on the least stringent analysis afforded under the federal constitution. It is recognized, however, that the Alaska Constitution affords a more stringent standard for equal protection. See, Commercial Fisheries Entry Commission v. Apokedak, 606 P.2d 1255 (AK.1980). Under such scrutiny, House Bill 500 would be struck down.

Finally, this bill cannot be logically justified as a measure to prevent government spending or even government spending on abortions. If this bill were to pass, the result would be that state spending would shift from abortion services to abortion-related litigation. We should not allow state government and state programs to advocate a special interest position such as the anti-choice position advanced by this bill. It would be more appropriate to allow those special interest groups to attempt to influence individual choice through their education and service programs rather than restricting a person's decision-making process by state sanctioned economic barriers.

I urge you not to allow this bill to pass out of this committee. Thank you.

September 14, 1981

Mrs. Kristine M. Fardig  
3404 Oregon Drive  
Anchorage, Alaska 99503

Ladies and gentlemen of the committee:

My name is Kristine Fardig and as President Emeritus of Alaska Right to Life, Inc., I represent in excess of 20,000 registered voters. Almost our entire membership has been built by circulating petitions, and now an initiative drive, always addressing the issue of state-funded baby killing. We have the Hyde amendment on the Health and Human Services budget, a similar restriction soon to govern the Indian Health Service, and already 2/3 of our states have stopped their bureaucratic war on poverty, which is de facto war against the poor. Alaska is quickly becoming a dinosaur.

Racism and social elitism are the true issues here. The majority of poor people are white, but are still a minority of the white population. On the other hand a majority of minority citizens are poor, socially and economically disadvantaged and easy prey for the racist, elitist philosophy of groups like Planned Parenthood, which attempts to eliminate poverty by exterminating the poor. This translates into genocide for our black, Hispanic and Native American brothers and sisters.

In California 40% of the abortions are paid for by Medi-Cal to the tune of \$38,000,000 annually. Dr. Edward C. Allred, who owns 12 baby killing factories in California, collects a third of that fortune. He thinks that Hispanics are a threat to white society and proposes free sterilization and abortion clinics along the Cal/Mexico border to intercept Mexican women before they can further pollute our lily-white lives with their brown babies. Dr. Allred has the same contempt for blacks and offers abortions free or at reduced cost to the racially impure.

Black Americans comprise a maximum of 17% of the population. black women are having 1/3 of the nearly 2,000,000 abortions performed annually in the U.S.

In Alaska the Alaska Native Medical Center continues to kill Eskimo and Indian babies, defying the clear intent of Congress to stop federal assistance. We have been informed by nurses on the obstetrical service at ANS that from March through July, 1981, an average of 20 babies <sup>per week</sup> were being killed, 25% of them older than 12 gestational weeks. It has been further alleged that at least two women were aborted without their knowledge, one before she even knew she was pregnant. Alaskan Natives are traditionally and culturally pro-life, and it is only through the brainwashing of government employees and Planned Parenthood, deceptive, fraudulent, coercive counselling and what can only be described as criminally abusive practices which parallel those of the Third Reich, only through lies that the death peddlers have managed to endanger their survival as a people.

Any poor woman who ever wanted to keep her baby can testify to the pressure exerted by so-called counsellors to abort. I was told eight years ago to abort my son Jonathan and that I could have him (not another baby, but him) later. I was also told that it would be easier for me to qualify for abortion money than for prenatal aid. I opted for life and scraped the money together. So much for the benevolence of <sup>the</sup> state welfare office.

Freedom to choose (to kill unborn babies) is supposed to be a matter of privacy, yet the anti-life agitators are constantly pushing to make it a matter of public policy through the use of public money, while they hawk this abhorrent practice as good. Poor people are poor because our generally racist, socially elite society cripples them with greed and prejudice. **THEY ARE NOT POOR BECAUSE OF OVERPOPULATION!!!** The poor need decent educational opportunities, housing and a sound social policy which encourages economic independence and political enfranchisement not to mention equal opportunity and due process. Instead we hustle poor women into surgery under enormous social, legal and economic pressure to kill their children, effectively

eliminating even the thought of free choice. When we have killed their babies and mutilated their bodies have we helped them secure a better education, taught them a skill or given them dignified, productive work?

Every person has the right to expect basic, medically necessary care and I don't mind paying for it. I do object, resent and vehemently protest the use of my money to destroy our ethnic populations. Already 25% of American Indian women have been sterilized, most in early adolescence and most without their knowledge or consent. Indians and Eskimos don't have a birth rate anymore, they are vanishing, and what the Supreme Court could not accomplish with Custer and the cavalry, it will accomplish with the curette and the all too willing help of physician-executioners.

It is an obscenity to squander our money and pretend that we are helping women by killing their children and mutilating their bodies. That is discrimination against the poor.

Sept. 14, 1981

Testimony of Kathy Johnston 459 Peul Dr. #1  
Anch. AK. 99502 District 11

Mr. Chair and members of the committee, I appeal to you all against Bill 500. Even though the Hyde amendment is in effect nationally, there is no reason for Alaska to match the federal government in barbarism. There are not even exceptions for rape and incest victims.

If you cut off funding for poor women's elective abortions, you create desperate women. I drive a taxi part of the year and am a fulltime student the rest of the year. Several weeks ago, before school started, I had a very desperate young woman in my taxi. She was on no state programs, had a battering husband, and she needed an abortion. She was too afraid of her husband to ask for money, she knew no one else to ask, so she raised the rather large sum necessary by working in a local massage parlor for 4 weeks.

If Bill 500 is passed, how many more desperate women will be forced to act in this way? And who will be responsible? I would say Mr. Martin, Mr. Metcalfe and Mr. Biene.

I am also opposed to Bill 550 because of its ambiguous wording and questionable intent. I feel this is another back door attempt to make abortion illegal. Concern for pregnant abused women could be better shown by strengthening battery laws.

Dear Members of the Alaska State House HESS Committee:

A recent article in the Anchorage Times brought to my attention an appalling example of bias on the part of your committee. While I had always thought that hearings were supposed to be a means of hearing how the public feels about specific issues, your committee has set up hearings on two bills, HB 500 and HB 550, in such a way as to clearly weight the testimony in a particular direction. By holding the hearings along with a statewide Right to Life convention you enable groups with a certain viewpoint to have easy access and to have free / easy publicity to their members. Members of the public with other points of view would have to make a special trip and would have to develop a means of notifying people who would be interested in presenting alternative views. I hope that members of the Committee recognize this built-in bias and do not count numbers of people testifying in favor of the bill.

For the record, I would like to state my opposition to both bills. Alaska currently does not discriminate against poor people by providing for needed health care services, including abortion. HB500 would mean that poor people would no longer have the same access

to medical services as people with money. HB 550 is vague and raises many questions\*.

As a mother of a 2 1/2 year old and a 10-month old, I feel very strongly about a child's right to be wanted. Even with access to abortion services, too many unwanted children are born. The rising incidence of child abuse and neglect are extreme examples of the poor environment a child can find him or herself in. Think of the children and their right to loving homes where they are truly wanted!

Please do not pass HB 500 or HB 550

Thank you.

Peggy Wilson  
2547 Vanderbilt Circle  
Anchorage, Alaska 99504

\* As I read it, if I used certain birth control methods I would be performing murder.

House HESS Committee  
House of Representatives  
Pouch V  
Juneau, AK 99811

Sept. 12, 1981

Dear Committee members:

As I am unable to attend the hearings on 9/14/81 regarding HB 500 and HB 550, please accept this letter as written testimony on the two bills.

House Bill 500, proposing elimination of state funds for abortions for low-income women, would deprive a significant segment of the population of the ability to obtain a legal abortion. I am strongly opposed to this legislation for several reasons. First, it is simply unfair for people to be denied access to this form of health care simply because they are poor.

Second, the implications of denying these women abortions are 1) that they will have the baby anyway, ultimately costing the state more money for hospital costs & welfare support of these children; or 2) that these women will resort to illegal, unsafe methods of abortion - again with the potential for costing the state more money in medical care for the woman than the abortion would have cost, to say nothing of the emotional degradation that such a "choice" would inflict on her life.

Whether you look only at dollars and cents, or whether you also consider social implications, the need for state funding of abortions for low-income women is obvious. I oppose HB 500.

I also oppose HB 550 on the grounds that the language is

ambiguous and could be interpreted in such a way as to make abortion punishable as murder. I do not believe abortion can be rationally or morally termed a criminal act and I strongly oppose any attempts to codify it as such. Women do not have abortions because they want to, because it's a thrill, because they are deranged or socially aberrant, or ~~as~~ <sup>as</sup> an ~~act~~ <sup>act</sup> of violent passion. It is not a happy choice for a woman to make, but it is a choice that we must have.

I have lived in Alaska three years and I am not pleased that the legislature would seriously consider such oppressive, discriminatory pieces of legislation.

Thank you for considering my opinions.

Sincerely,

Lisa Moorehead

LISA MOOREHEAD

1036 W. 10th

ANCHORAGE, AK 99501

14 SEP 81 7:50



## Telegram

# 02003 TDA SIT KA ALASKA 101 09-14 0735A ADT

PMS HOUSE H.E.S.S. COMM

700 H ST SUITE 8

02859

ANCHORAGE AK

I BELIEVE THAT GOVERNMENT SHOULD DO ALL IT CAN TO ASSIST WOMEN  
IN OBTAINING SAFE AND AFFORDABLE ABORTIONS. OUR COUNTRY IS  
BASED ON THE PREMISE OF FREEDOM; ALL PEOPLE NEED THE RIGHT TO  
CHOOSE WHAT IS BEST FOR THEMSELVES. WE WOMEN WHO DO NOT WANT  
TO UNDERGO ABORTIONS SHOULD NOT HAVE TO AND THOSE OF US WHO  
WISH TO END UNWANTED PREGNANCY THROUGH ABORTION HAVE AN  
ABSOLUTE RIGHT TO DO SO. PLEASE DO NOT SET INTO MOTION  
LEGISLATION WHICH TAKES AWAY THE RIGHTS OF THE INDIVIDUAL  
WOMAN TO CHOOSE THE APPROPRIATE COURSE FOR HERSELF.

MARIKA PARTRIDGE

BOX 936 SIT KA ALASKA 99835

H

## TESTIMONY OF FRED DYSON

The present situation in America is remarkably similar to the final days of American slavery. The pro-slavery people called themselves "pro-choice". They self-righteously said slavery was a private personal matter and an economic necessity. No Yankee was going to tell them what to do.

The anti-slavery movement was castigated for attacking private property, for trying to impose its morality on others, and for being abrasive and obnoxious. It was a movement of common people and had arrayed against it the combined weight of the Senate, the judiciary, the press, most large churches, and the vested interests of the slave owners.

The anti-slavery people lobbied, demonstrated, and ran the famous underground railroad at great peril and cost to themselves. The issue ceased all pretense of being a private issue when the Fugitive Slave Act, and especially the Compromise of 1850, forced anti-slavery people to participate by using their tax money and Northern (anti-slave) police, judges, and legislatures to return escaped slaves to their owners and to punish the operators of the escape routes. The anti-slave people were enraged at being forced to support with their taxes the moral atrocity of slavery and the persecution of their selfless heroes. The result was the worst war America has ever experienced.

Now this state is forcing those who believe in civil rights and the sanctity of life to finance the killing of developing children without due process and the incarceration of those who would try to defend these innocents.

We who stand for the rights of the unborn have nothing to gain. We derive no pleasure in seeking to impose a respect for life on others. We are giving our time and money to help the helpless and to defend the defenseless. This is in the proudest of American traditions.

The Republican party was born out of the single issue of the anti-slavery movement, and brought forth the largest advancement of civil rights in our history. It strayed from that calling, but has been being reborn from last November with a serious call to individual responsibility and respect for civil rights. Those who demand the prime right to kill their children have not won a vote in America in twelve years. The federal government is no longer paying for abortions and neither are forty other states.

The wind is blowing in favor of civil rights for all. History and the voters will not treat kindly those who oppress the defenceless.


The ball is in your court, gentlemen. I encourage you to have the courage to stand for the rights of all humans. The lives of hundreds of children, the future of civil rights in Alaska, and your political careers hang in the balance.

September 2 1981

Representative Mike Peirne  
Representative Terry Martin

Last week for a short time I attended the hearing  
re House Bills 500 and 550. First I would like  
to say there was little publicity re the hearing which  
I questioned being held in conjunction with a meeting  
by a religious group.

I think the wording in the bill numbered 550 is  
terrible and disgusting.  
I think if the legislators would spend as much  
time to develop a bill which would care for all of the  
unwanted and neglected children already here on earth  
a great service would be given to the State of Alaska.  
This subject is one which no one can win and some  
legislators will not win future elections.

  
Betty Thielsen  
Box 4-744  
Anchorage, Alaska 99509

1344 K Street  
Anchorage, AK 99501  
September 15, 1981

Representative M.F. Beirne  
Suite 1, 1020 I Street  
Anchorage, AK 99501

Representative Beirne:

I attended the hearings on House Bills 500 and 550 this week but did not have the opportunity to testify. I request that the following testimony be forwarded to the other members of the committee and be included in the record.

I am an Anchorage resident and voter. I strongly oppose both bills and urge the Committee to oppose them as well. My opposition comes from a background as a former social worker and recent law school graduate and from personal convictions. I have concerns relating to both bills and to each bill specifically.

I find both bills antithetical to our fundamental notion of the separation of church and state. I was shocked to hear testimony before the Committee quoting the Bible as a source for the bills. Our laws cannot reflect the religious tenets of any particular groups. I see no secular purpose in these bills; I see them only as promoting a particular set of religious beliefs. I do not believe there is a purpose of saving taxpayer monies, particularly when there is talk of providing economic incentives for carrying unwanted pregnancies to term and with the additional costs of welfare for such children. Any attempt to write the beliefs of a religious group into law is contrary to the United States Constitution and personally abhorrent.

If a woman's religious beliefs do not allow her to choose an abortion, no one is suggesting that she do so or forcing her to do so. But that does not mean that a woman with different convictions should have that option foreclosed when the right to an abortion is guaranteed by the Supreme Court's decision in Roe v Wade.

Re: Bill 500

Medicaid was established to equalize medical services between the poor and the rich. Bill 500 discriminates against poor women in their ability to obtain medical services to which they have a right. Middle and upper income women will be able to obtain safe, legal abortions. It is only poor women (and, apparently, women in the employ of the state of Alaska) who are discriminated against by this bill. Poor women seeking a particular medical service should not be singled out. Alaska has a strong guarantee of equal protection in its laws and Constitution. This is something of which we should be proud. This bill violates that guarantee.

In addition, our state constitution expressly guarantees the right to privacy. What decision can be more private than the decision of whether to bear a child? The government should

not be an invisible partner in this decision, which affects all aspects of a woman's life. Yet elimination of funding for abortions for women dependent of state assistance makes the government such a partner. For these women, there is no longer a decision that can be made.

During the hearings I heard much said about the availability of adoption as an alternative to abortion. Poor women should not be forced to bear children for the rich who are unable to bear their own. I hate to think of the implications of such a notion. Yet to me, this is what the advocates of adoption over abortion are saying. In addition, there are many older and handicapped children waiting for families to adopt them. Our attention should be turned to them.

It is simply unrealistic to think adoption is a viable alternative to abortion for those women who do not wish to raise a child or another child. Each time I hear this argument raised a family I worked with as a social worker comes to my mind. The mother had two children already in the custody of the state due to her neglect and inability to care for them. She was young, uneducated, unskilled, had no family, a husband in prison. She became pregnant and made the decision, on her own and without prompting from any welfare or social service officials, to have an abortion. Without medicaid funding, abortion would not have been possible for her. She would have carried an unwanted pregnancy to term, but I can assure you she never would have released it for adoption. The only way that child would have been available for adoption would have been through lengthy court proceedings initiated by the state to have the child adopted without the parents' consent. And she would fought such proceedings every step of the way, as she had previous proceedings regarding her children. Those two children already had severe emotional problems and scars that will follow them their entire lives. This is just one instance. I could describe others. I am sure there are thousands. Adoption is not a realistic alternative.

The lack of provisions for funding abortions for victims of rape or incest is cruel. Simply cruel. How can we say we care about the protection of women and then force poor women to be constantly reminded of their victimization by forcing them to carry its result to term? No victim of rape or incest should be forced into such a position.

Finally, it appears that the bill would prohibit employees of the state of Alaska from receiving abortions through their health insurance programs. The issues raised above would apply equally to these women. They should not be discriminated against because they happen to work for our state.

Re: Bill 550

There are adequate criminal statutes to deal with the problem allegedly addressed by Bill 550 and it is therefore unnecessary. If the real concern and intent of this bill is to protect women, than a substitute bill dealing solely and explicitly with this issue should be drafted.

My belief, however, is that the protection of women is not

in fact the real impetus behind the bill. I believe Bill 550 is a backdoor attempt to make all abortions illegal and thus is unconstitutional under both the Alaska and U.S. Constitutions.

I strongly oppose both Bill 500 and Bill 550 and urge this Committee to do the same.

Respectfully submitted,

*Terri Ann Pollock*

Terri Ann Pollock

*James*

Alaska Civil Liberties Union,  
affiliate of the American  
Civil Liberties Union  
P. O. Box 10-1226  
Anchorage, Alaska 99511

The Hon. Terry Martin  
Alaska House of Representatives  
Pouch V  
Juneau, Alaska 99811

Re: HB 500 and HB 550

Dear Representative Martin:

At the recent hearing on HB 500 and HB 550, you requested that I provide you with a copy of the American Civil Liberties Union's policy on abortion. I am pleased to include a copy of that policy.

As I discussed in my testimony, the recent decision in Moe v. Secretary, 517 N.E.2d 387 (Mass. 1981), which struck down a bill practically identical to HB 500 on the grounds that it violated the right to privacy and due process in the Massachusetts constitution, recognized the constitutional invalidity of bills such as HB 500. A member of the ACLU's national Board of Directors represented the plaintiffs in that case. As I testified, the opinion of the Alaska Civil Liberties Union is that the pertinent provisions of the Massachusetts and Alaska constitutions are sufficiently alike so as to render the constitutionality of HB 500 highly suspect. The Alaska Civil Liberties Union urges the Committee to refuse to approve HB 500 and HB 550.

A copy of this letter is being sent to other members of the Committee.

Sincerely,

*James S. Crane*

James S. Crane

On behalf of the Alaska  
Civil Liberties Union

JSC:kh

*(B)*

## Abortion

The ACLU asserts that a woman has a right to have an abortion -- that is, a termination of pregnancy prior to the viability of the fetus -- and that a licensed physician has a right to perform an abortion, without the threat of criminal sanctions. In pursuit of this right the Union asks that state legislatures abolish all laws imposing criminal penalties for abortions.<sup>1/</sup> The effect of this step would be that any woman could ask a doctor to terminate a pregnancy at any time.<sup>2/</sup> In turn, a doctor could accede to the woman's request in accordance with the physician's professional judgment without fear of criminal prosecution. Thus, the decision of whether or not to continue a pregnancy would become one of the woman's personal discretion and the doctor's medical opinion. Both would be free to follow their private consciences in determining whether their religious or moral standards were being violated. No fear of criminal punishment would enter into the decision.

The ACLU holds that every woman, as a matter of her right to the enjoyment of life, liberty, and privacy, should be free to determine whether and when to bear children. The Union itself offers no comment on the wisdom or the moral implications of abortion, believing that such judgments belong solely in the province of individual conscience and religion. We maintain that the penal sanctions of the state have no proper application to such matters.

HB:JO  
The discriminatory effect of the prohibition of abortion involves another area of civil liberties interest, that of equality. The rich can circumvent or violate the law with impunity, but the poor are at the law's mercy. This treatment is simply too unequal for civil libertarians to accept. Moreover, the very tendency of the law to be so arbitrarily applied and so widely ignored itself weakens the principle of the rule of law which is essential to the protection of civil liberties.

<sup>1/</sup> The termination of a pregnancy prior to the time when a fetus could live outside of the mother's body is what is medically defined as an abortion. The medical profession appears to agree that such independent viability could not occur until sometime after the twentieth week of pregnancy and, as a practical matter, even with the best medical care now available, not until several weeks later.

<sup>2/</sup> Caesarian sections -- the termination of a pregnancy after the fetus has become capable of living independently -- are not customarily regulated by the criminal laws.

Although the social and medical problems created by prohibition of abortion are without doubt extremely serious (for example, the physical, psychological, and social costs of backstreet abortions, and the consequences to the mother, her unwanted child, and the rest of her family when not even a criminal abortion is available), in pressing for legislative abolition of the abortion laws the Union is guided by its desire to protect and promote the civil liberties of all citizens. We believe that the abortion laws violate civil liberties in the following specific ways:

1) They deprive women of the liberty to decide whether and when their bodies are to be used for procreation, without due process of law.

2) They infringe upon the right to decide whether and when to have a child, that is, the marital right of privacy.

3) They deny to women in the lower economic groups the equal protection of the laws guaranteed by the Fourteenth Amendment, since abortions are now freely available to the rich but unobtainable by the poor.

4) They are unconstitutionally vague.

5) They impair the right of physicians to practice in accordance with their professional obligations in that they forbid doctors to perform what their professional judgment may dictate as a necessary medical procedure. In many cases their failure to perform this medical procedure would, but for the statutory prohibitions on abortion, amount to malpractice.

Total repeal of all such laws will meet these civil liberties criteria. [Board Minutes, January 25, 1968; News Release, March 25, 1968.]

H.R. 500



## *Abused Women's Aid in Crisis, Inc.*

TESTIMONY ON HOUSE BILLS 500 and 550  
September 14, 1981

My name is Karla Huntington. I am an attorney with Abused Women's Aid in Crisis, which I will refer to as AWAIC, and I am testifying on behalf of AWAIC. As most of you know, AWAIC is a non-profit corporation that offers both shelter for battered women and their children and a counseling program for men who have problems with violence. We wish to comment on HB 500 and HB 550 because we believe they will impact our clients and, therefore, we need this Committee to be aware of our concerns.

First I wish to comment on HB 550. We are encouraged to see that the sponsors of this bill recognize the aggravated nature of an assault that interups a pregnancy. We believe that no woman's choice to bear a child should be invaded by violent assault. It is not uncommon for a woman to be assaulted by her mate when she is pregnant, in fact, many times the first incidence of violence in a family occurs when the woman becomes pregnant and the blows are directed specifically at the stomach area. We agree with the spirit of HB 550 in so far as it asserts that the State has a legitimate interest in imposing harsh sanctions on any assailant whose actions result in miscarriage. We are, however, concerned with the sponsors choice to place these sanctions under the homicide chapter. There will be four major practical problems if this form of assault is classified as murder:

1. The woman, and major witness, will frequently have complex emotional attachments to the assailant. It is difficult enough for a woman to come forth and report domestic assault. I believe that very few women will even consider coming forth if the result will be that their husband or mate is prosecuted for murder.
2. Prosecution by the State will be difficult and costly. Usually there will be no outside witnesses and the State will need to prove extensive medical testimony, which will lengthen the trial. A person charged with murder is not as apt to plead guilty or no contest as is a person charged with assault.
3. Our present criminal code and this bill do not provide a definition for "fetus" and, therefore, to place it in the homicide chapter without careful study of how any definition of fetus would interact with the rest of Alaskan statutes seems premature and dangerously vague.
4. We believe that the interest to be protected is that of the woman. She is the person whose bodily integrity is

Administration  
417 W. 8th Avenue  
Anchorage, AK 99501  
(907) 279-9581

Women's Shelter  
POB 4-819  
Anchorage, AK 99509  
(907) 274-4661

Male Awareness  
417 W. 8th Avenue  
Anchorage, AK 99501  
(907) 277-2345

## 4. (cont.)

being violated and our present criminal code places invasions of bodily integrity, which do not result in death of a person) under the assault statutes.

Therefore, we would recommend that the Committee consider alternative placement and, for example, either structure a separate degree of assault that would speak directly to the assaultive termination of a pregnancy or they could modify the sentencing chapter to make it an aggravating factor in sentencing that a result of the assault was the unwanted termination of a pregnancy.

HB 500

Since the effect of this bill is to terminate State monies being used to cover the medical costs of abortion, we believe that it could have a devastating impact on some of our clients. For example, a woman may be choosing not to bring a child into a home already torn apart by violence or she may be deciding to flee a dangerous home with her children and the cost of carrying and raising an additional child could, in fact, prohibit her from being able to leave. AWAIC does not believe that such a major decision should be clouded by the issue of finances.

Furthermore, much domestic violence takes the form of sexual assault on the mate or incest against the children and it seems patent that the State has an interest in providing the victim of these assaults the widest range of choices.

AWAIC staff does not advocate abortions to any of our clients. We do, however, strive to inform our clients on the available options and we feel that no woman should be forced to bring a child into a violent home or bear a child conceived in violence.

Thank you.

P.O. Box 251  
Petersonburg AK  
99833  
Sept. 14<sup>th</sup> 1981

Rep. Terry Martin  
700 H<sup>o</sup> St. Suite 8  
Anchorage AK 99501

Dear Rep. Martin:

I am adamantly opposed to  
H.B. 500 and H.B. 550.

Such Legislation would constitute  
outright interference into the  
privacy of individuals and into  
family life, both areas sacred  
to Americans.

Yours very truly,  
Polly Luo

P.O. Box 251  
Petersburg AK 99833  
Sept. 14<sup>th</sup> 1981

Chair Mike Bierne  
400 "H" St. Suite 8  
Anchorage AK 99501

Re: H.B. 500  
H.B. 550

Dear Chairman Bierne:

I am adamantly opposed to  
HB 500 and HB 550.

Such Legislation is interference  
into the privacy of individuals and  
interference into family life, both  
areas sacred to Americans.

Please enter this statement into  
the record.

Yours very truly,  
Polly Lee

Dear the time, SEP 17 1981

a letter to let you know of my sentiments regarding abortion:

1 I am totally against the destruction of human life. I want nothing but absolute support with a practice.

2 I believe in the rights of the unborn child!

3 I support your see 500 subject limit payment for abortion waiting from admit want of the protection of the maternal health.

Thank you,

Shirley Valley  
Anchorages Alaska

14 SEP 81 9:06

 ALASCOM

Telegram

02007 TDA SITKA ALASKA 52 09-14 0840A ADT

PMS THE HOUSE HESS COMMITTEE

700 H ST SUITE 8

02866

ANCHORAGE AK 99501

STRONGLY URGE REJECTION OF HB 500 AND 550. THE RIGHT TO CHOOSE  
THE COURSE OF ONE'S LIFE AND THE MOST FAVORABLE CIRCUMSTANCES  
IN WHICH TO BEAR AND RAISE A CHILD IS CENTRAL TO THE FREEDOM  
THAT IS PRESENTLY ENJOYED AND CHERISHED BY AMERICAN WOMEN.  
THESE BILLS REFLECT AN ALARMING EROSION OF HUMAN RIGHTS.

WILLA RABINOVITCH

*WR*

September 14, 1981

Ms. Laura Noland  
1720 W. 11th Ave. #A,  
Anchorage, Alaska 99501

House Committee on Health, Education, and Social Services  
Alaska State Legislature,  
Public Hearing on HB 500 and HB 550

Dear Committee Members,

Good Evening, my name is Laura Noland, I am a resident of Anchorage, Alaska and a student at the Anchorage Community College. I am not a lawyer, therefore I will not discuss the constitutionality of these bills. Although from previous testimony the constitutionality of House Bill 500, and House Bill 550 appears to be in serious doubt. I am a private citizen, and I am also a woman. As a woman I am strongly opposed to both House Bill 500 and House Bill 550.

I believe that both of these bills represent the desires and ideologies of a special interest group. To me these bills represent more than they may appear to on the surface. They are intended as the beginning of the end to a woman's right to reproductive freedom in the state of Alaska, and perhaps the United States, if these groups succeed in mandating their ideologies on the rest of the nation.

Refusing poor women the right to an abortion reduces the choices available to them. Just as making abortion illegal for all women will force many women to choose illegal abortions.

Women will continue to have abortions. That is a fact. If abortion is made illegal in this country then women with the means will leave the country. Women without the resources necessary will have an illegal abortion.

My great grandmother had nine children. She loved everyone of them. She became pregnant for the tenth time, and for reasons known only to herself, decided to give herself an induced abortion, with a coat hanger. She died of gangrene of the uterus.

The point is this, her choices were limited. I refuse to accept proposed legislation that will limit my choices, or that of any other woman, to control my body and life.

I urge the committee not to allow House Bill 500 and 550 to leave the committee.

Thankyou

House HESS Committee Hearing on HB 500,  
September 14, 1981  
Holli I. Ploog, Attorney-at-Law

My name is Holli Ploog and I am an attorney in private practice in Anchorage. As you know, Rep. Beirne, I was legal counsel to the HESS Committee during the 1980 Legislative Session when Rep. Clocksin chaired the committee. Today I am speaking for myself and I wish to address my remarks to HB 500, specifically the constitutionality of this piece of legislation. My intent is to analyze this bill in light of recent state court decisions which were decided under state constitutional provisions similar to those contained in the Alaska Constitution and enunciated by the Alaska Supreme Court.

Recently the highest courts in California and Massachusetts have ruled on state constitutional grounds that if their state's Medicaid program pays for childbirth it must also fund medically necessary abortions.

Both courts interpreted their respective state constitutions to afford greater protection to the right to abortion than the U.S. Supreme Court found in the U.S. Constitution. In McRae v. Harris, 48 LW 4941 (1980), the Supreme Court held that the Federal Constitution does not require the federal government or the states to pay for abortions, even when they are medically necessary. The Court concluded that restricting funding for abortions, while paying the full costs of childbirth, did not significantly interfere in a woman's right to decide about abortion and served the government's legitimate interest in protecting potential human life.

The California and Massachusetts courts determined, however, that under their state's constitutions a woman's right to decide whether to terminate a pregnancy was jeopardized by the funding

restriction and outweighed the state's interest in potential life.

Similarly, the Alaska Supreme Court has made it clear that our constitution provides broader protections than the U.S. Constitution [see Shagloak v. State, 597 P.2d 142 (1979)]. The Alaska Constitution contains an explicit guarantee of the right to privacy which has no parallel in the federal constitution. Alaska Constitution, Article I, section 22. It also sets a higher standard for the doctrine of equal protection. [see State v. Erickson, 574 P.2d 1 (1978); Williams v. Zobel, Op. No. 2170 (Sept. 9, 1980)]. Because the California decision is written in the context of a state constitutional right of privacy, the decision seems predictive of what the Alaska courts may do if faced with the same question.

The issue is whether the state, having enacted a general program to provide medical services to the poor, may selectively withhold such benefits from otherwise qualified persons solely because such persons seek to exercise their constitutional right of procreative choice in a manner that the state does not favor and does not wish to support.

Elective abortions have been covered under the General Relief Medical Assistance Program since 1970. Chapter 103, SLA 1970. Medicaid funds became available in 1972 when the State of Alaska enrolled in the Medicaid Program (see AS 47.07.010-080). Assistance is defined in AS 47.25.300 as "... financial assistance to or on behalf of a needy person, including ... medical needs (including but not limited to, hospitalization, nursing and convalescent care)...." Existing regulations of DHSS specifically provide that payment will be made for family planning services, including abortions not available under Medicaid. See 7 AAC 43.005(c), 7 AAC 43.140(b), 7 AAC 43.835, 7 AAC 47.170.

So, too, the state Medi-Cal program funded outpatient and inpatient medical services for recipients of public assistance and the medically indigent. Abortions, in the absence of funding restrictions, would be funded under the Medi-Cal program.

However, in 1978, 1979 and 1980, budget acts restricted Medi-Cal funding of abortions to occasions 1) when pregnancy would endanger the mother's life, 2) when pregnancy would cause severe and long-lasting physical health damage to the mother, 3) when pregnancy was the result of illegal intercourse, or 4) when abortion was necessary to prevent the birth of a severely defective infant, giving greater latitude in performing abortions than does HB 500.

"By virtue of the explicit protection afforded an individual's inalienable right to privacy by... the California Constitution, the decision whether to bear a child or to have an abortion is so private and so intimate that each woman in this state - rich or poor - is guaranteed the constitutional right to make that decision as an individual, uncoerced by government intrusion," Justice Matthew O. Tobriner wrote for the court. "Because a woman's right to choose is explicitly afforded this constitutional protection... the question of whether an individual woman should or should not terminate her pregnancy is not a matter that may be put to a vote of the Legislature."

The court further held that a public benefits program, that offers such benefits in a fashion that discriminates against the exercise of constitutional rights, can only be upheld if the state can show that the restriction is related to the purposes of the benefit program, that it outweighs any impairment of constitutional rights that may result and that there is no less offensive alternative. This test is similar to the 3 tier test enunciated by the Alaska Supreme Court as a standard for equal protection.

The California Court analyzed the statutory program under this test as follows:

1) The restrictions imposed on poor women's right of procreative choice did not relate to the purposes of the Medi-Cal program. The stated purpose of the program is "to afford health care... to recipients of public assistance and to medically indigent...." The restrictions, in fact, impede this fundamental purpose.

2) In light of the fundamental and intimate nature of the constitutional right of procreative choice and the severe impairment of that right that would in practice result from the restrictions at issue, the utility of imposing such restrictions does not manifestly outweigh the resulting impairment of constitutional rights. What the restriction actually does is threaten the woman's interests in life, health, personal bodily autonomy and her right to decide for herself whether to parent a child. The state is utilizing its resources to ensure that women who are too poor to obtain medical care on their own will exercise their right of procreative choice only in the manner approved by the state. Moreover, the state has not undertaken to protect the potential life of all fetuses by promoting their interests over the constitutional rights of all women, but has singled out poor women and has subordinated only their constitutional right of procreative choice to the concern for fetal life.

3) The scheme does not serve the state interest in providing medical care for indigents in a manner least offensive to the woman's right to procreative choice. The state could readily meet the needs of indigent women without burdening their right of procreative choice simply by funding impartially the expenses of childbirth and abortion.

Recently the Alaska Attorney General reviewed for the governor state choices on funding of general relief abortions in Alaska.

His conclusion was that the only choice that was free from legal difficulties was the choice to continue funding general relief elective abortions. In addition, he concluded that the only choice that might be valid apart from the status quo would be a legislative decision to terminate all elective surgery for those on assistance. Since he concluded that the only choice free from doubt on state funding of medicaid abortions is a decision to continue funding it seems HB 500 cannot withstand constitutional scrutiny and therefore, should not be enacted by this Legislature.

Suzanne Wasilczuk  
Box 2424  
Sitka AK 99835

Rep. Mike Beirne  
Chairman, House HESS Committee  
700 "H" St. Suite 8  
Anchorage AK 99501

Dear Representative Beirne,

I strongly disagree with the Alaska legislature's attempt to bestow personhood on a fetus, as in H.B. 550, and with the limitation on payment for abortions, H.B. 500.

No one is happy about abortions, but until we are able to substitute widespread and readily available means of birth control and far-reaching educational programs on the facts and responsibilities of sexual life, abortions will continue. And even if all the above come true, there will always remain the unfortunate few, victims of ignorance, mischance or rape.

Personhood is a concept best left to religion and philosophy, particularly when the personhood of a fetus is under discussion. And, to essentially force a poor woman to bear a child against her will, by denying her funds that are readily available to the more affluent, regardless of the conditions - rape, poverty, overwork or ill health - is brutal.

Testimony Presented to the House HESS Committee  
Bonnie Boedeker  
September 14, 1981

My name is Bonnie Boedeker, and I am a twenty-nine year resident of Alaska. For many years now, I have had the opportunity of watching the activities of the Alaska Legislature. The lawmakers of this state have always maintained a proud tradition of protecting individual freedoms, and protecting individual privacy. I believe that this tradition has been invaluable in getting lawmakers re-elected.

This committee is now considering HB 500 - a bill that will restrict the reproductive freedom of poor women in this state. I urge you to stop this bill from becoming law.

One thing that I can assure you of tonight, is that women will continue to exercise their reproduction freedom--their right to control their own bodies--regardless of the decision of this committee or of this legislature.

For poor women who want abortions, HB 500 would assure that their main choices are illegal abortion or unwanted childbirth. For most poor women, legal abortion is not a choice, because the cost is prohibitive.

Illegal abortions are cheaper than legal ones, and much more dangerous. There can be no reason other than a woman's desperation for the use of coat hangers, turpentine, lysol and any of a number of painful and risky methods of illegal abortion. Many poor women, knowing about the restriction on public funding of abortions, won't even consult a doctor. They will go straight to an illegal abortionist.

The other option is unwanted childbirth. The risk of death from childbirth is ten times greater than from legal abortion<sup>1</sup>. HB 500 says nothing about the woman for whom an unwanted child is the final burden that resigns her to a life of poverty. Life means more than just physical survival. These women must be afforded the right to choose a life of quality.

Again, for poor women who want abortions, HB 500 would assure that their main choices are illegal abortion or unwanted childbirth. Each choice increases the risk of death, injury and suffering.

Much of opposition to abortion that we have listened to today, concerns the belief that abortion involves killing a human being. You are being asked to answer the question: "What precisely is a human being?". The answer is a matter of religious belief, not scientific fact. There are as many answers as there are individual religious beliefs.

Restrictive abortion funding bills serve no secular purpose. They do not promote health, or save public funds. Their only purpose is to promote a particular religious view into the laws of our country. They violate our religious freedom, they violate our reproductive freedom, and they infringe on our right of privacy.

I would also like to say a few words about HB 550. If the intent of this bill is to protect women against assault, then I commend it. I feel, however, that the Alaskan public is being misled about the intent of this bill. If this bill is truly concerned with the protection of women against assault, then it would have some kind of provision for non-pregnant women. It does not. I believe that the intent of HB 550 is to eventually make all abortions in this state punishable with the charge of first degree murder. Because of this, I urge to reject this piece of legislation.

For women with unwanted pregnancies, there is no alternative to the right to choose abortion. Whatever the decision of this committee or this legislature, women will continue to exercise their reproductive freedom. If there is one more coat hanger abortion that threatens the life of an Alaskan woman, the responsibility will lie with members of this committee, and members of this legislature.

<sup>1</sup> Moore, E. C. Women and Health, United States, 1980. Public Health Reports, Sept. 1980, p.17.



# Telegram

# 02014 NL SITKA AK 50 09-13 29 15 ADT

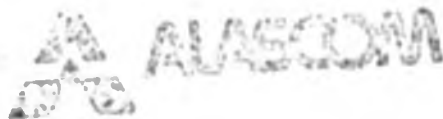
PMS MIKE BEIRNE 277-6219

BOX 4-1539 02841

ANCHORAGE AK 99509

I URGE YOU TO WITHDRAW YOUR ANTI-ABORTION BILL. IT DETRACTS FROM THE RIGHTS OF WOMEN, FORCES WOMEN INTO THE BLACK MARKET FOR ABORTION AND CREATES SUFFERING AND HARDSHIP FOR WOMEN AND UNWANTED CHILDREN. YOUR BILL REPRESENTS A SMALL MINORITY OF PEOPLE WITH TUNNEL VISION.

CANDY RUTLEDGE



# Telegram

# 02018 NL SITKA AK 50 09-13 29 15 ADT

PMS MIKE BEIRNE 277-6219

BOX 4-1539 02845

ANCHORAGE AK 99509

I URGE YOU TO WITHDRAW YOUR ANTI-ABORTION BILL. IT DETRACTS FROM THE RIGHTS OF WOMEN, FORCES WOMEN INTO THE BLACK MARKET FOR ABORTION AND CREATES SUFFERING AND HARDSHIP FOR WOMEN AND UNWANTED CHILDREN. YOUR BILL REPRESENTS A SMALL MINORITY OF PEOPLE WITH TUNNEL VISION.

ROSI GROSS, PUBLIC HEALTH EDUCATOR



13 SEP 81 8: 24

## Telegram

02016 N SITKA AK 50 09-13 29 15 ADT

PMS MIKE BEIRNE 277-6219

BOX 4-1539 02643

ANCHORAGE AK 99509

I URGE YOU TO WITHDRAW YOUR ANTI-ABORTION BILL. IT DETRACTS FROM THE RIGHTS OF WOMEN, FORCES WOMEN INTO THE BLACK MARKET FOR ABORTION AND CREATES SUFFERING AND HARDSHIP FOR WOMEN AND UNWANTED CHILDREN. YOUR BILL REPRESENTS A SMALL MINORITY OF PEOPLE WITH TUNNEL VISION.

MICHAEL SWITIN, PUBLIC HEALTH EDUCATOR

WESTERN

In heritage have made public pronouncements favoring some form of choice on the issue of abortion. In neither the Old nor the New Testament of the Bible is the issue of abortion <sup>even</sup> addressed, therefore there is no clear Scriptural warrant for either position. Yet even the most cursory historical perusal of the life and times of the Biblical peoples will demonstrate that the cessation of pregnancy was rather common under various circumstances, and that sentient life was never thought to begin prior to birth.

So it is that, as a Christian, I can support the right of choice with a clear conscience. Yet, there are those with equally clear conscience who stand on the other side of the fence. You have to listen to both positions, after which you will make a choice. That's the system, and it's a good one. It's a system which supports freedom.

I can only urge that your free choice will not destroy the right to an equally free choice on the part of potential mothers. Grant them the same opportunity to exercise the freedom that you enjoy.

I beg you to

THOSE WHO OBJECT WITH SUCH CERTAINTY THE ONE GOD IS HIS OWN INTERPRETER, HE WILL MAKE IT PLAIN." I BELIEVE THAT YOU DON'T NEED ME OR ANYONE ELSE TO TELL YOU WHAT GOD THINKS, WE COULDN'T DO IT IF WE WANTED TO.

Ladies and gentlemen of the Committee. My name is Richard M. Madden, and I serve as pastor to the Immanuel United Presbyterian Church here in Anchorage.

I wish to begin by making it quite clear <sup>TO YOU</sup> that I am "pro-life." I am also pro-liberty, and I stand ~~equally~~ for the pursuit of happiness. In short, I firmly accept and defend those ideals of government which grant the people of this nation the freedoms so dearly bought, ~~and paid for~~, **SOME OF WHICH YOU HAVE AN UNIQUE OPPORTUNITY TO DESTROY.**

I am a Christian, and just exactly what that means is known only to my God and myself. And that's as it should be, and ~~it~~ always has been. As a Christian, I believe it is my responsibility and my calling to speak about God. However, it is not my right, nor is it anyone else's to arrogantly presume to speak for God.

Despite the fact that you have been bombarded by many voices who tell you what God wants you to do, it is my fervent hope that you will be swayed only by the voice of your own conscience interacting with your understanding of the the just ideals which this country represents.

I am here to make a single position known to you, for ~~the~~ Church and individual churchpeople should be prepared to inform the State, but ~~they~~ must never presume to dictate to, or force ~~their~~ will upon, the State.

Ours is a land of pluralism...religious pluralism, which makes it quite obvious that no one can either identify or represent a single doctrine which could be called The one True Church. Yet it should be pointed out that the vast majority of mainline religious bodies, both Judeo-Christian and

STATEMENT ON HOUSE BILLS 500 and 550

September 14, 1981

By Barbara L. Schuhmann, Chairperson  
Alaska Commission on the Status of Women

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The Commission first adopted a policy statement on abortion on April 26, 1980. We reconsidered and reaffirmed that statement on December 6, 1980. The Commission's policy is as follows:

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We forthwith acknowledge our awareness of the sensitive and emotional nature of the abortion controversy, of the vigorous opposing views, even among physicians, and of the deep and seemingly absolute convictions that the subject inspires. One's philosophy, one's experiences, one's exposure to the raw edges of human existence, one's religious training, one's attitudes toward life and family and their values, and the moral standards one establishes and seeks to observe, are all likely to influence and to color one's thinking and conclusions about abortion. In addition, population growth, pollution, poverty, and racial overtones tend to complicate and not to simplify the problem.

It is difficult to formulate policy on an issue where there is very little middle ground. To some, every abortion performed is the wrongful taking of a human life. To others, every abortion prohibited is uninvited meddling in a difficult and profoundly private decision.

Having been called upon to decide the issue, however, the United States Supreme Court has ruled that, with certain limitations, the decision to bear or not to bear a child lies within the mother's constitutional right of privacy. The Court stated:

This right of privacy ....is broad enough to encompass a woman's decision whether or not to terminate her pregnancy. The detriment that the State would impose upon the pregnant woman by denying this choice altogether is apparent. Specific and direct harm medically diagnosable even in early pregnancy may be involved. Maternity, or additional offspring, may force upon the woman a distressful life and future. Psychological harm may be imminent. Mental and physical health may be taxed by child care. There is also the distress, for all concerned, associated with the unwanted child, and there is the problem of bringing a child into a family already unable, psychologically and otherwise, to care for it. In other cases, as in this one, the additional difficulties and continuing stigma of unwed motherhood may be involved. All these factors the woman and her responsible physician necessarily will consider in consultation.

The United States Supreme Court's position on privacy has a special significance in Alaska. Article I, §22 of our Alaska State Constitution provides:

The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section.

The United States Supreme Court has interpreted the Constitution to provide that abortion is a matter to be dealt with in privacy between physician and patient. The Alaska Constitution reinforces that interpretation by reflecting Alaska's fundamental dedication to the privacy of its citizens. We, therefore, believe the Legislature should carry out the mandate of the State and Federal Constitutions by protecting this precious right.

We have been attentive to the views of those who oppose abortion. We have heard from Pro-Life representatives on several occasions and have reviewed written materials from the Pro-Life point of view. We are mindful of the particular concern that abortion is in some instances being there is

an answer through better sex education, both in and outside the home, which would lead to a more responsible understanding by men and women of their reproductive nature.

Having considered the matter, we oppose and urge the Legislature to oppose legislation on abortion which would destroy the right to privacy by intruding political judgments in the intimate physician-patient relationship. We further oppose and urge the Legislature to oppose legislation which would bar abortions in hospitals funded by the State. Again this would substitute political judgments for medical ones. We favor and urge the Legislature to favor continuation of current funding patterns with respect to abortions for the poor. The poor are least able to cope with unintended pregnancies and their unwanted children often become society's problem.

Thus, for the reasons just cited, the Commission on the Status of Women opposes House Bill 500 or any bill that does not continue current funding patterns with respect to abortions for the poor. In addition, the Commission opposes adoption of House Bill 550, which would destroy the right to privacy of Alaskan women.

The remainder of my comments are personal, and while I have discussed them with other commissioners, I do not represent them to be those of the Commission on the Status of Women.

The wording of House Bill 550 points out the basic problem in attempting to legislate in this entire area. You must realize that the Bill would be unconstitutional under Roe v. Wade, 410 U.S. 113 (1973). I believe it would also be unconstitutional under Alaska's State Constitution, Article I, §§ 3, 7 and 22.

The Bill, as presently worded, would subject the present Alaska statute outlining murder to constitutional challenge for vagueness. Convictions of persons having committed the crime of murder against "persons" could be overturned because the statute, as the bill proposes to amend it, would be too vague. I would very much hate to see convicted murderers obtaining new trials or going free because the legislature had made the statute defining murder unconstitutionally vague.

I would ask that you consider for a moment the effect that HB 550 will have on the people that you are trying to control: girls and women pregnant or who may become pregnant in the future, and their doctors. Although the exception section of HB 550 is very vague, and probably unconstitutionally so, the intent appears to me to allow abortions if consented to by the mother or if performed by a licensed physician where the mother of the fetus would more likely than not die from childbirth. Think for just a moment what the result of such language would be. In the case of

any termination of pregnancy, there would be an investigation to determine whether murder in the first or second degree had been committed. Instead of the burden of proof beyond a reasonable doubt being upon the state, this bill would seem to place a preponderance of the evidence burden upon the accused. That would be the least burden listed in section 3 of the bill.

Do we as a state really wish to have state troopers and district attorneys reviewing the medical records of every abortion performed? I think not.

I would ask the committee to consider the further effects this bill or any similar bill would have upon women considering having a family. Many of my friends in Fairbanks are attempting to become pregnant. They want to start or continue their families, and they have sought medical advice on any problems they may have in that regard.

Some of my friends have suffered as many as three ectopic pregnancies. This is a pregnancy where a fertilized egg implants itself within the Fallopian tubes of the mother. There is no chance that a child can be born as a result of such pregnancy, and, without medical assistance, the death of the mother would be substantially certain. Her death would not come from "childbirth", but rather from the pregnancy itself. Other women also face the possibility of death or serious medical complications not only from childbirth, but from the fact of pregnancy itself. The wording of the bill's exception section would leave them with the option of dying themselves or facing a charge of murder.

Others of my friends undergo medical tests to determine why they may be having trouble in becoming or staying pregnant. These tests oftentimes discover the problems which can then be corrected. There is the possibility with some of the tests that they could cause a miscarriage or "abortion" if the patient were pregnant at the time. Are young women, seeking to become pregnant, to be charged with murder for undergoing such tests because they result in miscarriage? Under HB 550 they would. In addition, many women have various medical problems which make it more likely for them to suffer miscarriage before they have a successful pregnancy. If HB 550 were enacted, why should any woman willingly face a pregnancy, knowing of the likelihood of their suffering a miscarriage and thus an investigation or charge of murder?

In every case, the investigators would be faced with the fact of a miscarriage or abortion, and would have to determine the cause. Thus, I feel HB 550 will have the effect of discouraging women from becoming pregnant. It would be far easier to arrange some method of birth control and never be faced with a murder charge than it would be to attempt to become pregnant, suffer a miscarriage, and be faced with an investigation into the causes, and possibly even be faced with a charge of murder.

In summary, the results I see from passage of HB 550 or any bill similar to HB 550, would be: 1) that it would be declared to be unconstitutional, with the possible result of requiring new trials for persons convicted of murdering other "persons"; 2) it will cause the state to invade an area in which the people have a right to privacy: their personal decisions about medical assistance and procedures; and 3) it will greatly discourage women who know about the bill from becoming pregnant.

I would respectfully suggest that instead of this approach to the question, that your committee and the legislature direct your efforts to trying to help prevent the need for abortions. If there is increased information on birth control and family planning, this will help. If we prevent incest and rape, this will help. If we provide as much medical information and assistance as possible to women who are considering becoming pregnant or who are pregnant, this will help. If we provide assistance to families who have children such as child care assistance, and child abuse prevention, this will help.

I am sure that I speak for the Commission in saying that we would be happy to work together with you in trying to prevent the need for abortions. Neither HB 500 nor HB 550 would prevent the need or likelihood for women to seek abortions. And, for all the reasons just stated, the Commission on the Status of Women opposes passage of House Bills 500 and 550.

Performing Arts Center 2:25

Mr. Chairman & Members of the Committee:

I am Chuck Wheeler & will be reading these remarks for Grant Walther who is unable to be here at this time.

Thank you for re-opening public hearings on the subject of abortion for the first time since 1970. I appreciate this opportunity to express my opinion on House Bill 500.

It is unconscionable to me that the state ~~is~~ should be in the business of funding the execution of children whose only crime was having been conceived ~~in~~ through the fault of someone else. In an age where <sup>the</sup> populus finds capital punishment for heinous crimes abhorrent, isn't it unamerican for the state to be financing the painful, inhumane deaths of innocent children who have not been granted individual trials by jury or due process of law? Just as Nazi war criminals were tried separately at Nuremberg,

Each & every unborn child deserves individual trial to determine guilt or innocence, extermination or life, not blanket state funding of capital punishment for the youngest of all Alaskans in<sup>a</sup> state where none but the unborn may be subjected to the death penalty. The horror of Abortion is more brutal than any gas chamber, electric chair, firing squad or hangmans noose, which punishments are reserved for felonious criminals of the worst degree.

I want to register my support for House Bill 500, getting the state out of the business of funding the extermination of countless little babies each year.

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT.

STATEMENT ON HOUSE BILLS 500 and 550

September 14, 1981

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September 14, 1991

Ms. Laura Noland  
1720 W. 11th Ave. #A,  
Anchorage, Alaska 99501

House Committee on Health, Education, and Social Services  
Alaska State Legislature,  
Public Hearing on HB 500 and HB 550

Dear Committee Members,

Good Evening, my name is Laura Noland, I am a resident of Anchorage, Alaska and a student at the Anchorage Community College. I am not a lawyer, therefore I will not discuss the constitutionality of these bills. Although from previous testimony the constitutionality of House Bill 500, and House Bill 550 appears to be in serious doubt. I am a private citizen, and I am also a woman. As a woman I am strongly opposed to both House Bill 500 and House Bill 550.

I believe that both of these bills represent the desires and ideologies of a special interest group. To me, these bills represent more than they may appear to on the surface. They are intended as the beginning of the end to a woman's right to reproductive freedom in the state of Alaska, and perhaps the United States, if these groups succeed in mandating their ideologies on the rest of the nation.

Refusing poor women the right to an abortion reduces the choices available to them. Just as making abortion illegal for all women will force many women to choose illegal abortions.

Women will continue to have abortions. That is a fact. If abortion is made illegal in this country then women with the means will leave the country. Women without the resources necessary will have an illegal abortion.

My great grandmother had nine children. She loved everyone of them. She became pregnant for the tenth time, and for reasons known only to herself, decided to give herself an induced abortion, with a coat hanger. She died of gangrene of the uterus.

The point is this, her choices were limited. I refuse to accept proposed legislation that will limit my choices, or that of any other woman, to control my body and life.

I urge the committee not to allow House Bill 500 and 550 to leave the committee.

Thankyou

ALASKA STATE LEGISLATURE - HOUSE OF REPRESENTATIVES

IN SESSION

POUCH V  
JUNEAU ALASKA 99811  
TELEPHONE (907) 485-4948



SUITE 1, 1020 "I" STREET  
ANCHORAGE, ALASKA 99501  
TELEPHONE (907) 277-6219

REP. M. F. "MIKE" BEIRNE  
DISTRICT 7, ANCHORAGE

MEMBER OF  
FIFTH STATE LEGISLATURE  
NINTH STATE LEGISLATURE  
TENTH STATE LEGISLATURE  
ELEVENTH STATE LEGISLATURE

COMMITTEES  
HEALTH  
EDUCATION AND  
SOCIAL SERVICES  
COMMITTEE FOR REVIEW  
OF REGULATIONS

SEPTEMBER 23, 1981

Gail Dalley  
9499 Brayton Drive #317  
Anchorage, Ak. 99507

Dear Gail,

Thank you for your recent letter expressing support for HB 500.

Our hearings last Monday generated much public interest. A healthy exchange of information regarding this important issue should prove valuable in preparing the legislature to confront this bill when the new session starts. Our agenda is not set at this time, but we will certainly give this legislation proper attention in January. Further public hearings in other communities are a possibility.

Again, thank you for taking the time to write. I will take your views into account when further action is taken regarding this legislation.

Sincerely,

Mike Beirne  
State Representative



## *Abused Women's Aid in Crisis, Inc.*

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TESTIMONY ON HOUSE BILLS 500 and 550  
September 14, 1981

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My name is Karla Huntington. I am an attorney with Abused Women's Aid in Crisis, which I will refer to as AWAIC, and I am testifying on behalf of AWAIC. As most of you know, AWAIC is a non-profit corporation that offers both shelter for battered women and their children and a counseling program for men who have problems with violence. We wish to comment on HB 500 and HB 550 because we believe they will impact our clients and, therefore, we need this Committee to be aware of our concerns.

First I wish to comment on HB 550. We are encouraged to see that the sponsors of this bill recognize the aggravated nature of an assault that interrupts a pregnancy. We believe that no woman's choice to bear a child should be invaded by violent assault. It is not uncommon for a woman to be assaulted by her mate when she is pregnant, in fact, many times the first incidence of violence in a family occurs when the woman becomes pregnant and the blows are directed specifically at the stomach area. We agree with the spirit of HB 550 in so far as it asserts that the State has a legitimate interest in imposing harsh sanctions on any assailant whose actions result in miscarriage. We are, however, concerned with the sponsors choice to place these sanctions under the homicide chapter. There will be four major practical problems if this form of assault is classified as murder:

1. The woman, and major witness, will frequently have complex emotional attachments to the assailant. It is difficult enough for a woman to come forth and report domestic assault. I believe that very few women will even consider coming forth if the result will be that their husband or mate is prosecuted for murder.
2. Prosecution by the State will be difficult and costly. Usually there will be no outside witnesses and the State will need to prove extensive medical testimony, which will lengthen the trial. A person charged with murder is not as apt to plead guilty or no contest as is a person charged with assault.
3. Our present criminal code and this bill do not provide a definition for "fetus" and, therefore, to place it in the homicide chapter without careful study of how any definition of fetus would interact with the rest of Alaskan statutes seems premature and dangerously vague.
4. We believe that the interest to be protected is that of the woman. She is the person whose bodily integrity is

Administration  
417 W. 8th Avenue  
Anchorage, AK 99501  
(907) 279-9581

Women's Shelter  
POB 4-619  
Anchorage, AK 99509  
(907) 274-4561

Male Awareness  
417 W. 8th Avenue  
Anchorage, AK 99501  
(907) 277-2115

4. (cont.)

being violated and our present criminal code places invasions of bodily integrity, which do not result in death of a person) under the assault statutes.

Therefore, we would recommend that the Committee consider alternative placement and, for example, either structure a separate degree of assault that would speak directly to the assaultive termination of a pregnancy or they could modify the sentencing chapter to make it an aggravating factor in sentencing that a result of the assault was the unwanted termination of a pregnancy.

HB 500

Since the effect of this bill is to terminate State monies being used to cover the medical costs of abortion, we believe that it could have a devastating impact on some of our clients. For example, a woman may be choosing not to bring a child into a home already torn apart by violence or she may be deciding to flee a dangerous home with her children and the cost of carrying and raising an additional child could, in fact, prohibit her from being able to leave. AWAIC does not believe that such a major decision should be clouded by the issue of finances.

Furthermore, much domestic violence takes the form of sexual assault on the mate or incest against the children and it seems patent that the State has an interest in providing the victim of these assaults the widest range of choices.

AWAIC staff does not advocate abortions to any of our clients. We do, however, strive to inform our clients on the available options and we feel that no woman should be forced to bring a child into a violent home or bear a child conceived in violence.

Thank you.

P.O. Box 251  
Petersonburg AK  
99833  
Sept. 14<sup>th</sup> 1981

Rep. Terry Martin  
700 "H" St. Suite 8  
Anchorage AK 99501

Dear Rep. Martin:

I am adamantly opposed to  
H.B. 500 and H.B. 550.

Such legislation would constitute  
outright interference into the  
privacy of individuals and into  
family life, both areas sacred  
to Americans.

Yours very truly,  
Polly Lee —

P.O. Box 251

Petersburg AK 99833

Sept. 14<sup>th</sup> 1981

Chair Mike Bierne  
400 "H" St. Suite 8  
Anchorage AK 99501

Re: H.B. 500  
H.B. 550

Dear Chairman Bierne:

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H.B. 500 and H.B. 550.

Such Legislation is interference  
into the privacy of individuals and  
interference into family life, both  
areas sacred to Americans.

Please enter this statement into  
the record.

Yours very truly,  
Polly Lee

9-14-81

Dear Rep Seine, SEP 17 REC'D

A letter to let you know of my sentiments regarding abortion:

- ① I am totally against the destruction of human life. I resent having tax dollars support such a practice.
- ② I believe in the rights of the unborn child!
- ③ I support House Bill 500 which limits payment for abortions resulting from a direct result of the protection of the mother's health.

Thank you,  
 Sue Dally  
 Anchorage, Alaska

*Jaws*

Alaska Civil Liberties Union,  
affiliate of the American  
Civil Liberties Union  
P. O. Box 10-1226  
Anchorage, Alaska 99511

The Hon. Terry Martin  
Alaska House of Representatives  
Pouch V  
Juneau, Alaska 99811

Re: HB 500 and HB 550

Dear Representative Martin:

At the recent hearing on HB 500 and HB 550, you requested that I provide you with a copy of the American Civil Liberties Union's policy on abortion. I am pleased to include a copy of that policy.

As I discussed in my testimony, the recent decision in Moe v. Secretary, 517 N.E.2d 387 (Mass. 1981), which struck down a bill practically identical to HB 500 on the grounds that it violated the right to privacy and due process in the Massachusetts constitution, recognized the constitutional invalidity of bills such as HB 500. A member of the ACLU's national Board of Directors represented the plaintiffs in that case. As I testified, the opinion of the Alaska Civil Liberties Union is that the pertinent provisions of the Massachusetts and Alaska constitutions are sufficiently alike so as to render the constitutionality of HB 500 highly suspect. The Alaska Civil Liberties Union urges the Committee to refuse to approve HB 500 and HB 550.

A copy of this letter is being sent to other members of the Committee.

Sincerely,

*James S. Crane*

James S. Crane  
On behalf of the Alaska  
Civil Liberties Union

JSC:kh

*(17)*

## Abortion

The ACLU asserts that a woman has a right to have an abortion -- that is, a termination of pregnancy prior to the viability of the fetus -- and that a licensed physician has a right to perform an abortion, without the threat of criminal sanctions. In pursuit of this right the Union asks that state legislatures abolish all laws imposing criminal penalties for abortions.<sup>1/</sup> The effect of this step would be that any woman could ask a doctor to terminate a pregnancy at any time.<sup>2/</sup> In turn, a doctor could accede to the woman's request in accordance with the physician's professional judgment without fear of criminal prosecution. Thus, the decision of whether or not to continue a pregnancy would become one of the woman's personal discretion and the doctor's medical opinion. Both would be free to follow their private consciences in determining whether their religious or moral standards were being violated. No fear of criminal punishment would enter into the decision.

The ACLU holds that every woman, as a matter of her right to the enjoyment of life, liberty, and privacy, should be free to determine whether and when to bear children. The Union itself offers no comment on the wisdom or the moral implications of abortion, believing that such judgments belong solely in the province of individual conscience and religion. We maintain that the penal sanctions of the state have no proper application to such matters.

HR 30  
The discriminatory effect of the prohibition of abortion involves another area of civil liberties interest, that of equality. The rich can circumvent or violate the law with impunity, but the poor are at the law's mercy. This treatment is simply too unequal for civil libertarians to accept. Moreover, the very tendency of the law to be so arbitrarily applied and so widely ignored itself weakens the principle of the rule of law which is essential to the protection of civil liberties.

<sup>1/</sup> The termination of a pregnancy prior to the time when a fetus could live outside of the mother's body is what is medically defined as an abortion. The medical profession appears to agree that such independent viability could not occur until sometime after the twentieth week of pregnancy and, as a practical matter, even with the best medical care now available, not until several weeks later.

<sup>2/</sup> Caesarian sections -- the termination of a pregnancy after the fetus has become capable of living independently -- are not customarily regulated by the criminal laws.

Although the social and medical problems created by prohibition of abortion are without doubt extremely serious (for example, the physical, psychological, and social costs of backstreet abortions, and the consequences to the mother, her unwanted child, and the rest of her family when not even a criminal abortion is available), in pressing for legislative abolition of the abortion laws the Union is guided by its desire to protect and promote the civil liberties of all citizens. We believe that the abortion laws violate civil liberties in the following specific ways:

1) They deprive women of the liberty to decide whether and when their bodies are to be used for procreation, without due process of law.

2) They infringe upon the right to decide whether and when to have a child, that is, the marital right of privacy.

3) They deny to women in the lower economic groups the equal protection of the law guaranteed by the Fourteenth Amendment, since abortions are now freely available to the rich but unobtainable by the poor.

4) They are unconstitutionally vague.

5) They impair the right of physicians to practice in accordance with their professional obligations in that they forbid doctors to perform what their professional judgment may dictate as a necessary medical procedure. In many cases their failure to perform this medical procedure would, but for the statutory prohibitions on abortion, amount to malpractice.

Total repeal of all such laws will meet these civil liberties criteria. [Board Minutes, January 25, 1968; News Release, March 25, 1968.]

1344 K Street  
Anchorage, AK 99501  
September 15, 1981

Representative M.F. Beirne  
Suite 1, 1020 I Street  
Anchorage, AK 99501

Representative Beirne:

I attended the hearings on House Bills 500 and 550 this week but did not have the opportunity to testify. I request that the following testimony be forwarded to the other members of the committee and be included in the record.

I am an Anchorage resident and voter. I strongly oppose both bills and urge the Committee to oppose them as well. My opposition comes from a background as a former social worker and recent law school graduate and from personal convictions. I have concerns relating to both bills and to each bill specifically.

I find both bills antithetical to our fundamental notion of the separation of church and state. I was shocked to hear testimony before the Committee quoting the Bible as a source for the bills. Our laws cannot reflect the religious tenets of any particular groups. I see no secular purpose in these bills; I see them only as promoting a particular set of religious beliefs. I do not believe there is a purpose of saving taxpayer monies, particularly when there is talk of providing economic incentives for carrying unwanted pregnancies to term and with the additional costs of welfare for such children. Any attempt to write the beliefs of a religious group into law is contrary to the United States Constitution and personally abhorrent.

If a woman's religious beliefs do not allow her to choose an abortion, no one is suggesting that she do so or forcing her to do so. But that does not mean that a woman with different convictions should have that option foreclosed when the right to an abortion is guaranteed by the Supreme Court's decision in Roe v Wade.

Re: Bill 500

Medicaid was established to equalize medical services between the poor and the rich. Bill 500 discriminates against poor women in their ability to obtain medical services to which they have a right. Middle and upper income women will be able to obtain safe, legal abortions. It is only poor women (and, apparently, women in the employ of the state of Alaska) who are discriminated against by this bill. Poor women seeking a particular medical service should not be singled out. Alaska has a strong guarantee of equal protection in its laws and Constitution. This is something of which we should be proud. This bill violates that guarantee.

In addition, our state constitution expressly guarantees the right to privacy. What decision can be more private than the decision of whether to bear a child? The government should

not be an invisible partner in this decision, which affects all aspects of a woman's life. Yet elimination of funding for abortions for women dependent of state assistance makes the government such a partner. For these women, there is no longer a decision that can be made.

During the hearings I heard much said about the availability of adoption as an alternative to abortion. Poor women should not be forced to bear children for the rich who are unable to bear their own. I hate to think of the implications of such a notion. Yet to me, this is what the advocates of adoption over abortion are saying. In addition, there are many older and handicapped children waiting for families to adopt them. Attention should be turned to them.

It is simply unrealistic to think adoption is a viable alternative to abortion for those women who do not wish to raise a child or another child. Each time I hear this argument raised a family I worked with as a social worker comes to my mind. The mother had two children already in the custody of the state due to her neglect and inability to care for them. She was young, uneducated, unskilled, had no family, a husband in prison. She became pregnant and made the decision, on her own and without prompting from any welfare or social service officials, to have an abortion. Without medicaid funding, abortion would not have been possible for her. She would have carried an unwanted pregnancy to term, but I can assure you she never would have released it for adoption. The only way that child would have been available for adoption would have been through lengthy court proceedings initiated by the state to have the child adopted without the parents' consent. And she would fought such proceedings every step of the way, as she had previous proceedings regarding her children. Those two children already had severe emotional problems and scars that will follow them their entire lives. This is just one instance. I could describe others. I am sure there are thousands. Adoption is not a realistic alternative.

The lack of provisions for funding abortions for victims of rape or incest is cruel. Simply cruel. How can we say we care about the protection of women and then force poor women to be constantly reminded of their victimization by forcing them to carry its result to term? No victim of rape or incest should be forced into such a position.

Finally, it appears that the bill would prohibit employees of the state of Alaska from receiving abortions through their health insurance programs. The issues raised above would apply equally to these women. They should not be discriminated against because they happen to work for our state.

Re: Bill 550

There are adequate criminal statutes to deal with the problem allegedly addressed by Bill 550 and it is therefore unnecessary. If the real concern and intent of this bill is to protect women, than a substitute bill dealing solely and explicitly with this issue should be drafted.

My belief, however, is that the protection of women is not

in fact the real impetus behind the bill. I believe Bill 550 is a backdoor attempt to make all abortions illegal and thus is unconstitutional under both the Alaska and U.S. Constitutions.

I strongly oppose both Bill 500 and Bill 550 and urge this Committee to do the same.

Respectfully submitted,

*Terri Ann Pollock*


Terri Ann Pollock

September 2 1981

Representative Mike Beirne  
Representative Terry Martin

Last week for a short time I attended the hearing  
re House Bills 500 and 550. First I would like  
to say there was little publicity re the hearing which  
I questioned being held in conjunction with a meeting  
by a religious group.

I think the wording in the bill numbered 550 is  
terrible and disgusting.  
I think if the legislators could spend as much  
time to develop a bill which would care for all of the  
unwanted and neglected children already here on earth  
a great service would be given to the State of Alaska.  
This subject is one which no one can win and some  
legislators will not win future elections.



Betty Thielson

Box 4-744

Anchorage, Alaska 99509

Dear Members of the Alaska State House HESS Committee:

A recent article in the Anchorage Times brought to my attention an appalling example of bias on the part of your committee. While I had always thought that hearings were supposed to be a means of hearing how the public feels about specific issues, your committee has set up hearings on two bills, HB 500 and HB 550, in such a way as to clearly weight the testimony in a particular direction. By holding the hearings along with a structured Right to Life convention you enable groups with a certain viewpoint to have easy access and to have free / easy publicity to their members. Members of the public with other points of view would have to make a special trip and would have to develop a means of notifying people who would be interested in presenting alternative views. I hope that members of the Committee recognize this built-in bias and do not count number of people testifying in favor of the bill.

For the record, I would like to state my opposition to both bills. Alaska currently does not discriminate against poor people by providing for needed health care services, including abortion. HB500 would mean that poor people would no longer have the same access

to medical services as people with money. HB 550 is vague and raises many questions\*.

As a mother of a 2 1/2 year old and a 10-month old, I feel very strongly about a child's right to be wanted. Even with access to abortion services, too many unwanted children are born. The rising incidence of child abuse and neglect are extreme examples of the poor environment a child can find him or herself in. Think of the children and their right to loving homes where they are truly wanted!

Please do not pass HB 500 or HB 550

Thank you.

Peggy Wilson  
247 Vanderbilt Circle  
Anchorage, Alaska 99507

\* If I need it, if I used certain birth control methods I would be performing murder.

ANCHORAGE ASSOCIATION OF WOMEN LAWYERS

POST OFFICE BOX 3882

ANCHORAGE, ALASKA 99510

TESTIMONY ON HOUSE BILL 500

PUBLIC HEARING

BEFORE HOUSE HESS COMMITTEE

September 14, 1981

Anchorage

Good afternoon. My name is Susan A. Vaillancourt. I will testify today as president of the ANCHORAGE ASSOCIATION OF WOMEN LAWYERS against House Bill 500.

House Bill 500 is entitled "an act limiting the use of state money to pay for abortions." This bill is abhorrent to the constitutional rights of Alaska citizens. It should not be allowed to pass out of this committee.

The right to decide whether to continue or terminate one's pregnancy is founded in the constitutional right to privacy. See, Roe v. Wade, 401 U.S. 113 (1973).

The Alaska Constitution, contrasted to the federal constitution, has an express, rather than implied, right to privacy. Article I, Section 22. Our Supreme Court has consistently maintained that our right of privacy affords greater protection than does the federal constitution. See, e.g., Skagloak v. State, 597 P.2d 142 (AK, 1979); State v. Glass, 583 P. 2d 872 (AK, 1978); Hayler v. State, 517 P.2d 494 (AK, 1975).

While the language of this bill has the potential of effecting many areas of state funds, let us focus on the state medical assistance program. The effect of this bill to a person receiving medical assistance is that it requires the recipient to waive her constitutional right to privacy in order to receive this state benefit. This is tantamount to a situation which would require a recipient to waive his or her constitutional due process rights to a involuntary commitment hearing in order to receive mental health assistance. Such a result is deplorable.

The legislature cannot make a law to abridge a constitutional right such as the right to privacy. This bill is broadly drafted to prohibit the use of state medical aid funds, welfare funds, any state benefits or dividends or even state salaries for payment of elective or non-elective abortions except in rare cases. This bill makes no exceptions for abortions required for victims of rape or incest. It does not permit a woman and her doctor to make a sound medical and personal decision that a pregnancy should be terminated to prevent serious and permanent damage to the health of the mother or of the fetus. Unquestionably, this bill has substantial impact on a woman's right of privacy regardless of whether the fetus has any potential for surviving, healthy or otherwise. If this bill becomes law, it will undoubtedly be struck down under the Alaska Constitution as a measure which unduly restricts a woman's access to abortions and which directly interferes with protected activity.

It should be noted that the Hyde Amendment upheld by the United States Supreme Court in Harris v. McRae, 100 S.Ct. 2671 (1980) under the more narrow federal right to privacy, at least provided for

abortions for victims of rape and incest. The Hyde Amendment addressed in the Harris case limited use of federal medicaid funds for abortions except in a few cases.

It is also evident that this bill would not pass an equal protection challenge under the Alaska Constitution. In Harris v. McRae, supra, the U.S. Supreme Court upheld the Hyde Amendment against equal protection challenge based on the least stringent analysis afforded under the federal constitution. It is recognized, however, that the Alaska Constitution affords a more stringent standard for equal protection. See, Commercial Fisheries Entry Commission v. Apokedak, 606 P.2d 1255 (AK.1980). Under such scrutiny, House Bill 500 would be struck down.

Finally, this bill cannot be logically justified as a measure to prevent government spending or even government spending on abortions. If this bill were to pass, the result would be that state spending would shift from abortion services to abortion-related litigation. We should not allow state government and state programs to advocate a special interest position such as the anti-choice position advanced by this bill. It would be more appropriate to allow those special interest groups to attempt to influence individual choice through their education and service programs rather than restricting a person's decision-making process by state sanctioned economic barriers.

I urge you not to allow this bill to pass out of this committee. Thank you.

My name is Mary Wheelock, I live at 5301 Dorbrandt St. #2, Anchorage Ak, 99502, district 12. I vote and I'm a member of the Prochoice Coalition.

I'm here testifying to appeal to you all <sup>against</sup> Bill 500, which will eliminate needed health care for poor women.

At the present I'm a divorced single parent who works part time and goes to school full time. I'm on various welfare programs right now, which include Aid to Dependent Children, Medicaid, Alaska State Housing Authority section 8, and the Day Care Assistance Program.

Without these programs I wouldn't be able to provide for my 5½ year old boy.

Since I'm a woman on welfare I truly know how valuable these programs are. In my life right now if for some reason Bill 500 passes and I were to become pregnant my school would have to be postponed, I would have to quit my part time job in order to raise another child.

The results..... more programs and welfare money I would need from the state. I probably would be on welfare longer than I hoped to be and everything I am working towards in life would have to wait.

I would like to quote a lady who wrote to the editor of the Daily News. (quote) "Women with money can choose to have an abortion, poor women can't. The devastating effects of unplanned, unwanted, untimely pregnancy on women's life of an unwanted child and our society at large are well documented.

In money terms state payment of abortion for poor women makes more sense economically than supporting unwanted children through Aid to Dependent Children programs.

The cost to tax payers is \$4,800 per year to support one woman with one child on Aid to Dependent Children, while it costs a fraction of that for the state to pay for an abortion." (end of quote)

Right now the State of Alaska wouldn't deny me money under the Medicaid program if I needed a cancer operation, why should there be a limit to state funding for abortions, if I need one??

Our Alaska Constitution was molded after "individual privacy and freedom" with the rights to "reproductive freedom."

In my case just because I'm an indigent person should these rights be denied me. These individual rights are what make our state so unique. Let me have the right to choose and the rights to my "individualism" that is guaranteed in the Alaska Constitution.

Mr. Chair and members of the committee, don't let Bill 500 go any farther, let state funding be available for poor women in my position to have abortions if the need arises, and let us have our individual freedom of choice.

Rt. 1, Box 1282  
Kenai, Ak 99611  
September 3, 1981

Mike Beirne  
P.O. Box 4-1539  
Anchorage, AK 99509

Mr. Beirne:

I strongly oppose both HB 547 and HB 550. I feel it is unfair to impose on poor women no choice because they lack the funds to get a safe abortion if that is their choice. I also feel that saying a fetus is a human life to have grounds to press charges for murder when the fetus is miscarried through a violent act done to the pregnant woman is abhorable and totally unreasonable and throughly inflaming. I know there are other ways to protect the life of a fetus and the life of the mother from acts of violent crimes. I urge you to spend more time passing laws that protect women from violent acts and then there will be no need for laws like HB550.

Sincerely,

  
Ruth Johnson

P.S. I hope that science soon will make it possible for all men to carry and bear children through whatever means so I don't have to listen to this.

14 September 1981  
Hearing on HB 500 and HB 550  
Performing Arts Center, UAA  
Anchorage, Alaska

My name is Dorothy Patterson and I reside in Anchorage, Alaska, Voting District #7. I am the natural mother of four children and presently three grandchildren.

I have been a voter for 35 years and bills such as HB 500 and HB 550, I believe to be hopeful mandates from special interest groups which I believe to be Anti-Choice.

It offends my personal sensibilities and my civic responsibilities to know Anti-Choice people wish to legislate their ideas into other peoples lives.

HB 500 would make it impossible for poor women to obtain abortions regardless of the reason. It would however, not in anyway prevent wealthy women from having abortions, since they could afford to travel outside the state or the country to have their abortions.

HB 500 is a discriminatory Bill. It discriminates against that class of poor women which is against the intent of taxpayers, personal freedom, and the right to privacy. Poor people must also pay taxes. To force a woman to carry an unwanted child would only serve to intensify and multiply their problems both financially and emotionally. Forcing a woman to bear an unwanted child by means of withholding the funds necessary to pay for her abortion would afflict an undue burden on the total family life of a married woman. I believe in protection of each individual member of the family and the family as a whole. I believe in a quality family life, one which all families are entitled to.

When a woman, married or single, is pregnant through rape or incest, she is already suffering a frightful and almost unendurable experience which would in most circumstances present psychological problems for her for the rest of her life. Being unable to have a wanted abortion would certainly be detrimental to the woman, the family and the unwanted child. It would, in my opinion, be criminal to withhold state funds to prevent an abortion any woman may choose to have for any reason.

I trust this panel of legislators will take a good look at HB 500 which appears to be asking for legal discrimination of poor women who may need or choose abortion for themselves - and vote against it.

HB 550 is unclear to me. To my knowledge there has never been a constitutional definition of the term or word "fetus". I hope this panel will likewise vote against HB 550.

# "How we respect life is over-riding moral issue . . ."

By THE REV. JESSE L. JACKSON

The question of "life" is The Question of the 20th century. Race and poverty are dimensions of the life question, but discussions about abortion have brought the issue into focus in a much sharper way. How we will respect and understand the nature of life itself is the over-riding moral issue, not of the Black race, but of the human race.

The question of abortion confronts me in several different ways. First, although I do not profess to be a biologist, I have studied biology and know something about life from the point of view of the natural sciences. Second, I am a minister of the Gospel and therefore, feel that abortion has a religious and moral dimension that I must consider. Third, I was born out of wedlock (and against the advice that my mother received from her doctor) and therefore abortion is a personal issue for me.

From my perspective, human life is the highest good, the summum bonum. Human life itself is the highest human good and God is the supreme good because He is the giver of life. That is my philosophy. Everything I do proceeds from that religious and philosophical premise. Life is the highest good and therefore you fight for life, using means consistent with that end.

Life is the highest human good not on its own naturalistic merits, but because life is supernatural, a gift from God. Therefore, life is the highest human good because life is sacred. Biologically speaking, thousands of male sperms are ejaculated into the female reproductive tract during sexual intercourse, but only once in a while do the egg and sperm bring about fertilization. Some call that connection accidental, but I choose to call it providential. It takes three to make a baby: a man, a woman and the Holy Spirit.

I believe in family planning. I do not believe that families ought to have children, as some people did where I was growing up, by the dozens. I believe in methods of contraception — prophylactics, pills, rhythm, etc. I believe in sex education. We ought to teach it in the home, the school, the church, and on the television. I think that if people are properly educated sexually they will appreciate the act and know its ultimate function, purpose and significance.

Only the name has changed

In the abortion debate one of the crucial questions is when does life begin. Anything growing is living. Therefore human life begins when the sperm and egg join and drop into the fallopian tube and the pulsation of life take place. From that point, life may be described differently (in an egg, embryo, fetus, baby, child, teenager, adult), but the essence is the same. The name has changed but the game remains the same.

Human beings cannot give or create life by

themselves, it is really a gift from God. Therefore, one does not have the right to take away (through abortion) that which he does not have the ability to give.

Some argue, suppose the woman does not want to have the baby. They say the very fact that she does not want the baby means that the psychological damage to the child is reason enough to abort the baby. I disagree. The solution to that problem is not to kill the innocent baby, but to deal with her values and her attitude toward life — that which has allowed her not to want the baby. Deal with the attitude that would allow her to take away that which she cannot give.

Some women argue that the man does not have the baby and will not be responsible for the baby after it is born, therefore it is all right to kill the baby. Again the logic is off. The premise is that the man is irresponsible. If that is the problem, then deal with making him responsible. Deal with what you are dealing with, not with the weak, innocent and unprotected baby. The essence of Jesus' message dealt with this very problem — the problem of the inner attitude and motivation of a person. "If in your heart . . ." was his central message. The actual abortion (effect) is merely the logical conclusion of a prior attitude (cause) that one has toward life itself. Deal with the cause not merely the effect when abortion is the issue.

Measure, pain and suffering

Some of the most dangerous arguments for abortion stem from popular judgments about life's ultimate meaning, but the logical conclusion of their position is never pursued. Some people may, unconsciously, operate their lives as if pleasure is life's highest good, and pain and suffering man's greatest enemy. That position, if followed to its logical conclusion, means that that which prohibits pleasure should be done away with by whatever means are necessary. By the same rationale, whatever means are necessary should be used to prevent suffering and pain. My position is not to negate pleasure nor elevate suffering, but merely to argue against their being elevated to an ultimate end of life. Because if they are so elevated, anything, including murder and genocide, can be carried out in their name.

Often people who analyze and operate in the public sphere (some sociologists, doctors, politicians, etc.) are especially prone to argue in these ways. Sociologists argue for population control on the basis of a shortage of housing, food, space, etc. I raise two issues at this point: (1) It is strange that they choose to start talking about population control at the same time that Black people in America and people of color around the world are demanding their rightful place in human citizens and their rightful share of the



THE REV. JESSE JACKSON

material wealth in the world. (2) People of color are for the most part powerless with regard to decisions made about population control. Given the history of people of color in the modern world we have no reason to assume that whites are going to look out for our best interests.

Politicians argue for abortion largely because they do not want to spend the necessary money to feed, clothe and educate more people. Here arguments for inconvenience and economic savings take precedence over arguments for human value and human life. I read recently where a politician from New York was justifying abortion because they had prevented 10,000 welfare babies from being born and saved the state \$15 million. In my mind serious moral questions arise when politicians are willing to pay welfare mothers between \$300 to \$1000 to have an abortion, but will not pay \$20 for a hot school lunch program to the already born children of these same mothers.

I think the economic objections are not valid today because we are confronted with a whole new economic problem. The basic and historic economic problem has been the inability to feed everyone in the world even if the will were there to do so. They could not produce enough to do the job even if they wanted to. An agrarian and disconnected world did not possess the ability to solve the basic economic problem. That was tragic, but hardly morally reprehensible. Today, however, we do not have the same economic problem. Our world is basically urban, industrial, interconnected, and technological so that we now, generally speaking, have the ability to feed the peoples of the world but lack the political and economic will to do so. That would require basic shifts of economic and political power in the world and we are not willing to pay that price — the price of justice. The problem now is not the ability to produce but the ability to distribute justly.

Psychiatrists, social workers and doctors often argue for abortion on the basis that the child will grow up mentally and emotionally scared. But who of us is complete? If incompleteness were the criteria for taking life we would all be dead. If you can justify abortion on the basis of emotional incompleteness, then your logic could also lead you to killing for other forms of incompleteness — blindness, crippiness, old age.

#### Life is public and universal

There are those who argue that the right to privacy is of higher order than the right to life. I do not share that view. I believe that life is not private, but rather it is public and universal. If one accepts the position that life is private, and therefore you have the right to do with it as you please, one must also accept the conclusion of that logic. That was the premise of slavery. You could not protest the existence or treatment of slaves on the plantation because that was private and therefore outside of your right to be concerned.

Another area that concerns me greatly, namely because I know how it has been used with regard to race, is the psycholinguistics involved in this whole issue of abortion. If something can be dehumanized through the rhetoric used to describe it, then the major battle has been won. So when American soldiers can drop bombs on Vietnam and melt the faces and hands of children into a hunk of rolling protoplasm and in their minds say they have not maimed or killed a fellow human being, something terribly wrong and

sick has gone on in that mind. That is why the Constitution called us three-fifths human and then whites further dehumanized us by calling us "niggers." It was part of the dehumanizing process. The first step was to distort the image of us as human beings in order to justify that which they wanted to do and not even feel like they had done anything wrong. Those advocates of taking life prior to birth do not call it killing or murder, they call it abortion. They further never talk about aborting a baby because that would imply something human. Rather they talk about aborting the fetus. Fetus sounds less than human and therefore can be justified.

In conclusion, even if one does take life by aborting the baby, as a minister of Jesus Christ I must also inform and-or remind you that there is a doctrine of forgiveness. The God I serve is a forgiving God. The men who killed President John F. Kennedy and Dr. Martin Luther King, Jr. can be forgiven. Everyone can come to the mercy seat and find forgiveness and acceptance. But, and this may be the essence of my argument, suppose one is so hard-hearted and so indifferent to life until he assumes that there is nothing for which to be forgiven. What happens to the mind of a person, and the moral fabric of a nation, that accepts the aborting of the life of a baby without a pang of conscience? What kind of a person, and what kind of a society will we have 20 years hence if life can be taken so casually?

It is that question, the question of our attitude, our value system, and our mind-set with regard to the nature and worth of life itself that is the central question confronting mankind. Failure to answer that question affirmatively may leave us with a hell right here on earth.

*(The Rev. Jesse Jackson, well-known Black leader and civil rights activist, is president of People United to Love Humanity (PUSH), a Chicago-based organization dedicated toward economic, political and cultural independence for the Black people.)*

January, 1977

NATIONAL RIGHT TO LIFE NEWS 3

# MCCL

A PRO-LIFE MOVEMENT

4803 Nicollet Avenue Minneapolis, Minnesota 55409  
(612) 825-6831

Cont from pg. 1

### DOCTORS' RACIST STATEMENTS BRING STRONG CONDEMNATION

Association (CDA), said, "I am outraged at the racist statements of Dr. Alfred. Our organization will be looking very closely at any and all positions who support the funding of abortion centers and providers." Macias continued, "Any Democrat who in any way is supporting abortions will certainly not receive the support of the Chicano Demo. the Association."

Irma Castro, Executive Director of the Chicano Federation, when informed of the genocidal statements of Dr. Alfred in support of abortions was aghast. "Certainly we, the Chicanos have never supported abortion as a means of denying people their rights to the goods and services of this country. When abortions are being used with this end in mind, then we as Chicanos, must use this knowledge. To condone the use of abortions for this purpose, is not our intent. We are going to have a real problem with those politicians who support abortion in the future."

Not forgotten by the Chicano community was the voting of public funds in support of Planned Parenthood by Supervisor Lucille Moore, Supervisors Tom Hamilton, Supervisor and Chairman of the Board, Roder Hodgecock, and Supervisor Jim Bates. All voted to support the funding of Planned Parenthood. It was noted that Hodgecock's wife Cindy, sits on the Board of Directors of Planned Parenthood.

Jose Laza, President of the Executive Commission for the Spanish Speaking of the Diocese of San Diego, reacted with swift anger over the continued funding and supporting of abortions. "We will be having a meeting of the full Commission to decide what our course of action will be concerning abortion and in particular the statements made by this guy, Alfred. Some of our members are very angry and are saying that they wish they could get their hands around his throat. We intend to take action on this guy. His comments were very much out of line."

Lilia Lopez, of the Organization Femenil, and past supporter of Supervisor Jim Bates, was angered. "The Chicano women will be angry at Alfred's comments. We can't support those who would support this kind of program. We support the woman, not abortion. When we held the fundraiser for Bates, we did not know his position on this issue. Now our position on this issue. Now our group will have to decide what we are going to do. But I have confidence that our women will do what's right."

Orlando Rivera, Minister of the First United Methodist Church, was one of the few who indicated that perhaps abortion was correct in cases of rape, incest, or other such times. "In Puerto Rico, the United States has carried out a program of genocide in order to minimize our population. In places like this where it is used as genocide, (as Dr. Alfred indicates) we oppose abortion."

Dr. Alfred perhaps accomplished what Chicanos had not been able to do... make the general public perceive

the racist nature of the Abortion Movement.

Herman Baca, Chairman of the Committee on Chicano Rights, summed up the general feeling that La Prensa sensed throughout the Chicano community: "Dr. Alfred's racist statements that he had personally killed 250,000 babies since 1968, makes it true that Adolph Hitler is alive and well in 1988. His racist statements that Mexican immigrants lack respect of democracy and about 'us' that he would stem the tide by setting up border barriers in Mexico and the U.S. represents a new low in the immigration issue."

Baca continued, "Dr. Alfred's statements should be a clear indication to the Chicano movement that the Fascist Right which is controlled by the White Supremist, nativist, and Border Patrol apologist, who have advocated shooting Mexicans at the border, and the Liberal Left, composed of Politicians, environmentalists, Zero Population Movement, White Anglo Feminists and the Abortion Movement, have now politically merged to legitimize the policies of genocide upon the most defenseless sector of our community. Our Chicanos, what is at stake here is our Basic Right to survive as a people!"

CONFEDERACION PRO-DERECHO A LA VIDA

P. O. Box 761  
Davis, California 95616

(916) 756-8288

"It is our position that the stopped by the Chicano political movement of these movements. It is a type of people must be survive," concluded Baca

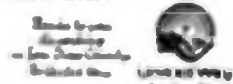


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The United Way is a registered charity.

Cont from pg. 1

### ABORTION CLINICS INVESTIGATION

group should be allowed to bear children and which should not be," said the San Diego Democrat.

"What right does Dr. Alfred have to exploit the poor and disadvantaged for his own personal gain," criticized Chacon. "Tying the lives of innocent unborn children does not benefit the survival of our society," noted Chacon.



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For Our Dignity & Honor We Raise Our Voice

# LA PRENSA

# SAN DIEGO



VOL. IV No. 48 La Prensa San Diego 1550 Fifth Avenue, San Diego, CA 92101 (714) 231-2974 Oct. 24, 1980

## Abortion-Clinic Investigation Asked For!

Assemblyman Pete Chagon (D-San Diego) announced today that he had requested the State Attorney General's office to investigate alleged kickbacks by abortion clinics to a state supported family planning agency in exchange for abortion referrals. The San Diego Democrat sent a letter to Attorney General Cesar Meyer after the alleged criminal investigation was reported in a recent San Diego newspaper article.

In his letter Chagon expressed his concern that investigations and audits had been initiated two years ago and to date no action has taken place by state health officials. "I am concerned that a purported Medi-Cal audit report concluded that the state could collect \$200,000 from one of Dr. Edward Alfred's hospitals for having overbilled Medi-Cal in 1977, and yet no further investigation has occurred," said Chagon. Assemblyman Chagon also

sent a letter to the Board of Medical Quality Assurance inquiring about alleged improper misuse of Medi-Cal funds and allegations of substandard medical care at an Alfred-owned hospital.

Chagon was also extremely upset at comments by Dr. Edward Alfred referring to the need to "stem the tide of Hispanic immigrants." "I am outraged by the admission of Dr. Alfred that he felt it necessary to stem the tide of any ethnic group by means of abortion," said Chagon. He continued by stating, "Dr. Alfred's remarks about a 'tulen' black women, and that 'Hispanic immigrants' lack of respect for democracy and social order reflects his racial bias." Although Dr. Alfred claims that he refused to debate morality, he obviously feels that he is free to make moral judgement about ethnic groups and determine which ethnic

Cont on pg. 8

## Chicanos React Angrily To Racist Doctor

San Diego, CA—Dr. Edward Alfred, owner of 12 Abortion Clinics, in California and recipient of more than \$4 million from Medi-Cal abortion reimbursements for 1980, took a highly genocidal position to justify his involvement in the abortion-mill business.

Dr. Alfred confirms charges which had been made repeatedly in past editions of La Prensa San Diego, "that the abortion system had as its basic premise the elimination of third world children through abortion, contraceptives, and sterilization."

Dr. Alfred stated, "I was interested in population control even before I went into the abortion business. Population control is too important to be stopped by some right-winged Pro-Life types." He continued, "The massive influx of Hispanic immigrants, their loss of respect for Democracy, and

social order is frightening. I hope I can do something to stem the tide of Hispanic immigrants. Maybe one in Calexico would help. The survival of our society could be at stake."

"If the state were to eliminate Medi-Cal funding for abortions, Alfred said his clinics might continue giving free abortions to poor women 'for the social good.' (Dr. Alfred didn't specify whose particular social good.)

Dr. Alfred who owns the largest chain of abortion-mill clinics in the state proudly claims to have made over \$12 million for performing abortions. "I have personally aborted 250,000 babies since 1968," he said. A new clinic will open in Long Beach this January and one in Calexico to help stem the Hispanic tide into the United States.

Appalled at Dr. Alfred's public statements, the California Pro-Life Medical Association issued an urgent

statement asking for an immediate, thorough investigation of Dr. Alfred and his clinics based upon the gross patient neglect evidence in the 1977 Department of Health's SUR Report. Further, Nancy T. Mullan, M.D., President of the organization, asked that "all legislators join them in asking Mario Obledo, Secretary of Health and Welfare, for the immediate removal of Dr. Edward Alfred and his 12 clinics from the Medi-Cal reimbursement provider list."

"Dr. Edward Alfred is the Tom Metzger of the Medical Profession," stated Dr. Mullan. "He must no longer be a paid agent of the State or the State become party to his outrageous program against minorities."

Jose Macias, President of the Chicano Democratic

Cont on pg. 12

## Dr. Reyes

## New Assistant Secretary Of The Navy



Dr. Domingo Nick Reyes sworn in by the General Counsel of the Navy, Coleman Hicks. Dr. Reyes was appointed as the Special Assistant to the Secretary of the Navy Edward Hidalgo (defense rights). Also present for the ceremony are Dr. Reyes' wife Conchita and three of their children (from left to right) son Esteban, and daughters Sabrina and Athena.

Dr. Domingo Nick Reyes was sworn in as Special Assistant for Minority Affairs, to the Secretary of the Navy in a Pentagon ceremony late last month.

Secretary of the Navy Edward Hidalgo conducted the ceremony in his office and the General Counsel of the Navy, Mr. Coleman Hicks, administered the oath of office.

Dr. Reyes' wife, Conchita and three of their children, Sabrina and Athena and son, Esteban, were present for the swearing in.

In his position as advisor to the Secretary on minority affairs, Dr. Reyes will be intimately involved in the Navy's Hispanic Demonstration Project. The project, initiated by Secretary Hidalgo in November 1979, stresses the many enlisted and officer programs available to Hispanics in the Navy. It is an important first step toward increasing the representation

### LA PRENSA SAN DIEGO

A Publication of  
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La Prensa San Diego is a highly circulated newspaper of general circulation in the City of San Diego, County of San Diego, and Justice District of the Municipal Court of San Diego (941274).

La Prensa San Diego is a minority owned newspaper published weekly for the past 40 years. It has a circulation of approximately 10,000 copies per week.

## OUR OPINION

# On the edge of the pit: abortion as a racist tool

The great danger of uncontrolled abortion is that it will be used for politically motivated purposes.

How close are we to the brink of that fiery pit when an abortion specialist, earning more than \$12 million a year by performing 50,000 to 60,000 abortions, publicly announces that he has a consuming interest in curbing the birth rate of certain populations, namely Hispanics and blacks?

Dr. Edward Allred, whose chain of abortion clinics is under investigation for possibly paying kickbacks to a state-supported family planning agency in exchange for customers, speaks with Hitlerian preciseness about his personal and professional "population control" program.

"Population control is too important to be stopped by some right-wing pro-life types," Allred is quoted by the San Diego Union as saying. "Take the new influx of Hispanic immigrants. Their lack of respect for democracy and social order is frightening. I hope I can do something to stem that tide. I'd set up a clinic in Mexico for free if I could. Maybe one in Calexico would help. The survival of our society could be at stake. . . . The Aid to Families With Dependent Children program is the worst

boondoggle ever created. When a sullen black woman of 17 or 18 can decide to have a baby and get welfare and food stamps and become a burden to all of us, it's time to stop. In parts of South Los Angeles having babies for welfare is the only industry the people have."

Abortion raises ethical questions for anyone who engages in serious thought. Most people have wrestled with the question and have arrived at a position with which they are comfortable. Some take the absolutist position that abortion is wrong in every instance. Others, including this newspaper, have taken the less rigid view that abortion is essentially a private matter between a woman, her husband and her doctor and that rape, incest, threat to the life or health of the mother or the prospect of bringing an unwanted and unloved child into the world are legitimate reasons for the procedure.

But we are appalled and revolted by the chillingly racist view adopted by Dr. Allred, who rails against welfare but nevertheless obtains a fourth of his revenue from tax dollars through Medi-Cal. Is this Tom Metzger, the Ku Klux Klan leader, in medical garb? Those who warned how easy it would be to misuse

abortion as a tool of genocide certainly have an in-the-flesh example of what they meant.

There is no indication so far that any of the women who had abortions did so other than willingly, but the state is investigating whether the alleged kickback scheme provided for the family planning agency "an economic motive to advocate that its clients choose abortion." The overuse of abortion to regulate family size, rather than reliance on less controversial contraceptives, is a matter drawing increasing public attention as the number of abortions skyrocket, prolonging the acrimonious debate and contributing unnecessarily to damaging divisions in our society.

The State of California most definitely should not be subsidizing any operation which has as its primary goal the elimination, or severe curtailment, of populations deemed undesirable by a millionaire doctor who on one hand condemns tax support for dependent children but with the other hand grabs all he can get from the public treasury for terminating pregnancies.

Do you have an opinion on this subject? Send it to YOUR OPINION, The Daily Californian, Drawer 1344, El Cajon, Calif. 92022

**The Surrogate Parent Foundation, Inc.**, a California non-profit organization, has been established to gather and disseminate current and accurate information on the many aspects of surrogate parenting. These include sociological, moral, religious, ethical, psychological, medical, and legal considerations. The Foundation also advises legislators and establishes ethical and procedural guidelines regarding new laws, protecting those involved.

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Developmental Psycho-Endocrinologist

Further information about surrogate parenting can be obtained by contacting:

**Surrogate Parent Foundation, Inc.**  
12435 Oxnard Street  
North Hollywood, CA 91606  
(213) 506-1804

# Surrogate Parenting

**An Alternate Method Of Child Bearing**

## "We can't cure infertility, but we can cure childlessness"

Nina Kellogg, Ph.D.

**A**pproximately one out of six couples has an infertility problem. In cases when the male is infertile, artificial insemination by a donor provides a widely acceptable alternative. But even more females are infertile, and until recently there was no similar procedure.

There are no longer enough children available through adoption. The largest public adoption agencies have a five to seven year waiting list, and private adoption likewise cannot meet the need. The shortage of adoptable children has become critical for various reasons:

- The wide use of contraceptives.
- Abortions—close to 2 million are performed each year.
- Unwed mothers keeping their babies.

**W**hen all medical and adoption sources have been exhausted, these desperate couples now have another alternative. There are women (surrogates) willing to bring the gift of life to childless couples, but this alternative is not without its problems.

Presently there are no laws that apply to surrogate parenting. Many legal issues need to be resolved to protect the child, the parents, the surrogate, and others involved. Additionally, the psychological, moral, and ethical aspects must be considered along with their long term effects on the individuals and society.

Lawmakers are realizing the need to address this matter, due to increased awareness and acceptance by the public and professionals. Legislative measures are being taken to support this procedure and to establish and maintain professional and ethical standards.

**T**hroughout history, man's ingenuity has kept up with his desire to rear children even when nature failed, and Surrogate Parenting is the next logical step in that process.



### What is Surrogate Parenting?

Surrogate parenting is an alternative method of child bearing for an infertile couple when the wife is unable to bear a child. In this procedure, a woman known as the surrogate agrees to be artificially inseminated with the husband's sperm and carry the baby for the couple. The surrogate further agrees to relinquish all parental rights. The husband, being the natural father, assumes custody with his wife who then legally adopts the child.

This method of childbearing is best accomplished by teamwork of the parents, surrogate, physician, psychologist, and attorneys, each making an important contribution toward their common goal of creating a family.

**T**he notion of surrogate parenting dates back almost 4,000 years. According to the Bible, Genesis chapter 16, Abraham's wife Sarah could not conceive, so she sent her husband to sleep with her Egyptian maid, Hagar, who bore Abraham's son, Ishmael for them.

**A**rtificial insemination was developed and successfully used in 1950 by Eustachius (physician to the Pope). The freezing of sperm (which can maintain its life for about 10 years) dates back to 1776, developed by an Italian priest, Lazzaro Spallanzani. Since then, over a million children have been born through artificial insemination.

TO: REPRESENTATIVES BEIRNE, CATO, MALONE, MARTIN, SMITH

FROM: PATRICIA ERETZIAN, 2520 NORTHRUP PL. 99504 (279-9396)

I STRONGLY OPPOSE HB 500 AND URGE YOU TO VOTE AGAINST IT. IT IS VERY DISCRIMINATORY AGAINST THE UNDERPRIVILEGED.

MSG 82-00002180 PRY 1 01/19/82 18:54:29 ORIG: LA00 IN= 0031 OUT= 01  
FROM: CINDY ANCH. TO: JNU INFO  
TARGET: LJM2 SUBJ: POM PAGE 00

TO: REPRESENTATIVES BEIRNE, CATO, MALONE, SMITH

FROM: EILEEN F. LEVINSON, 101 W. 22ND AVE., ANCH 99503 (274-3792)

RE: HB 500

THE DECISION TO HAVE AN ABORTION IS UP TO THE WOMAN INVOLVED AS IT IS HER BODY. BY WITHHOLDING STATE FUNDING YOU ARE DENYING POOR WOMEN ACCESS TO SAFE ABORTIONS.

MSG 82-00002168 PRY 1 01/19/82 17:43:52 ORIG: L000 IN= 0005 OUT= 01  
FROM: KODIAK TO: JUNEAU PAGE 00  
TARGET: LJM2 SUBJ: PUBLIC OPINION MESSAGE

TO: REPRESENTATIVES MIKE BEIRNE, TERRY MARTIN, BETTE CATO, SALLY SMITH AND HUGH MALONE

FROM: BRENDA BOUTHOT  
P.O. BOX 953  
KODIAK, AK. 99615. 486-5725

I WOULD LIKE TO STATE MY OPPOSITION TO HB 500. IT IS MY OPINION THAT THIS LEGISLATION IS INCONSISTENT WITH WOMEN'S REPRODUCTIVE RIGHTS AND DISCRIMINATING AGAINST ECONOMICALLY DISADVANTAGED WOMEN.

MSG 82-00002360 PRTY 1 01/20/82 13:32:15 ORIG: LA00 IN= 0012 OUT= '0080  
FROM: MARCIE, ANC INFO TO: POM, JUNEAU INFO  
TARGET: LJH2 SUBJ: P O M PAGE 0001

---

TO: REPRESENTATIVES MARTIN, BEIRNE, CATO, SMITH, AND MALONE  
FROM: MICHAEL KASNICK, P. O. BOX 4177, ANC 99509 (272-6091)

I OPPOSE HOUSE BILL 500 VERY STRONGLY AND I AM SURE THAT THE REASONS  
BEHIND THAT WILL BE ELABORATELY EXPRESSED BY OTHER MESSAGES RECEIVED  
REGARDING THIS BILL. THANK YOU.

MSG 82-00002357 PRTY 1 01/20/82 13:26:13 ORIG: LF01 IN= 0014 OUT= 006  
FROM: DEBBIE/FBKS TO: J'ND LTN PAGE 0001  
TARGET: LJH2 SUBJ: POMS

---

TO: HOUSE HESS COMMITTEE  
REPS. BEIRNE, MARTIN, CATO, SMITH, MALONE

FR: JUDY HARVEY  
SR BOX 70389  
FAIRBANKS, AK 99701

RE: HB 500

MSG: I'M OPPOSED TO HB 500. WHEN ABORTION IS LEGAL IN ALASKA IT'S NOT FAIR  
TO DISCRIMINATE AGAINST LOW INCOME WOMEN.

MSG 82-00002406 PRTY 1 01/20/82 14:56:25 ORIG: LA00 IN= 0016 OUT= 010  
FROM: CINDY, ANCH TO: JNU INFO  
TARGET: LJM2 SUBJ: POM

---

TO: REPRESENTATIVES BEIRNE, CATO, MALONE, MARTIN, SMITH  
FROM: NORMA JEAN ELGAS, 7319 E. 6TH, ANCH. 99504 (337-5228)  
RE: HB 500

I AM VEHEMENTLY OPPOSED TO THE PASSAGE OF HB 500. I URGE YOU TO NOT SUPPORT THIS BILL.

MSG 82-00002406 PRTY 1 01/20/82 14:56:25 ORIG: LA00 IN= 0016 OUT= 010  
FROM: CINDY, ANCH TO: JNU INFO  
TARGET: LJM2 SUBJ: POM

---

TO: REPRESENTATIVES MARTIN, BEIRNE, CATO, SMITH, MALONE  
FROM: JOANIE CLEARY, 1420 MELCHINA, ANCH. 99501 (274-9056)

I STRONGLY OPPOSE HB 500 (LIMITING THE USE OF STATE MONEY FOR ABORTION) ABORTION IS A CHOICE NOW AVAILABLE TO ALL WOMEN, BUT POOR WOMEN WOULD HAVE FREEDOM TAKEN FROM THEM WITH PASSAGE OF THIS BILL. IT IS NOT RIGHT TO DISCRIMINATE ON THE BASIS OF WEALTH, OR FOR YOU TO MAKE THIS PRIVATE CHOICE FOR THE POOR WOMEN OF ALASKA.

MSG 82-00002406 PRTY 1 01/20/82 14:56:25 ORIG: LA00 IN= 0016 OUT= 010  
FROM: CINDY, ANCH TO: JNU INFO  
TARGET: LJM2 SUBJ: POM

---

TO: REPRESENTATIVES BEIRNE, CATO, MALONE, MARTIN AND SMITH  
FROM: CORRINE WERTZBAUGHER, 3700 AMBER BAY LOOP, ANCH. 99502 (349-3205)

IT HAS COME TO MY ATTENTION THAT HB 500 IS AGAIN BEING CONSIDERED IN COMMITTEE HEARINGS. SINCE I WAS UNABLE TO COMMENT DURING THE HEARING IN ANCHORAGE, I WANT TO TAKE THIS OPPORTUNITY TO VOICE MY STRONG OPPOSITION TO THIS BILL WHICH UNDULY PENALIZES POOR WOMEN.

TO: ALL REPRESENTATIVES

FROM: DOROTHY PATTERSON  
423 W 22ND, APT 202  
ANCHORAGE 99503

(H) 276-7986

RE: HB 500

I STRICTLY OPPOSE HB 500.

TO: ALL REPRESENTATIVES

FROM: LORRINE RAGSDALL  
801 AIRPORT HEIGHTS RD, SP 404 KRISTAS  
ANCHORAGE 99504

(H) 272-2900

I OPPOSE HB 500.

THRU: LORRINE SUBJ: PUM

PAGE 0004

MSG 82-00009698 PRTY 1 02/23/82 12:21:27 ORIG. LI 00 IN= 0003 OUT= 0055  
FROM: MAXINE/FBX TO: JUNO INFO  
TARGET: LJH2 SUBJ: POM PAGE 0008

TO: REP. MARTIN, REP. BEIRNE, REP. CATO, REP. SMITH, REP. MALONE  
REP. BROWN, REP. FANNING, REP. ROGERS, REP. RANDOLPH

FR: PATRICK W WATSON, 307-A WEDGEWOOD, APT 2, FBX 99701 PH. 456-5276

RE: HB 185, HB 247, HB 500

MSG: I AM IN SUPPORT OF THESE BILLS AND WOULD LIKE TO SEE THEM MOVE  
OUT OF THEIR CMTE'S AND ON THE FLOOR. THEY HAVE BEEN TIED UP SINCE  
EARLY LAST YEAR. CAN YOU GET THESE BILLS MOVING AGAIN? LET US HEAR  
FROM YOU AND YOUR OPINIONS ON THESE BILLS.

-----EOM

TO: ALL LEGISLATORS

FROM: GWEN MCCORMICK  
BOX 1384  
JUNEAU, AK 99802  
586-1653

I DO NOT WANT STATE TAXES TO PAY FOR ABORTIONS.

MSG P2-00002428 PRTY 1 01/20/82 15:38:29 ORIG: LA00 IN= 0019 OUT= 0111  
FROM: CINDY, ANCH TO: JNU INFO  
TARGET: LJH2 SUBJ: F O M PAGE 0002

TO: ALL SENATORS  
ALL REPRESENTATIVES

FROM: OTTO AND ELIZABETH SCHNEIDER, P. O. BOX 4-2104, ANCH. 99509 (278-1408)  
STANLEY R. HART, 2506 W. 30TH, ANCH. 99503 (248-3717)  
CHARLES SCHNEIDER, 809 W. 57TH, ANCH. 99502 (279-3853)

WE ARE FOR THROUGH ROADS AND HIGHWAYS. IT WOULD BE NICE TO DRIVE TO  
NOME, KOTZEBUE, POINT BARROW, ETC. THIS SHOULD INCLUDE PARKING AREAS WHERE  
YOU COULD GET OFF THE ROAD PERHAPS AT SECTION OR TOWNSHIP LINES.

TO: ALL REPRESENTATIVES

FROM: ANNELY GIRARD  
3903 SEAFORTH  
ANCHORAGE 99504 (H) 278-3966

STATE FUNDING OF ABORTIONS AND CONTRACEPTIVE PROGRAMS FOR THE POOR  
IS A MUST. HOW CAN WE SPEND MILLIONS ON A BIRTHDAY PART PLANNING  
PROCESS AND IGNORE THE FLIGHT OF POOR WOMEN. I URGE YOU TO DO YOU  
BEST TO WORK AGAINST THE PASSAGE OF HB 550. THIS IS A GROSSLY  
DISCRIMINATORY MEASURE AND NOT WORTHY OF SERIOUS CONSIDERATION.

SIGNED: A CONCERNED ALASKAN.

MSG 82-00010830 PRTY 1 03/01/82 11:10:55 ORIG: L000 IN= 0005 OUT= 00  
FROM: KODIAK TO: JUNEAU  
TARGET: LJH2 SUBJ: PUBLIC OPINION MESSAGE PAGE 00

-----  
TO: BEIRNE, MARTIN, CATO, SMITH, MALONE

FROM: ANN MARSHALL  
P.O. BOX 571  
KODIAK, ALASKA 99615 PHONE 486-6181, 486-5725

RE: SB 817

UNDER SEC 47.07.030, MEDICAL SERVICES TO BE PROVIDED, THIS BILL FAILS TO LI  
ABORTION AND FAMILY PLANNING SERVICES. THIS "MEDICAL NEED" STILL EXISTS I  
THE STATE BY VIRTUE OF THE FACT THAT 300 ABORTIONS WERE PAID FOR UNDER  
GENERAL RIGHT ASSISTANCE LAST YEAR. IT IS BECAUSE OF THIS EXCLUSION THAT I  
WOULD NOT SUPPORT SB 817.

MSG 82-00010563 PRTY 1 02/26/82 11:29:46 OPIG: LK00 IN= 0004 OUT= 0045  
FROM: BONNIE/KETCHIKAN TO: KJ INFORMATION  
TARGET: LJH2 SUBJ: POM PAGE 0001

-----  
TO: REPS. BEIRNE, MARTIN, CATO, MALONE AND SMITH  
FROM: CHARLOTTE YOAKUM  
BOX 8093  
KETCHIKAN, ALASKA  
225-4904

RE: SSHB 500

PLEASE DO NOT SUPPORT SSHB 500. LET IT DIE A NATURAL DEATH. THANK YOU.  
EDM/BCP

MSG 82-00010616 PRTY 1 02/26/82 13:23:00 ORIG: LK00 IN= 0008 OUT= 0072  
FROM: BONNIE/KETCHIKAN TO: JUNEAU INFORMATION  
TARGET: LJH2 SUBJ: POM PAGE 0001

-----  
TO: REPS. BEIRNE, MARTIN, CATO, MALONE, SMITH  
FROM: LOREEN SMITH  
RT. 1 BOX 956  
KETCHIKAN, ALASKA  
247-8618

RE: SSHB 500

I AM OPPOSED TO LEGISLATION BANING STATED FUNDED ABORTIONS FOR PREGNANT  
POOR WOMAN. THE ADDITIONAL BURDEN OF AN UNWANTED CHILD ASSURES HER CONTINUED  
DEPENDANCE ON SOCIAL ASSISTANCE AND CREATES ADDITIONAL COSTS TO DEAL WITH  
THE MEDICAL, SOCIAL AND EMOTIONAL EFFECTS. PLEASE OPPOSE PASSAGE OF SSHB 500.  
THANK YOU. EDM/BCP

MSG 82-00002419 PRTY 1 01/20/82 15:21:41 ORIG: LA00 IN= 0018 OUT= 0105  
FROM: CINDY, ANCH TO: JNU INFO  
TARGET: LJH2 SUBJ: P O M  
PAGE 0002

TO: REPRESENTATIVES BEIRNE, CATO, MALONE, MARTIN AND SMITH  
FROM: PAT GLENHAM, 833 W 23RD #2, ANCH. 99503 (272-6091)

I AM STRONGLY OPPOSED TO WITHDRAWING STATE AID FOR ABORTIONS.  
HB 500

MSG 82-00012669 PRTY 1 03/09/82 15 20 05 ORIG: LR00 IN= 0008 OUT= 0081  
FROM: FLORENCE IN BARROW TO: JUNEAU INFORMATION  
TARGET: LJH2 SUBJ: P.O.M.  
PAGE 0001

TO: REPRESENTATIVES ADAMS, MARTIN, METCALFE, BEIRNE, RANDOLPH, CATO, MALONE,  
SMITH

SENATOR FERGUSON

FROM: MARY BENMELS  
BOX 781  
BARROW, ALASKA 99723  
(H) 852 - 5641 (W) 852 - 5211 EXT 210

AN UNWANTED BABY AND A MOTHER TOO POOR TO CARE FOR IT ARE A COMBINATION YOU  
CAN HELP PREVENT. VOTING TO CONTINUE UNLIMITED STATE FUNDED ABORTIONS,  
YOU CAN ALSO REDUCE INFANT WELFARE PAYMENTS. MOST IMPORTANTLY FOR LEGIS-  
LATORS TO REMEMBER: THE POOR WOMEN OF ALASKA HAVE THEIR RIGHTS, TOO.

MSG 82-00012588 PRTY 1 03/09/82 12:05 05 ORIG: LM00 IN= 0008 OUT= 0049  
FROM: DIANE MATSU TO: JUNEAU INFO  
TARGET: LJH2 SUBJ: P.O.M.'S  
PAGE 0005

TO: REPRESENTATIVES BEIRNE, MARTIN, SMITH, CATO, AND MALONE.

FROM: PATTY HAUGOM  
BOX 314  
PALMER, 99645  
PH: 745-4146

RE: HB500

I AM AGAINST FUNDING ABORTIONS. I FAVOR PASSAGE OF THIS BILL.

MSG 82-00002664 PRTY 1 01/21/82 13:01:25 ORIG: LA03 IN= 0005 OUT= 0071  
FROM: EF TO: JNU INFO  
TARGET: LJH2 SUBJ: P.O.M.

PAGE 0002

TO: REPS. BEIRNE, MARTIN, CATO, SMITH, MALONE

FR: ELAINE LOOMIS, BOX 690, KODIAK, 99615 486-5725

RE: HB 500. THIS BILL WILL NOT STOP ABORTION NOR LOWER TAXES. MANY PEOPLE  
IN PRISONS WERE UNWANTED PREGNANCIES. HOW MUCH DO WE PAY A DAY FOR EACH  
PRISONER FROM OUR TAXES. I WOULD RATHER HAVE MY TAXES SUPPORT PREVENTION THAN  
EFFECT. I URGE YOU TO VOTE THIS BILL DOWN.

MSG 82-00002664 PRTY 1 01/21/82 13:01:25 ORIG: LA03 IN= 0005 OUT= 0071  
FROM: EF TO: JNU INFO  
TARGET: LJH2 SUBJ: P.O.M.

PAGE 0003

TO: REPS. BEIRNE, MARTIN, CATO, SMITH, MALONE

FR: MARK ROUTZAHN  
248 E. 45TH #3  
ANCHORAGE 99503 276-2121

I URGE THAT THIS BILL NOT BE PASSED AT THIS DATE. WE HAVE TOO MANY PEOPLE  
LOOKING FOR HOMES IN ADOPTION AGENCIES AND CHILD ABUSE AND NEGLECT IS A  
CONSTANT SOCIAL INDICATOR OF ECONOMIC STRESS AND IMPACT ON THE FAMILY ITSELF.  
I BELIEVE THAT THE ISSUE OF ABORTION IS A PRIVATE AND PERSONAL DECISION THAT  
THE MOTHER AND HOPEFULLY FATHER CAN COME TO A DECISION ON.

MSG 82-00002290 PRTY 1 01/20/82 11:30:46 ORIG: L000 IN= 0003 OUT= 0045  
FROM: KODIAK TO: JUNEAU  
TARGET: LJH2 SUBJ: PUBLIC OPINION MESSAGE

PAGE 0001

TO: REPRESENTATIVES MIKE BEIRNE, TERRY MARTIN, BETTE CATO, SALLY SMITH AND  
HUGH MALONE

FROM: LINDA FREED  
P.O. BOX 950  
KODIAK, AK. 99615  
HM: 486-5314, WK: 486-5736

I WANT TO VOICE MY OBJECTION TO HOUSE BILL NO. 500. I FEEL THE BILL DISCRIM-  
INATES AGAINST POOR WOMEN IN THIS STATE. THE CHOICE OF ABORTION SHOULD BE AN  
INDIVIDUAL DECISION MADE SERIOUSLY BY THE PEOPLE INVOLVED, NOT BY DISTANT  
POLITICIANS. THIS BILL IS AN INFRINGEMENT ON THE PERSONAL CHOICE OF WOMEN  
BASED ON THEIR FINANCIAL STATUS. I URGE YOUR REJECTION OF THIS BILL IN COMMI-  
TTEE.

THANK YOU FOR YOUR CONSIDERATION.

MSG 82-00002559 PRTY 1 01/21/82 10:32:25 ORIG: LS00 IN= 0007 OUT= 0027  
FROM: ELAINE TO: JUNEAU  
TARGET: LJH2 SUBJ: POM PAGE 0001

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TO: REPRESENTATIVES BEIRNE, MARTIN, CATO, SMITH, MALONE

FROM: JANE DONNELLY, BOX 1644, SITKA, AK. 99835

MESSAGE: WOMEN MUST HAVE LEGAL CONTROL OVER THEIR BODIES. LIMITING STATE FUNDS FOR ABORTION DEPRIVES SOME WOMEN (THOSE WITHOUT MONEY) OF THIS CONTROL.

MY FRIENDS AND I FEEL THAT LIMITING STATE ABORTION FUNDS DISCRIMINATES AGAINST WOMEN WITH NO MONEY.

ABORT HB 500! IT DISCRIMINATES AGAINST POOR FEMALES.

HB 500 IS DISCRIMINATORY BECAUSE IT DOESN'T ALLOW LOW INCOME WOMEN TO CHOOSE ABORTION. IF ALL LEGISLATORS WERE FEMALE, I'LL BET HB 500 WOULDN'T EVEN BE CONSIDERED. I URGE YOU TO LET THE BILL DIE, IT IS DISCRIMINATORY - AGAINST WOMEN WITHOUT MONEY.



MSG 82-00002681 PRTY 1 01/21/82 13:10:34 ORIG: LA03 IN= 0007 OUT= 0079  
FROM: EF TO: JNU INFO  
TARGET: LJH2 SUBJ: P.O.M. PAGE 0001

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TO: REPS. MARTIN, BEIRNE, CATO, SMITH, MALONE

FR: GREGORY A. PIERSON  
GENERAL DELIVERY, KODIAK, AK 486-5954

THE MONEY - PUBLIC MONIES - ARE WELL SPENT IN THE AID OF LOWER INCOME WOMEN OR FAMILIES TO OBTAIN ADORTIONS -- ABORTION IF NOTHING ELSE. THE GOVERNMENT HAS THE RESPONSIBILITY TO PROTECT ITS CITIZENS AND PROTECTION FROM SOCIETAL DISASTER THROUGH OVER FOPULATION IS NO EXCEPTION.

MSG 82-00002555 PRTY 1 01/21/82 10:28:16 ORIG: LS00 IN= 0005 OUT= 002  
FROM: ELAINE TO: JUNEAU  
TARGET: LJH2 SUBJ: POM PAGE 000

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TO: REPRESENTATIVES BEIRNE, MARTIN, CATO, SMITH, MALONE, GRUSSENDORF AND SENATOR ELIASON.

FROM: MARLE BRANDT, GENERAL DELIVERY, SITKA AK. 99835.

MESSAGE:

MSG 82-00002168 PRTY 1 01/19/82 17:43:52 ORIG: L000 IN= 0005 OUT= 0157  
FROM: KODIAK TO: JUNEAU  
TARGET: LJH2 SUBJ: PUBLIC OPINION MESSAGE PAGE 0001

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TO: REPRESENTATIVES MIKE BEIRNE, TERRY MARTIN, BETTE CATO, SALLY SMITH,  
HUGH MALONE

FROM: JANET WENTE  
P.O. BOX 2791  
KODIAK, AK. 99615, 486-5725

HB 500 IS A BIG STEP IN THE WRONG DIRECTION. I AM OPPOSED TO IT AND FEEL TH  
LEGISLATION LIMITS WOMEN'S REPRODUCTIVE RIGHTS. WOMEN MUST HAVE SAFE, LEGAL  
AND, IF NECESSARY, STATE SUBSIDIZED ABORTIONS AVAILABLE TO THEM.

MSG 82-00002168 PRTY 1 01/19/82 17:43:52 ORIG: L000 IN= 0005 OUT= 0157  
FROM: KODIAK TO: JUNEAU  
TARGET: LJH2 SUBJ: PUBLIC OPINION MESSAGE PAGE 0003

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TO: REPRESENTATIVES MIKE BEIRNE, TERRY MARTIN, BETTE CATO, SALLY SMITH AND  
HUGH MALONE

FROM: ANN MARSHALL  
P.O. BOX 571  
KODIAK, AK. 99615, 486-5725

I AM OPPOSED TO THE PASSAGE OF HB 500. I FEEL THAT THIS LEGISLATION IS ONE  
WHICH WOULD LIMIT WOMEN'S REPRODUCTIVE RIGHTS. IT IS MY CONVICTION THAT ALL  
WOMEN ARE ENTITLED TO SAFE, LEGAL AND SUBSIDIZED ABORTIONS.

MSG 82-00002536 PRTY 1 01/21/82 09:34:03 ORIG: LJ08 IN= 0004 OUT= 0013  
FROM: JOYCE TO: JUNEAU  
TARGET: LJH2 SUBJ: P O M PAGE 0001

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TO: ALL REPRESENTATIVES

FROM: BEVERLY METZGAR  
P. O. BOX 546  
JUNEAU, AK 99802  
789-0196

I WOULD LIKE YOU TO VOTE FOR HB. 500.

MSG 82-00002360 PRTY 1 01/20/82 13:32:15 ORIG: LA00 IN= 0012 OUT= 0080  
FROM: MARCIE, ANC INFO TO: POM, JUNEAU INFO  
TARGET: LJH2 SUBJ: P O M PAGE 0011

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TO: REPRESENTATIVE MIKE BEIRNE  
FROM: SUSAN CUNNINGHAM, 4011 MERRILL DRIVE, ANC 99503 (248-0272)

I AM OPPOSED TO MAKING ABORTIONS ILLEGAL.

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MSG 82-00002179 PRTY 1 01/19/82 18:41:22 ORIG: LA00 IN= 0030 OUT= 0161  
FROM: CINDY, ANCH TO: JNU INFO  
TARGET: LJH2 SUBJ: POM PAGE 0001

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TO: REPRESENTATIVES BEIRNE, CATO, MALONE, MARTIN, SMITH  
FROM: PATRICIA ERETZIAN, 2520 NORTHRUP PL. 99504 (279-9396)

I STRONGLY OPPOSE HB 500 AND URGE YOU TO VOTE AGAINST IT. IT IS  
VERY DISCRIMINATORY AGAINST THE UNDERPRIVILEGED.

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MSG 82-00002470 PRTY 1 01/20/82 17:00:43 ORIG: LA00 IN= 0023 OUT= 0133  
FROM: LANA IN ANC TO: JNU INFO  
TARGET: LJH2 SUBJ: POM PAGE 0003

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TO: REPRESENTATIVES MARTIN, BEIRNE, MALONE, SMITH, CATO  
FROM: JOYCE RIVERS  
STATE COORD., NATIONAL ORGANIZATION FOR WOMEN  
2741 W 42ND PLACE  
ANC 99503 (H) 248-2909

URGE YOU TO NOT ENDORSE HB 500. THIS BILL WOULD PREVENT PEOPLE WHO ALREADY  
SUFFER ECONOMIC HARDSHIPS FROM HAVING ANY CHOICE ABOUT AN ABORTION, WHILE  
PEOPLE WITH MONEY HAVE THE RIGHT TO EITHER CHOOSE OR NOT CHOOSE THIS LEGAL  
MEDICAL PROCEDURE. HB 500 SHOULD NOT BE PASSED.

500

TELEGRAM

02651 NL IDA NORTHPOLE AK 50 01-12 1008P AST

PMS REP MIKE BEIRNE

1198

JUN

WE THE UNDERSIGNED STRONGLY OBJECT TO HB500. THE RIGHT TO ABORTION CANNOT BE TAKEN FROM ANY WOMAN.

TRUDIE DARNELL, VICKI SHOFFSTALL, ANDI ABBOTT,  
ROGER SHOFFSTALL, TOM DARNELL, BOB MIERS, SHERRY MEYER,  
TRACY THOMAS, MARVA LARSON, GALLY THOMAS, PENNY DAVIES,  
PAUL LARSON

MSG 82-00002380 PRTY 1 01/20/82 14:03:29 ORIG: LJO8 IN= 0014 OUT= 0081  
FROM: JOYCE TO: JUNEAU  
TARGET: LJH2 SUBJ: P O M PAGE 0001

TO ALL REPRESENTATIVES

FROM: BONNIE ZEMAN  
BOX 47  
DOUGLAS 99824  
364-3491

I AM IN FAVOR OF HB 500. THANK YOU.

MSG 82-00001801 PRTY 1 01/18/82 16:45:26 ORIG: LF01 IN= 0008 OUT= 0119  
FROM: ANNIE IN FAIRBANKS TO: JUNEAU INFO.  
TARGET: LJH2 SUBJ: POM PAGE 0001

TO: REPS. BETTISWORTH, BROWN, FANNING, RANDOLPH, ROGERS, AND SMITH  
SENS. BENNETT, FAHRENKAMP, AND PARR  
REPS. BEIRNE, MARTIN, CATO, AND MALONE

FROM: THERESA HOBBY, S.R. BOX 90341, FBKS. 99701 488-3070

RE: HB500

I AM OPPOSED TO HB500 BECAUSE I THINK IT DISCRIMINATES AGAINST THE POOR WOMEN OF ALASKA.

13 SEP 81 8:54



# Telegram

# 02014 N SITKA AK 50 09-13 29 15 ADT

PMS MIKE BEIRNE 277-6219

BOX 4-1539 02841

ANCHORAGE AK 99509

I URGE YOU TO WITHDRAW YOUR ANTI-ABORTION BILL. IT DETRACTS FROM THE RIGHTS OF WOMEN, FORCES WOMEN INTO THE BLACK MARKET FOR ABORTION AND CREATES SUFFERING AND HARDSHIP FOR WOMEN AND UNWANTED CHILDREN. YOUR BILL REPRESENTS A SMALL MINORITY OF PEOPLE WITH TUNNEL VISION.

CANDY RUTLEDGE

MSG 82-00010687 PRTY 1 02/26/82 15:17:53 ORIG: LA00 IN= 0017 OUT= 0109  
FROM: JEAN, ANCH INFO TO: POM, JUNEAU INFO  
TARGET: LJM2 SUBJ: POM

PAGE 0005

TO: REPRESENTATIVES BEIRNE AND MARTIN

FROM: ANNELY GIRARD  
3703 SEAFORTH  
ANCHORAGE 99504 (H) 278-3966

YOUR STAND AGAINST STATE FUNDING AGAINST ABORTIONS AND CONTRACEPTION PROGRAMS FOR THE POOR IS IRRATIONAL. IT SEEMS THAT COST EFFECTIVENESS AND PUBLIC SUPPORT FOR THESE SERVICES ARE IGNORED AND THAT YOUR PERSONAL BIAS PREDOMINATES. YOU WERE ELECTED TO REPRESENT THE PEOPLE, NOT YOURSELVES. FOR SHAME!

SIGNED: A DISGUSTED ALASKAN

MSG 82-00002395 PRTY 1 01/20/82 14:24:55 ORIG: LJOB IN= 0015 OUT= 0092  
FROM: JOYCE TO: JUNEAU  
TARGET: LJM2 SUBJ: P O M

PAGE 0001

TO: ALL REPRESENTATIVES

FROM: DOROTHY WILSON  
P. O. BOX 629  
JUNEAU, AK 99802  
586-6358

SUPPORT LB 500 AND 501

ALASKA

Telegram

13 SEP 81 8: 24

# 02018 NL SITKA AK 50 09-13 29 15 ADT

PMS MIKE BEIRNE 277-6219

BOX 4-1539

02845

ANCHORAGE AK 99509

I URGE YOU TO WITHDRAW YOUR ANTI-ABORTION BILL. IT DETRACTS FROM THE RIGHTS OF WOMEN, FORCES WOMEN INTO THE BLACK MARKET FOR ABORTION AND CREATES SUFFERING AND HARDSHIP FOR WOMEN AND UNWANTED CHILDREN. YOUR BILL REPRESENTS A SMALL MINORITY OF PEOPLE WITH TUNNEL VISION.

ROSI GROSS, PUBLIC HEALTH EDUCATOR

MICHAEL SMITH, PUBLIC HEALTH EDUCATOR

OF PEOPLE WITH TUNNEL VISION.

AND UNWANTED CHILDREN. YOUR BILL REPRESENTS A SMALL MINORITY

FOR ABORTION AND CREATES SUFFERING AND HARDSHIP FOR WOMEN

FROM THE RIGHTS OF WOMEN, FORCES WOMEN INTO THE BLACK MARKET

I URGE YOU TO WITHDRAW YOUR ANTI-ABORTION BILL. IT DETRACTS

ANCHORAGE AK 99509

02843

BOX 4-1539

PMS MIKE BEIRNE 277-6219

# 02016 NL SITKA AK 50 09-13 29 15 ADT

13 SEP 81 8: 24

TO: ALL LEGISLATORS

FROM: MARY WILLOCK  
322 S. FLOWER ST, APT 6  
ANCHORAGE 99504

(H) 333-2426

AS A NURSE, I AM APPALLED BY THE FORMAT OF SS HB 500 THAT WOULD DENY POOR ALASKANS FROM RECEIVING FAMILY PLANNING SERVICES. PLEASE DO NOT LET IT PASS. VOTE NO.

14 SEP 81 7:50

 ALASCOM

Telegram

# 02003 TDA SITKA ALASKA 101 09-14 0735A ADT

PMS HOUSE H.E.S.S. COMM

700 H ST SUITE 8

02859

ANCHORAGE AK

I BELIEVE THAT GOVERNMENT SHOULD DO ALL IT CAN TO ASSIST WOMEN  
IN OBTAINING SAFE AND AFFORDABLE ABORTIONS. OUR COUNTRY IS  
BASED ON THE PREMISE OF FREEDOM; ALL PEOPLE NEED THE RIGHT TO  
CHOOSE WHAT IS BEST FOR THEMSELVES. WE WOMEN WHO DO NOT WANT  
TO UNDERGO ABORTIONS SHOULD NOT HAVE TO AND THOSE OF US WHO  
WISH TO END UNWANTED PREGNANCY THROUGH ABORTION HAVE AN  
ABSOLUTE RIGHT TO DO SO. PLEASE DO NOT SET INTO MOTION  
LEGISLATION WHICH TAKES AWAY THE RIGHTS OF THE INDIVIDUAL  
WOMAN TO CHOOSE THE APPROPRIATE COURSE FOR HERSELF.

MARIKA PARTRIDGE

BOX 936 SITKA ALASKA 99835

gram

02007 TDA SITKA ALASKA 52 09-14 0840A ADT

PMS THE HOUSE HESS COMMITTEE

700 H ST SUITE 8

02866

ANCHORAGE AK 99501

STRONGLY URGE REJECTION OF HB 500 AND 550. THE RIGHT TO CHOOSE  
THE COURSE OF ONE'S LIFE AND THE MOST FAVORABLE CIRCUMSTANCES  
IN WHICH TO BEAR AND RAISE A CHILD IS CENTRAL TO THE FREEDOM  
THAT IS PRESENTLY ENJOYED AND CHERISHED BY AMERICAN WOMEN.  
THESE BILLS REFLECT AN ALARMING EROSION OF HUMAN RIGHTS.

WILLA RABINOVITCH