ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 8672

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inserting that. After 24 hours it's removed."

But a few weeks later Carol had to make the hardest phone call of her life. On April 26, she called the Palmers to tell them it hadn't worked. She had had her period on time. She wasn't pregnant.

Undaunted, the Paveks and the Palmers decided to try again. This time Carol and Rick traveled to California and stayed with Mary and Joe. This time it worked. By the end of June, Carol knew she was pregnant. She also knew the baby she was carrying was Joe's, not Rick's, because the Paveks, not knowing how soon prospective parents would show up, had abstained from sex ever since Carol had written Keane in March.

Carol has a hard time finding words to express her gratitude to Rick for his support during her pregnancy. It was not only that he never complained about his own frustrations (the couple also abstained from sex during the first three months of pregnancy because of the slim—almost nonexistent—chance that intercourse might cause a miscarriage). It was also what he did to make her comfortable during the long nine months. "Whenever I was under the weather, he would come home and cook dinner and give me a back rub. And he never once batted an eye when people made cracks about what we were doing." (Carol had told her friends, largely midwives, and they had told *their* friends, and eventually the media learned of the story and publicized it all over Amarillo.)

"We'd agreed when we went into it that we'd have to go as a team or else we couldn't go through with it, but Rick's understanding and patience was like nothing I've ever seen. He gave the Palmers their baby as much as I did."

A week before Carol's due date, the Palmers drove their camper to Amarillo to wait for their baby to be born. It was a good thing they arrived ahead of time, because the baby did too. Carol, however, who had long since completed her preparations, was ready. When two midwives turned up to assist her, they found her relaxed, confident and happy. Soon after, at Carol's invitation, a camera crew also turned up to record and, presumably, legitimize her home delivery.

Everything went smoothly at first, but then toward the end trouble developed. Carol, undrugged and calm, was equal to the emergency. When she was told she was dilated 10 centimeters, she could feel that the baby's head, which was very large, had not entirely cleared the cervix. She began to bear down, but then it seemed to her that the cervix itself was being ejected. If something weren't done—and fast—the cervix might rupture and cause a major hemorrhage.

Carol, still very much in charge, told the midwives to gently push the baby's head back inside the womb; she told Rick to call a friend who was also an obstetrician; and she told the rest of the assemblage to prepare to move.

Five minutes later a strange caravan pulled away from the Paveks' front door. First, a car driven by Rick. Second, a van laden with equipment of photographers and reporters. Third, a station wagon with Carol, the midwives and the Palmers. Still another car, carrying friends and neighbors, brought up the rear.

The obstetrician met them at the hospital's emergency entrance. Within an hour he had performed an episiotomy on Carol, released the baby's head from the swollen cervix, and then, at 11:59 on the night of Feb. 5, 1981, delivered Carol of an astonishingly beautiful nine-pound, 14-ounce baby boy. The fuzz on his head was red.

Elated at having borne such a baby, but disappointed at again not having been able to deliver at home, Carol spent only one day at the hospital. During that day, her presence created a record amount of confusion and whispering. The nurses, thinking hers was a typical adoption case, thought she shouldn't be allowed to see either the Palmers or the baby—much less to nurse him. After the doctor and Mary informed the staff of the actual facts, there was less confusion, but no less whispering. Carol could hear the comments of people outside her door ("How weird!" . . . "Why would anyone do a thing like that?") and she would call out to them, "Come on in and look at me." She wanted, she says, "to show them I didn't have two heads." But she also says she was "glad they had the surrogate business to gossip about. It took attention away from the fact that a midwife had had to end up delivering in a hospital. That would have been a lot worse for me to bear."

But worst of all would have been a falling out between the Paveks and the Palmers. That didn't happen because they all knew each other so well and trusted each other so completely. When Rick took Carol home from the hospital, the Palmers took their baby, Patrick—they'd long since chosen his name—to their camper. For the next week, Carol nursed him, either in the camper or in her home. Then Mary flew to California with Patrick while Joe drove home in the camper.

"This baby's so rich in parenthood," Mary told FAMILY CIRCLE before she left. "I hope one day he'll understand all the extra love it took to get him here. We'll never stop thanking the Paveks for making our dream come true."

As for Carol, she's now back in the swing of daily life—working as a midwife, mother, wife and student. People still ask her why she did what she did. "Because I couldn't think of any reason *not* to do it," she explains patiently. "There are always excuses in life for not doing things and there are so many things I'm really too lazy to commit myself to. But this was something I could do to make somebody really happy—something big that didn't interfere with my life too much and that didn't cost me money."

But, she hastens to add, it didn't *make* her any money either. The Palmers paid her expenses and medical bills. They paid her no fee—nor would she have accepted a fee.

Would she do it again for another couple? "Oh, I don't know," she grins. "I'm not going to try to answer that one yet."

And what about the Palmers and Patrick? Will she ever see them again? "I'd like to hear from them once in a while . . . maybe see a picture of Patrick every year or so . . . maybe a card at Christmas. But I don't want to interfere in their lives. I've known all along that the baby was theirs, not mine. I was only the caretaker." ■

SURROGATE MOTHERHOOD AND THE LAW

ANY COUPLE hoping to make use of a surrogate mother should know that the practice is legal, provided that local laws have been complied with, but that the overall law is still largely undeveloped.

Three sets of laws—those governing artificial insemination, payment of fees and right of adoption—may be involved. Since they differ widely from state to state, prospective parents would do well to become familiar with local law and/or retain an attorney to draw up a consent agreement before any action is taken. However, there is no absolutely sure way to guard against the surrogate changing her mind. Should she decide to keep the baby—as in the case of a New York surrogate and a California couple now in litigation—the legal picture becomes murky.

Adoption law in some states prohibits the payment of fees except necessary expenses. In some states self insemination is permitted, in others only if a doctor is present. In Texas, the law presumes that the surrogate's husband is the father of the child, even if the birth certificate states otherwise.

Most important surrogates and the prospective parents should know and trust one another wholeheartedly. Otherwise they may find themselves trapped in a most complicated and painful legal quagmire. ■

HELPFUL HINTS

USING HERBS

Before you add dried herbs to a dish, crush them between your fingertips to release the flavor. This way you can use less while getting just as much flavor.—H. E. MCHUGH, *Moscow, Ida.*

●

VERSATILE SPOON

A grapefruit spoon with a serrated tip will work very well in scooping out tomatoes in preparation for stuffing.—RITA CHAMBERLAIN, *Port Richey, Fla.*

●

INSTANT BEDSPREAD

A large gaily colored beach towel will make a nice bedspread for a youngster's bunk bed. It will not wrinkle and it is easily washed.—MRS. LOIS MOC[illegible]LER, *Kingston, N.Y.*

The issue in the case sounds like he does make an appointment according to calorie.

'Making babies'

Despite grumbling from some of his peers, and unanswered legal and moral questions. . . Dr. Richard Levin is proud to be America's surrogate baby broker

By DICK KAUKAS
SCENE Staff Writer

Dr. Richard Morton Levin, swarthy, dark-eyed, clad in a pale-blue leisure suit, his shirt open to reveal three gold chains, fumbled through his brown cloth shoulder bag and pulled out a large white envelope. It was for his attractive blond wife, Pamela. It had come in the mail several days before. Dr. Levin had forgotten to give it to her.

Pamela was watering the plants. They dangled by the kitchen windows of the brick house in Plainview. She was using a glass measuring cup to do the watering. She gave some of the plants one cupful. She gave others two. Mrs. Levin made many trips to the faucet.

On one of them, her husband handed the envelope over to her. "I need to see that a couple of days ago," she said, smiling over her shoulder as she strode toward the sink.

Dr. Levin sighed. The trace of a grin crossed his face, and the dark eyebrows arched as he tried to explain his forgetfulness. "You have a very busy man for a husband," he said quietly.

'This is a bit of a crusade'

There is no denying it. Richard Levin, 34, Louisville physician, son of the retired owner of a pest-control company, is a very busy man.

Every day it's up in the morning early and off to the office, seeing patients, untying Fallopian tubes, helping women ovulate, doing a little artificial insemination, a little sterilization reversal. Levin refers to it every once in a while as "helping people make babies" or simply "making babies," and proclaims it to be the joy of his life.

Then in the evening, usually after 5, it's on to the "surrogate mothering" that has focused so much media attention on him.

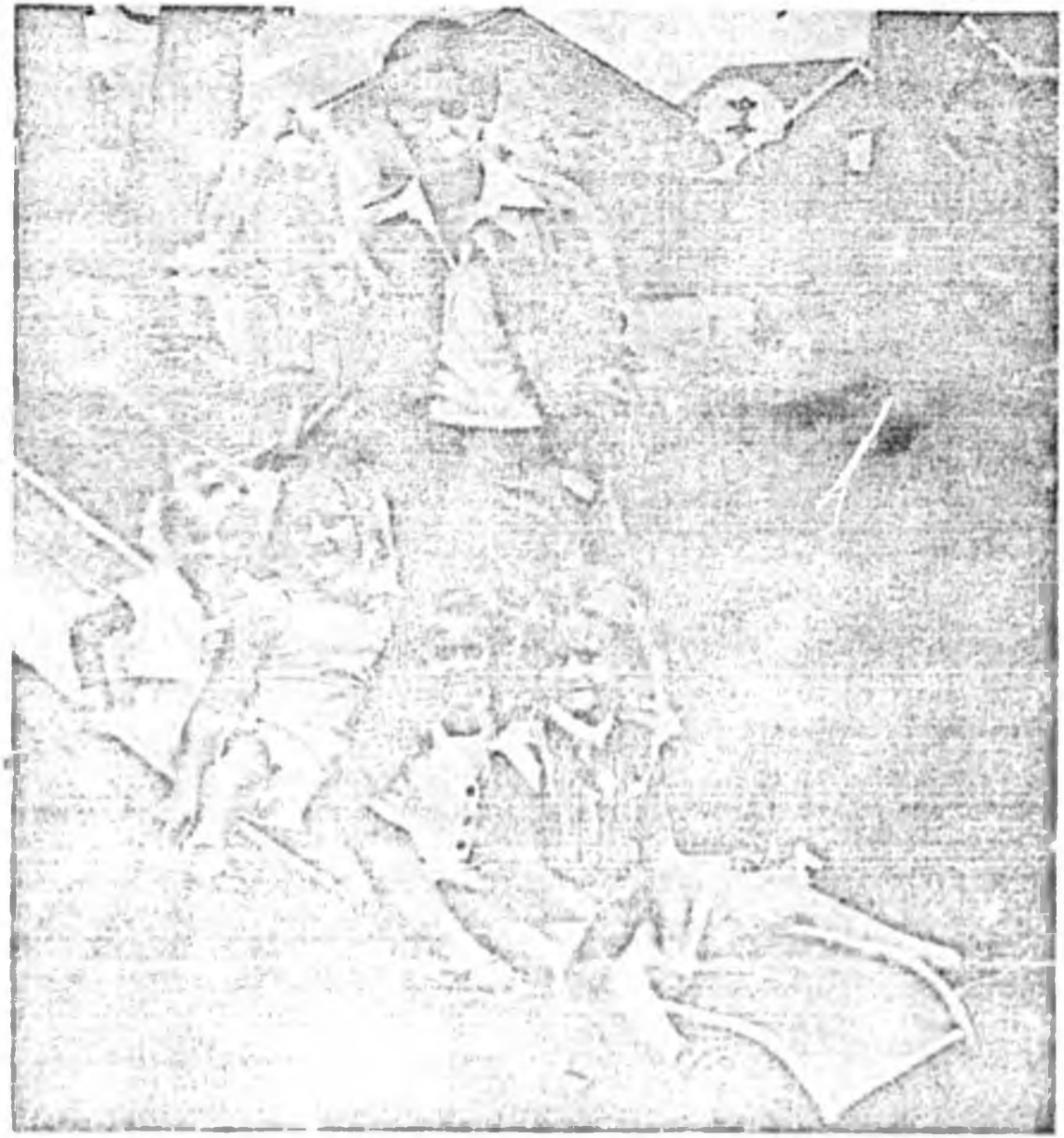

Photo by Dick Kaukas

Richard Levin, the doctor behind Surrogate Parenting Associates Inc., and his wife, Pamela, are

He talks to infertile couples, talks to women willing to bear children for a fee, talks to his lawyer. He programs a computer. He matches names of couples with names of appropriate surrogates. Sometimes things get so busy that he doesn't even go home. Then he sleeps on the couch in the office for three or four hours before it's morning and he's back to seeing patients again.

In surrogate mothering, a willing woman is artificially inseminated with the sperm of a man whose wife can't bear children; for a contractually agreed-on fee, the "surrogate" has the baby and then gives it to the couple. That's the way it's supposed to work anyway. Although Levin said there are "some" pregnant surrogates, none has yet given birth.

Levin has set up a corporation called Surrogate Parenting Associates Inc. to handle that part of his affairs. "To the best of my knowledge, I'm the first physician who has been involved in surrogate parenting, and this is the first organization put together for surrogate parenting to be offered as a service," he said.

Levin refers to himself as a "workaholic." And he is a very busy man, what with his medical practice, his wife and four daughters, his hobbies, the main ones of which are photography and target shooting. Both require "steady surgeon's hands. I can shoot pictures at one fifteenth of a second without a tripod. I brace the camera against myself. And I've been target shooting since I was a kid. It really lets you get rid of all your aggressions."

He even squeezes in media interviews, lots of media interviews. He has done them with The Courier-Journal, with People magazine, a Japanese television station, the Public Broadcasting Service, the Phil Donahue show, countless radio broadcasts over the telephone, interviews with magazines, newspaper chains, networks.

He talked about his contacts with the media as he sat in the yellow kitchen of his brick house, sipping coffee, pausing every once in a while to point out a bird that landed in the backyard. Dr. Levin knows his birds.

"The country doesn't care who Rich Levin is," he said. "But the country does care about a major new phenomenon for couples without children. I'm not an important part of this thing. But after I realized the power of the press in informing people about it, I decided to do every media event that a legitimate journalist asked me to do.

"Oh! Look at that, on the dead limb of the tree over there. See it? It's a red-headed woodpecker! Isn't it pretty?

"This is a bit of a crusade. We are doing something new. People ought to know it's available. I want it being done in every state in the union. That's why I'm doing this. If I didn't go to the press, surrogate parenting would not be alive today.

"I think there should be another option for people, but to be real frank about it, my medical practice is far more stimulating to me than surrogate parenting. It's much more fun for me to work up something so someone will ovulate again. That's more stimulating than surrogate parenting. And I have a good practice. I don't need it. But I've been meeting some beautiful people. I can't believe the quality of the individuals I've met. It's just beautiful."

Mrs. Levin was taking a break from her watering, and as she stood at the sink, her hair falling in smooth, blond waves to her shoulders, she was asked what she thought about her husband's work. She smiled her easy smile and said, "I think it's tremendous." Picking a surrogate mother, she said, is similar in some ways to "choosing a baby sitter." She added, "At first some people aren't sure about it, but when there's no other route open to them, and when they find out it's not a hoax, they're just so grateful for Richard's work."

Questions about his credentials

Levin was born in Louisville, went to Longfellow Elementary ("My kids go to a school just like it. Collegiate. It's run in a traditional fashion, just like Longfellow was."), was graduated from Atherton High, went to the University of Louisville as an undergraduate and medical student.

He gave this outline of the rest of his training: He did a year's internship in obstetrics and gynecology at Johns Hopkins University, did half his residency at Beth Israel Hospital in Boston, Mass., and half at U of L, and then spent about two years at Yale, studying reproductive endocrinology and infertility before coming back to his hometown.

Those are fairly impressive credentials. But, as a few Louisville-area doctors who have reservations about surrogate parenting were quick to point out, Levin has never been certified in obstetrics and gynecology, or in reproductive endocrinology, by the American Board of Obstetrics and Gynecology.

Certification isn't necessary for a physician to practice a specialty. Indeed, there are many doctors who never take, or never pass, the certification examinations. And, there are no prohibitions against Levin or any other physician using the words "infertility and endocrinology" in the Yellow Pages to describe his practice.

Several physicians agreed, however, that certification does indicate a doctor has gone through an approved training program and has passed exams that minimize doubts about his proficiency in a specialty area. At the same time, they stressed that there are many skilled physicians who received extensive training, but, for a variety of reasons, have never sought certification.

Levin said that he passed the written examina-

Continued on Page 4

Making babies

Continued from Page 3

tion for certification in obstetrics and gynecology in 1975 and that he became eligible to take the oral test in 1977. He still hasn't taken it, and he was asked why.

"Mostly because I haven't had time, and I didn't have the money in '77. I think it cost something like $1,000 to take the exam, what with the flight and all, and I just didn't have it at the time. (According to the 1977-78 Directory of Medical Specialists, fees to take the oral exam totaled $275, the same as the present charges.) I've called the board, and they've told me I can take the orals a year from this November, and I intend to do that.

"I don't need it, because I've got the credentials and I've got the training. The test actually means nothing."

Asked why he was then planning to go through the certification process, Levin said, "For the simple reason I've been asked about it."

In his office a few days later, he said he thought the certification issue might have been raised by "backbiting" physicians who were "jealous" of his success and of the attention that has been paid to him by the media.

He has heard, he said, that some physicians have commented on his occasionally casual dress — leisure suits and the gold chains around his neck — and allegedly "macho" image. Facetiously, he said he also drives a Corvette and sometimes wears Western boots.

"I'm as angry about this as you'll ever see me," he said quietly, as he leaned forward in his chair. He said he would like to "punch" whoever had raised the certification issue, which he characterized as "impertinent."

A little later, he said, "I know I'm the best at what I do."

Levin said that after certification in obstetrics and gynecology, he has no plans to seek certification in reproductive endocrinology and infertility, even though that's his specialty.

"What would it do for me," he asked, "especially when you consider that some of the best people in the field don't have it?"

'It's more of a social question'

Dr. Charles B. Hammond, who teaches at the Duke University medical school in Durham, N.C., is director of the American Board of Obstetrics and Gynecology Division of Reproductive Endocrinology. He was asked if he thought someone who is working on surrogate mothering should be certified in reproductive endocrinology.

"Not necessarily," Hammond replied. "The process does not involve complex technical steps. Actually a lawyer could be as good an adviser for the parties. There's really nothing mystical or technically advanced about the process. It's more of a social question than a medical one, and the skills involved are more administrative than medical."

Katie Brophy, Levin's lawyer, made the same point. "The role of the physician is actually miniscule," she said. "He does the insemination, and he works on the matching and selection, but it really is the legal procedure that's novel."

Levin agrees there's really nothing medically new here. "It didn't take a lot of brains to think of this," he said. He is quick to add, however, that it's a valuable service for some couples, especially because the process assures the genetic makeup of at least one of the parents (the father) will be included in the baby the couple raises.

Because many of the surrogates are married women who are living with their husbands, tests are done right after birth to determine who the father is. Levin said these tests are almost 100 percent accurate.

He added, "You know, the guy who put the tab on the soft-drink can really didn't do anything new, either. Neither did the guy who invented the Hula-Hoop."

Legal complications could arise

Levin concedes there is an array of complications that could arise.

The surrogate could decide she wants to keep the baby, in which case she might end up with custody and the "father" whose sperm was used to get her pregnant might end up paying child support. The surrogate could decide she wants an abortion. The couple could decide, before or after birth, that they really don't want the child. Levin contended that none of these potential problems was insurmountable, and that it's also possible that the entire transaction will go as everybody expects it to when the contract is signed.

"You know," he added, "in some states what we're doing here in Kentucky is illegal." Laws in those states, which apparently include New York and Michigan, make it illegal for a woman to act as surrogate for a fee, although it apparently is legal to do so for free.

Levin refused to discuss how much the process could cost a couple, saying there are too many variables to cite a typical charge. There have been totaled $10,000 to $15,000 in some cases. He said later that not all of those who have come to see him have been wealthy. "One couple had a combined income of $21,000 a year."

He was asked about his motives for starting the surrogate program, and at one point he replied by talking about obsession.

He said he hasn't made any money on that part of his work yet, but that "I'll always have a new project, something I'm working on, and it will obsess me until I do it. The computer was like that. So is surrogate parenting. There will be something else after that."

The idea of paying a woman to bear the baby of a man who is not her husband first came to him when friends who couldn't have children came and asked him if there was anything they could do.

"It bothers me when people can't have babies. I hurt for them," Levin said, his brown eyes wide with sincerity. "I don't know why I hurt as badly as I do, but I do. I have four children, but the first one we would have had was a miscarriage. I remember that feeling. I didn't know beans about the area then, and I remember feeling that my wife might never get pregnant again. I felt sick. So, when I was asked what I could do to help, I thought of sperm donors for women and asked myself, 'Why not vice versa?' "

Is surrogate mothering immoral?

Some doctors in the Louisville area answer that question quickly and forcefully, although all of them refused to discuss the question of Levin's work if they were identified by name.

"Because it's immoral," one of them said. "It's like adultery, and I blame the woman (the surrogate) more than I would blame the doctor who was involved in something like that — although I blame him, too."

Levin replies to questions about the morality of surrogate mothering by saying, "I'm just a regular old guy, not a philosopher, and I don't have all the answers. But there are a number of inconsistencies in that argument that strike me. For one thing, it's considered honorable to give away your eyes or your kidneys if somebody else needs them. And no one gets a bad name for selling his blood. So why not bear a child for a fee?"

He also pointed out that there is "biblical precedent" for the surrogate mother program: When Abraham wanted a child, and his wife, Sarah, was barren, he got her servant pregnant and she bore him Ishmael.

"The only difference is," Levin said with a grin, "that Abraham didn't use artificial insemination."

...international colony under U.N. terms that

Anch. News 11/17/80

Doctor says 12-15 women now pregnant as surrogate mothers

The Associated Press

LOUISVILLE, Ky. — A physician who supervised the first known birth of a child from a paid surrogate mother said Saturday that 12 to 15 other surrogates are pregnant as part of his program.

"These women, all surrogates, are anticipating a delivery in the next few months," Dr. Richard M. Levin said at a news conference. "None of this would have been possible without Elizabeth Kane."

Elizabeth Kane is a fictitious name adopted by a woman who gave birth Nov. 9 to an 8-pound-10-ounce boy for a fee. Mrs. Kane, who had been artificially inseminated with the sperm of a Louisville man, terminated her parental rights to the child at the Jefferson Hall of Justice and the child was turned over to the man and his wife.

"I see my program as a viable alternative for childless couples," Levin said. He said no fee was paid to him or to Surrogate Parenting Associates Inc., of which he is president.

Levin said he understood Mrs. Kane received something less than $10,000 for acting as a surrogate. "I don't know the exact figure because that was between her and the couple who got the child," he said.

Levin said the organization will charge $20,000 as a package fee to cover medical costs, expenses and a fee for the surrogate mother.

"I expect this idea to catch on in other states. I have already been contacted by people in California," Levin said.

Mrs. Kane, a 37-year-old housewife from an unidentified suburb in Illinois, wasn't present at the conference because she was "pretty homesick," Levin said. "I couldn't convince her to stay."

Katie Brophy, attorney for the organization, said she believes that in the near future "state legislatures are going to pass laws on the surrogate program. It's a wonderful thing and a benefit to childless couples."

Levin invited Kentucky officials to contact him with suggestions on how the program might be run, so "we may continue to serve without embarrassing the people of this commonwealth."

Levin said he has had no correspondence from the state attorney general's office, nor did he expect legal problems in the future.

Before leaving Louisville Friday, Mrs. Kane, who has three other children, said, "If I were 10 years younger, I'd definitely do it again. I don't think a woman should have to spend the rest of her life suffering and wanting a child just because her ovaries aren't functioning properly. Mine are."

Not enough sex may cause cancer

The Associated Press

CHICAGO — Too little sex might contribute to prostate cancer, a disease that kills nearly 22,000 men each year in the United States, some researchers theorize.

The theory was developed by Dr. I.D. Rotkin of the Preventive Medicine Department of the University of Illinois. He said there is speculation — but not confirmed scientific evidence — that a connection exists between a buildup of male hormones and cancer of the male prostate gland.

Rotkin said he and his colleagues found a pattern of lifelong sexual repression in a study of 430 prostate cancer victims who were compared with an equal number of men without cancer.

The researchers found that while the cancer victims had a greater than normal sexual urge, they actually engaged in less activity less than the men who didn't have cancer.

Rotkin's theory was supported by the work of Dr. Richard Ablin of Cook County Hospital's Hektoen Institute.

Ablin based his finding on a study of white blood cells.

-Anch. News = 4/23/79-

Help wanted, male:

4/23/79 Stave

Rent a Woman file

Denver woman seeks man to father child but not to marry

DENVER (AP) — When Carolyn Myer placed an ad in weekly newspapers here, she says she was not seeking her "dream man" — only a father for the child she wants to bear.

Ms. Myer, not her real name, said she decided to place the ad after ruling out other ways that single people can become parents.

Within two weeks after the ad appeared, she said, more than 200 men responded — 85 percent of them "serious or genuinely curious."

She said she now is in the process of talking to those men, most of whom are in their 20s and 30s and single.

Ms. Myer, who was married while in her 20s and divorced, said she is not particularly interested in getting married again. Another marriage, she said, "is a possibility, but right now I really value my independence."

So last month she placed an ad that said: "Single professional woman, 34, interested in meeting intelligent, healthy male for purpose of becoming pregnant. No financial obligations, although open to discussing relationship if desired." A post office box number was included.

She said she ruled out adoption because most adoption agencies do not let single parents adopt children of pre-school age. An artificial insemination clinic was rejected, she said, because she thinks "I can do a better job of selection."

Ms. Myer said she had no detailed mental picture of the man who would be the father of her child, "except maybe brown or red hair and curly. Not bald-headed."

She said she also wanted someone of above-average intelligence and one whose family showed no sign of congenital disease.

Some of the men who have answered Ms. Myer's ad have offered to support her and the child after it is born.

"I'm not asking that at all," she said. "The only hope I have is that I can be friends with the man. I think it would be good, when my child is old enough, for the child to know who the father is."

Although the involvement of the father in rearing the child would depend upon her choice of a man and his wishes for a continuing relationship, she said she was prepared to rear the child by herself.

She said she grew up in a city of about 100,000, attended a small school in the South and received her doctorate from a Midwestern university. Since college, she has lived on the East Coast and in the Midwest.

Sex-selected baby attempted

Associated Press

Omaha, Neb. — Californian Joseph Orbi is single and 30. He wants a son. Kathleen, a 30-year-old divorcee and mother of two, answered his newspaper ad. And in what is believed the first attempt to produce a sex-selected baby for a single man, she was artifically inseminated as a surrogate mother.

With a new method designed to produce a boy — developed by an Indian researcher who is a veterinarian — she was artifically inseminated by a gynecologist Monday at Applied Genetic Laboratory Inc. here. The procedure was being repeated today.

If a baby is born, she is to release custody of the child to Orbi, Noel Keane, a Dearborn, Mich., lawyer said Tuesday.

Keane, who said he had been working on surrogate parent cases for four years, said this is the first case he is aware of in which the goals were sex selection and parenthood for a single man.

The woman, identified only as Kathleen, from the Farmington, Mich., area, will receive $10,000 for "medical expenses" but won't officially be paid a fee for bearing the child.

"We offered to pay a fee but she wouldn't accept it," Keane said. "Her reasons for doing it were basically humanitarian. She wanted to experience a pregnancy and she plans to use this as a learning experience for her other two children."

Orbi, from LaVerne, Calif., made the final choice of the mother of his child. "She was everything we were looking for — intelligent, attractive, stable," Keane said.

The procedure was taking place in Omaha because of a new sperm selection process developed by Dr. B.C. Bhattacharya, director of research at Applied Genetics.

Bhattacharya, a native of India and a veterinarian, said Tuesday he developed a device that separates male and female sperm for use in the insemination process.

"I think we got close to 100 percent male sperm in the first insemination," he said. "They came to us only to get a boy and we have the only device of this nature."

Applied Genetics has done "quite a few" of the inseminations, but other patients have been married couples and this marks the first time a single man "with a surrogate mother wants to have a boy," Bhattacharya said.

The sex selection process has been 100 percent successful in animals, he said, and there have been no birth defects.

But the first women who were inseminated with sex-selected sperm have not yet delivered, he said.

Anch. Time 10/15/80

Briefly

T-30-80
Juneau

Nation/World

Juneau Empire
1-30-80

Newsprint price up 6 percent

NEW YORK (AP)—Abitibi-Price Co., the largest newsprint maker in the world, has announced a 6 percent increase in the price of the paper used in newspapers.

The increase, which a spokesman for the Canadian company confirmed Tuesday, appears to assure that a new round of price increases will spread through the newsprint industry, which has experienced short supplies.

The increase, effective May 1, will boost the price of standard newsprint from $375 to $397.35 a ton, the company said.

Mother-for-hire plan rejected

DETROIT (AP) — A judge on Tu ıy rejected the request of a childless couple who sought court approval to pay a woman to have their baby.

In a case described by attorneys as a national precedent, Wayne County Circuit Judge Roman S. Gribbs ruled that the couple's plan would violate a Michigan law on adoption.

The couple from Dearborn Heights, a Detroit suburb, petitioned the court on May 15, 1978 because the wife was incapable of conceiving.

Thatcher backs Carter policy

Anch. Times Jan. 21, 80

Judge says 'no' to plan to hire surrogate mother

Associated Press

Detroit — A judge says a childless couple's plan to pay a woman $5,000 to have a baby for them is "contrary to the intimate relationship which must exist between a parent and child."

Wayne County Circuit Judge Roman S. Gribbs refused to approve the plan, saying it would violate the state's adoption law. Attorneys in the case said the ruling was the first of its kind in the nation.

The couple — identified only as John and Jane Doe of Dearborn Heights, petitioned the court in May 1978. They asked the court to sanction a plan under which a woman — identified only as Mary Roe — would become pregnant with John Doe through artificial insemination. The baby would be surrendered to the couple and adopted in return for $5,000 plus medical expenses for the mother, the petition said.

The couple's petition said Jane Doe cannot conceive a child.

Robert S. Harrison and Noel P. Keane, attorneys for the couple, said they will appeal.

Gribbs agreed with the attorneys' contention in his ruling Tuesday that state law does not prohibit selling a child if the buyer does not legally adopt it. But the judge refused to overturn the part of the law making the adoption illegal, suggesting the law should be rewritten.

In an interview, Gribbs said: "Public policy as expressed by the state of Michigan says this (paying a woman to have a baby and adopting the infant) is not good. It's contrary to the intimate relationship which must exist between a parent and child.

"You end up with baby trading, money market babies. If some exception should be made or contravening social policy issues exist that speak against the wisdom of the law, this should go to the Legislature."

Harrison called the law outdated, saying: "You can pay a surrogate mother all you want if you don't adopt the child. You can get any child, take custody, raise him, do anything but adopt him."

Attorney General, and William A. Wilson, a key Reagan adviser, as defendants. CRLA argues that the research unfairly benefits corporate farmers at the expense of consumers and farm workers. Reagan's man Meese denies that the budget cut is meant as revenge, but the CRLA lawyers see more than coincidence. "They don't want their new programs stopped in the courts," says CRLA's Al Meyerhoff. "If you take away the lawyers, they'll have clear sailing."

Inhospitable: The outlook for legal services is grim. The Administration has proposed including it in a Federal block grant to the states, where the lawyers would have to compete for funds against aid for education, senior citizens and other interest groups. The House of Representatives may be willing to fund LSC (its current budget is a rather modest $321 million), but the Senate seems clearly inhospitable. As an alternative, some conservative strategists have suggested providing tax credits or deductions to private lawyers who represent indigents. That's an interesting idea, but it would hardly replace a national system overnight. At the moment it seems possible that the national ideal of equal justice for all may soon be superseded by another piece of folk wisdom: you get what you pay for.

ARIC PRESS with DIANE CAMPER in Washington, GERALD C. LUBENOW in San Francisco and bureau reports

Whose Baby Is It, Anyway?

In retrospect Solomon had it easy: he had only to decide which claimant was the baby's mother. Judge Robert Olson of Los Angeles has a more complicated problem; he must decide whether Denise Lucy Thrane must give up the child she is about to deliver. Mrs. Thrane has promised to do it: last spring she volunteered to be a surrogate mother, artificially inseminated with the sperm of James Noyes of Rochester, N.Y. Mrs. Thrane, who is divorced, contracted to hand the baby over to the childless Noyes couple if they paid her medical bills. Since then, however, she has changed her mind and now wants to keep the child. Olson is thus in the unprecedented position of having to choose who gets the fruits of a surrogate mother's labor.

Surrogate motherhood has become a trendlet in recent years as sympathetic doctors and lawyers bring together fertile women and couples unable to have children of their own. The arrangements have always been private, with only the final adoption sanctioned by the courts. But all of these deals are packed with legal explosives. Can the surrogate have an abortion? What if the impregnating father doesn't want the child? Is the surrogate guilty of selling a baby? There are no precedents in U.S. courts. Says University of Virginia law professor Walter Wadlington: "The law has not caught up with medical technology and as a result, lawyers involved in these cases are shooting in the dark."

AP

Thrane in 1969: Change of heart

Noyes is not asking the courts to enforce his bargain with Mrs. Thrane—perhaps because nobody believes it could be enforced. Instead, his lawyer, Noel Keane of Dearborn, Mich., who has successfully matched several couples with surrogate mothers, asked that Noyes be given the same right to seek custody as any father under California law. Says Judge Olson: "Unmarried fathers now have equal rights. But this fellow became a father from New York [via frozen sperm]. Does society want to treat him the same?" Mrs. Thrane's lawyer countered with a motion to dismiss Noyes's claim because of a state law that says semen donors have no rights to any resulting children. But that law, experts say, won't help much, since it was designed to protect married couples who seek out an anonymous donor, not a childbearer.

The judge admitted that he wasn't quite sure what to do. For the moment, he has directed that Mrs. Thrane may name her baby and that Noyes should undergo a blood test to verify that he is the father. After the baby is born, Olson will probably order an investigation of both families and then try to decide what course is in the best interest of the new baby.

Abortion clinic: Parents must be told

Sex, Abortion and The Supreme Court

It was five years ago that the U.S. Supreme Court ruled that teen-agers have a constitutional right to abortions—and ever since, the Court has been trying to reconcile that with the more traditional right of parents to run their families. In 1976 the Court said states may not give parents an absolute veto over a daughter's decision to abort. Three years later four Justices suggested that states may insist that teen-agers ask either their parents or a judge for permission. Last week the Court wrestled with the issue again—and ruled that a state may require a doctor to notify a girl's parents before ending her pregnancy, even though the parents have no clear right to stop her.

The decision came in the case of a Utah girl who sought an abortion three years ago, when she was 15. Her doctor agreed, but refused to perform it until he called her parents, as Utah law required. The girl went to court (while the case was pending, she got her abortion elsewhere). Last week, by a 6-to-3 vote, the Supreme Court upheld the statute—at least when doctors were dealing with "immature" minors still dependent on their parents.

Although the opinion did not restore absolute parental authority, it will no doubt make some teens hesitant to end their pregnancies in licensed clinics—and give doctors pause as well. Such inhibitions, wrote Chief Justice Warren Burger, were not enough to invalidate the law. "The Constitution does not compel a state to fine-tune its statutes so as to encourage or facilitate abortions," Burger declared.

In another decision, the Court upheld a California statutory-rape law that penalizes males for having sexual intercourse with underage women, but not women for having intercourse with underage men. By a 5-to-4 vote, the Court said such laws could be justified by a state's "interest in preventing [illegitimate] pregnancy." The dissenters pointed out that a law that could be used against either sex would have "potentially a greater deterrent on sexual activity."

60 Minutes, ... now lives in Santa Barbara, Cal.

Collins, according to Ashmore, had become fed up with the ineffec-

"We haven't gotten much feedback on that yet," says Ashmore. "But I have gotten several 'self-nom-

Anchorage Times 5/15/86

Physician predicts twins for 'surrogate mother'

by Janet Cawley
Chicago Tribune

Chicago — "Surrogate mother" Elizabeth Kane, an Illinois housewife who is bearing a baby for a childless Kentucky couple, almost certainly will give birth to twins, her doctor said Friday.

Infertility specialist Dr. Richard Levin, the physician who impregnated Mrs. Kane with the sperm of a 37-year-old Louisville man, said he was "thoroughly convinced" the mother of three was pregnant with twins, due in mid-November.

Dr. Levin, who spoke by telephone from his office at the Surrogate Parenting Association in Louisville, said he expected to examine Mrs. Kane personally in several weeks to confirm the diagnosis.

But based on blood tests and reports from her hometown doctor, he said, "all evidence points to twins."

Dr. Levin said Mrs. Kane, 37, was "really happy about it." The adoptive couple, he said, is "thrilled, just blown away by this."

As a surrogate mother, Mrs. Kane — a pseudonym since she declines to disclose her real name and hometown — signed a contract agreeing, in effect, to bear a child for the couple since the wife was infertile. Biologically, the child will be half Mrs. Kane's.

In return, the couple will pay her about $10,000.

The Surrogate Parenting Association, which drew up the contract, foresaw the possibility of a multiple birth and included a clause saying if twins were born, the adoptive couple would take both.

Dr. Levin said he was not aware of any history of twinning in either Mrs. Kane's family or that of the prospective father. The odds against twins are about 1 in 8 or 9 pregnancies he said, but when a woman reaches her late 30s, the odds increase to about 1 in 60.

Mrs. Kane has been married for 13 years and has daughters 12 and 10 and a 4-year-old son. Her husband had a vasectomy four years ago and, she said recently, "we don't want or need more children."

She became a surrogate mother — something she says she wanted to do for years — after spotting an ad placed by the Surrogate Parenting Association.

Her husband, she said, first "went into shock" at the idea, but later came around and has been tremendously supportive. Dr. Levin said Mr. Kane was also "very happy" about the twins.

Mrs. Kane never has met the Louisville couple, but has invited them to be present in the delivery room to watch their child — or children — being born.

Doctors suggest suicide study

a spokesman for Doctors Hospital.

Doctors discovered the fetus was viable as the [illegible] examination the woman received before the saline solution was administered, Wechsler said, "We can't always be perfect."

Daily News 7/23/81

Judge says surrogate mother can name baby

The Associated Press

PASADENA, Calif. — Denise Lucy Thrane can name the baby that is due any day now, but she may not be able to keep it because of a unique paternity-custody case filed when the surrogate mother reneged on her promise to give up the child.

Ms. Thrane, a divorced mother of three from Arcadia, Calif., agreed last year to conceive and bear a baby for a childless couple from New York. But after she was artificially inseminated in June with sperm from James Noyes, she decided she wanted to keep the infant.

Noyes and his wife sued for custody of the baby. And the suit, which could affect the future of baby-by-contract agencies and surrogate-mother arrangements, opened in Superior Court Friday.

But the object of the dispute has yet to arrive, and Ms. Thrane's lawyer, Stan Springer of West Covina, Calif., said Sunday she had not yet entered the hospital.

Superior Court Judge Robert M. Olson, who said Friday the case had him "really in a quandary," considered several motions from the would-be parents and the surrogate mother.

Over the Noyeses' objections, he ruled Ms. Thrane could give the baby a name. But at the couple's request, he ordered blood tests to help determine the child's father.

Tuesday, a Kennedy Space Center spokesman said.

The test, to check insulation repairs on the shuttle's external fuel tank, also required a

2/12/81 Ka...

Ad seeks surrogate mothers

(206) 883-1007 Linda Collier

Associated Press

Seattle — A suburban Seattle firm is placing ads in college newspapers seeking young healthy women who would be paid to bear children for infertile couples.

The women, married or single, would be artificially inseminated.

Campus newspapers at The Evergreen State College in Olympia, Western Washington University in Bellingham and the University of Washington in Seattle received letters this week requesting advertising space.

The ad was scheduled to appear in Friday's edition of the Western Washington paper. The other two papers said they were awaiting further legal information before deciding whether to run the ad.

A report on what apparently is the first surrogate mother service in Washington was carried in a copyrighted story in Thursday's Seattle Post-Intelligencer.

Attorney Linda Collier of the Redmond law firm of Goddard and Wetherall said she and another member of the firm are involved in setting up the service.

The campus advertising will find out whether there are women interested in being surrogate mothers, she said. The advertisements don't list a fee.

"We know there are lots of childless couples out there who want children," Ms. Collier said.

The service is not yet able to meet the expected demand and Ms. Collier said she was concerned about being swamped with inquiries.

"We would be getting thousands of calls from couples who want children," she said.

The ad states that mothers would be required to give up legal custody of the infants at birth. All legal and medical costs would be covered. Confidentiality of the couple and the surrogate would be assured.

Anchorage Daily News 2/7/81

Surrogate mothering: Is it legal, moral?

By ANGEL CASTILLO
The New York Times

NEW YORK — Carol Pavek, a 27-year-old midwife in Amarillo, Tex., is pregnant and she and her husband, Rick, 28, a computer operator, are happily expecting her second child to be born this month.

What makes the pregnancy unusual is that the child Mrs. Pavek is carrying is not her husband's but that of a California man who also is married. The pregnancy was achieved through artificial insemination.

Pavek says she is acting as a surrogate mother, one of a growing number of women who are undertaking to bear a child for another woman who cannot conceive herself. Under the agreement, the child is turned over to the infertile woman and her husband for adoption right after birth. Although the surrogate mother is paid a fee in some cases, Pavek is acting voluntarily, with the biological father and his wife paying only medical, legal and other expenses.

The growing use of surrogates to bear children is raising legal and moral questions, many of which are unanswerable at this time.

For instance, if the surrogate mother is single, is it proper for her to bear a child who will be illegitimate? Does the impregnation of the surrogate by a married man amount to adultery? What if the surrogate decides to keep the baby or to have an abortion? What if the adoptive parents die or get divorced before the birth, or decide they do not want the baby after all?

Surrogate mothering is probably a very ancient practice that has only recently become a subject of widespread public attention and controversy.

Almost 4,000 years ago in Canaan, the Book of Genesis says, Abraham's wife, Sarah, who could not conceive, arranged the birth of a child by having Abraham sleep with Sarah's maid, Hagar. Hagar was called a concubine rather than a surrogate mother, but the arrangement was similar to what is happening today, except that natural intercourse, rather than artifical insemination, was the method through which Abraham became the father of Ishmael.

A modern-day Hagar who lives in Pekin, Ill., and calls herself Elizabeth Kane, a pseudonym, gave birth to a boy last November in Louisville, Ky., acting as a paid surrogate for a couple now living in Kentucky. The 38-year-old Kane, who is married and the mother of three children, was impregnated through artificial insemination with the help of Surrogate Parenting Associates, a Louisville corporation that began matching couples and surrogates in August 1979 and says it has in progress "close to 100" prospective surrogate births in various states.

Katie Brophy, the Louisville attorney for the company, said she believes that Kentucky is the only state in the country where the law allows a fee to be paid to a woman for having a baby for someone else.

To date only one court case, in Detroit, has been litigated over a state adoption law that potentially makes it illegal to pay a surrogate mother a fee.

In that case, known as Doe v. Kelley, a Dearborn lawyer, Noel Keane, who says he has arranged five surrogate births since 1976, challenged the Michigan statute forbidding the payment of fees as a violation of constitutional rights of privacy.

Last Jan. 28, however, Judge Roman Gribbs of the Wayne County Circuit Court upheld the statute. "The state's interest," the judge wrote, "is to prevent commercialism from affecting a mother's decision to execute a consent to the adoption of her child. It is a fundamental principle that children should not and cannot be bought and sold." Keane filed an appeal, which is now pending.

Advocates of legalizing surrogate mothering, whether it is for a fee or voluntary, say that it is unfair to allow artificial insemination of a wife with the semen of a third-party donor when it is the husband who cannot have children but not of a surrogate when it is the wife who cannot conceive.

They deny that the surrogate mother is selling her baby. "There's not a baby there when we start the process," said Keane. "I think the surrogate is being paid for the use of her body. She's not selling her baby."

Eugene Krasicky, Michigan's first assistant attorney general, voiced the position of most opponents when he said that statutes such as Michigan's are necessary "to protect against the sale of children."

A moral argument against surrogate mothering was expressed by the Rev. William B. Smith, a professor of moral theology at St. Joseph's Seminary in Yonkers, N.Y.

"The basic moral incongruity is with artificial insemination itself, substituting technology for personal exclusive procreation in the marriage relationship," Smith said. Referring to surrogate mothering as a "rent-a-womb situation," Smith termed it improper because it "is really not the same as adoption, and morally it is a technical form of consensual adultery."

There appears to be no rush to enact laws to govern surrogate mothering, and lawyers active in the field generally agree that, with the possible exception of Kentucky, it is probably illegal in all states to pay a fee to a surrogate mother.

Keane says he is now representing 25 couples who are looking for a surrogate mother.

11-19-81

Record -

Handel

OK - no crime

Calif is " ?

Fundamental

adoption

millions are infertile

Blood market

30g for white ! ?

Jewish - 60g

oriental - "

"OUR Practice" :

92 yr. old doc - NO

L.A. Times - stopped Ad.

need stable personality. But what % success?

[illegible] - no to surrog

497
498 } [illegible]

Morris - 12 yrs childless

8 yrs ago Dx - infertile

" " looking for child!

(HS 330)

(12/15)

11-19-81

Shortage of adoptive infants :

3 things to help situation

(1) Pres 330 (stop State & Lobbyists)

(2) " 497 (① Time + Svcs. compensation
② Term. of prated right conditioned on agreed-upon compensation)

(3) " 498 (surrogate)

HB
500
1/2

Alaska State Legislature

House of Representatives

Committee on

Health, Education & Social Services

Official Business

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 HB 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.

1/21/82

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 Bettit, 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. Bettit?

Mr. Bettit: I'm Rod Bettit , 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.

Bettit: 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 women, 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 do, 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 sucessful, 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

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 competely 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 catagories 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 deleries, 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 time 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 ½ 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.

Betit: That's correct. I don't really think its a funding issure 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?

Bettit: 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 admendment 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 .

Bettit: 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 that working it to your health?

Bettit: 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?

Bettit: 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 proports 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 if 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 issure 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 thnk the opinion itself is pretty straight foreward. 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 & McRae. And the state of Mass. MDe 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 decisions, 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 permissable. 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 pregancy, 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 unconstitional 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 of a kind which the framers of the constiution, a document on which our goverment 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 that the Dept of Law has expressed is what we believe would under existing precedence ... 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 appropriatons 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 coverage for the process of having children that they do now.

BETIT: 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

That's a separate consideration, I think, than the consideration of be ng able to get access to the delivery converage under Medicaid as well as the abortio. 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 elifible 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 ond 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 constitutiona. 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-theraputical abortions...

STEWART: I'm not sure that would do it. It would have to be all medical services given only when thery're shown to be necessary. Not just because somebody wants them. BuBut 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 orginal 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 pricacy 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 legimitate 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 that . 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.

Alaska State Legislature

House of Representatives

Committee on

Health, Education & Social Services

Official Business

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 Batit

Buck Robinson

✓ Dept. of H.E.S.S. (2 persons)
✓ Phil McMurray - Pro choice
Delsey Kinney
✓ Bishop Michael Kinny
✓ Susan Clark
Judge Thomas Stewart
✓ Ken and Ann Matson
✓ Sid Hyderdorf
✓ Patricia Hall
✓ Charles Helms
✓ Rev. Innocence
✓ Sue Miller
✓ Dr. Rude

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

Good PM

Hous HESS

Get Bradley to consult with Bob Robertson - Dept. of Law.

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

IN THE HOUSE BY MARTIN, METCALFE AND BEIRNE

HOUSE BILL NO. 500

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE - FIRST SESSION

A BILL

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

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

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

Sec. 47.07.035. LIMITATION ON PAYMENT FOR ABORTIONS. Notwithstanding AS 47.07.[020.] 25.230 & AM. state money or money controlled or disbursed by a department of the state may not be used to pay for an abortion unless the physician performing the abortion certifies in writing that the abortion was necessary to [save the life of] prevent the death of the woman undergoing the abortion and that in the physician's professional judgment reasonable efforts, consistent with saving the life of the woman undergoing the abortion, were made to save the life of the unborn child.

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

(5) "abortion" means an operation or procedure to terminate the pregnancy of a [nonviable] viable fetus.] of a pregnant woman with a non-viable fetus

* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.070(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

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

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

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
TARGET: LJH2 SUBJ: POMS PAGE 0001

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

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 82-00002360 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

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

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= 015
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 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

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.

...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= 015
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

JUNEAU, AK

02651 NL TDA NORTHPOLE AK 50 01-18 1000P 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

Alaska State Legislature

House of Representatives

Committee on

Health, Education & Social Services

Official Business

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

IN 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.

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.

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 reinstitution 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-

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 smashing 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 16-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 $50,000. 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 $50,000 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 conclusion; 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, in 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

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AS 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 Experience*, Howard and Joy Osofsky, 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 Osofskys, 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 Osofskys 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 postabortion 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 Osofskys 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-

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 Osofskys 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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PROTESTANTISM AND ABORTION

Testimony presented by Theressa 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 Theressa 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 rleigious organizations—all with different positions on abortion and widely differing perspectives and views on when abortoin 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 justifed 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 credible 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 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 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 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.

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.

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

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 G., "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 severly 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 severly 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

Alaska State Legislature

House of Representatives

Committee on

Health, Education & Social Services

Official Business

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.

MSG 82-00002395 PRTY 1 01/20/82 14:24:55 ORIG: LJ0B IN= 0015 OUT= 009?
FROM: JOYCE TO: JUNEAU
TARGET: LJH2 SUBJ: P O M PAGE 0001

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: LJ0B 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 82-00002360 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 82-0000235[illegible] PRTY 1 01/20/82 13:26:13 ORIG: LF01 IN= 0014 OUT= 006[illegible]
FROM: DEBBIE/FBKS TO: JUNO LTN
TARGET: LJH2 SUBJ: POMS PAGE 000[illegible]

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

FM: 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

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..

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

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

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= 015
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 TH
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: JUNEAL
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= 0011 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= 015
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

[illegible]

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

PMS REP MIKE BEIRNE

1198

JUN

WE THE UNDERSIGNED STRONGLY OBJECT TO HB520. THE RIGHT TO ABORTION CANNOT BE TAKEN FROM ANY WOMAN.

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

TESTIMONY BEFORE THE HESS HOUSE COMMITTEE RE HB 500

My name is Pat Denny, I am a 10 year resident of Alaska and a social worker. I wish to commend the Committee for hearing about HB500 and the sposors 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 were 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 1980 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-Muehlebach 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 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.

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. Torrison, Atlanta, GA

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.

Topic	Bills	States
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	8
Health insurance coverage for abortion (1 bill requires, 10 restrict)	11	6
Clinic regulation	10	5
Conscience 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 6/3 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 limiting any other 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, 1 32

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

Sheffield Hotels

January 20, 1982

H.B. 500

To Whom It May Concern:

As a citizen, women, wife, and mother I feel compelled to ask this Committee to do all in their power to halt abortion at once at all levels. We must speak up and protect those yet unborn who's lives just as ours matter.

Sincerely,

Sylvia Moore
4140 Tudor Avenue
Juneau Alaska
99801

SHEFFIELD HOUSE OF ALASKA • P.O. BOX 210 • JUNEAU, ALASKA 99802 • (907) 78-7000

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 <u>right</u> to choice over whether or not to bear children.

Passage of this bill would deny this right to poor woman. Women who have the finances would still be able to have Safe abortions. Woman who are poor will either be faced with having an un wanted 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 recipienes.

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 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. FELIX
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. 29 388 (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 7841 (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 tenchings of my church.

Those same persons who would scream "My rights! My rights!" have blatently 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 ~~$1,000~~ $10,000 fine for merely touching an eagles egg, yet we sanction the 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 abortion as their "right" and lifestyle.

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

Barbara Mitchell

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

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 ouside 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 force 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 99801

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 legimate 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 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 nutured 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 acuse 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

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 merly has gotten rid of our children and detroyed the health of minority women .

3.- Tax-funded abortion money never goes to the poor, it goes to those who profit form them, those who are carring 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 elimianting our children.

5.- Our leaders have spoken clearly on this issue. Cesar Chavez head of the United Farms workers,Dick Gregory, Rev. Jesse Jackson, ErmaCraven of the Urban League, Indian Leader Dr. Constance Redbird Uri, Dr. Mildred Jefferson first Black woman Harvard Graduate, as well as the Southern Cristian Leadership Conference. Therefore we request that you stop all tax funding of abortion in light of these reasons.

6.- Those who perform abortion have embarqued 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 aborion clinics and received 12 million dollars in tax-funded aborions in 1980. He has publically stated " Take the new influx of hispanic immigrants. Their lack of respect for democracy and social order is frigtening. 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 dood stamps and

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 lis then beeng 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 mediaaid 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, Alasak 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.

James N. Shives Jr.

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 like 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 against 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 women on welfare I truely 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 then 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 sence economically than supporting unwanted children through Aid to Dependent Children programs.
The cost to tax payers is $4,800 per year to support one women 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.

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 Districh #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 psycological 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 physican 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 350.

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.