

ALASKA LEGISLATURE COMMITTEE FILES 1961-1962

1379 HHESS HB 500 (#1) 1379

ANCHORAGE ASSOCIATION OF WOMEN LAWYERS

POST OFFICE BOX 3882
ANCHORAGE, ALASKA 99510

TESTIMONY ON HOUSE BILL 500

PUBLIC HEARING

BEFORE HOUSE HESS COMMITTEE

September 14, 1981

Anchorage

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

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

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

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

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

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

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

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

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

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

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

September 14, 1981

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

Ladies and gentlemen of the committee:

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

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

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

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

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

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

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

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

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

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

Sept. 14, 1981

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

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

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

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

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

Dear Members of the Alaska State House HESS Committee:

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

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

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

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

Please do not pass HB 500 or HB 550

Thank you.

Peggy Wilson
2547 Vanderbilt Circle
Anchorage, Alaska 99504

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

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

Sept. 12, 1981

Dear Committee members:

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

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

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

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

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

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

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

Thank you for considering my opinions.

Sincerely,

Lisa Moorehead

LISA MOOREHEAD

1036 W. 10th

ANCHORAGE, AK 99501

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Telegram

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PMS HOUSE H.E.S.S. COMM

700 H ST SUITE 8

02859

ANCHORAGE AK

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

MARIKA PARTRIDGE

BOX 936 SIT KA ALASKA 99835

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TESTIMONY OF FRED DYSON

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

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

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

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

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

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

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


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

September 2 1981

Representative Mike Peirne
Representative Terry Martin

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

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


Betty Thielsen
Box 4-744
Anchorage, Alaska 99509

1344 K Street
Anchorage, AK 99501
September 15, 1981

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

Representative Beirne:

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

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

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

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

Re: Bill 500

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

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

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

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

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

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

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

Re: Bill 550

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

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

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

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

Respectfully submitted,

Terri Ann Pollock

Terri Ann Pollock

James

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

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

Re: HB 500 and HB 550

Dear Representative Martin:

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

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

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

Sincerely,

James S. Crane

James S. Crane

On behalf of the Alaska
Civil Liberties Union

JSC:kh

(B)

Abortion

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

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

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

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

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

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

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

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

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

4) They are unconstitutionally vague.

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

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

HR 500



Abused Women's Aid in Crisis, Inc.

TESTIMONY ON HOUSE BILLS 500 and 550
September 14, 1981

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

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

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

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

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

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

4. (cont.)

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

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

HB 500

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

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

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

Thank you.

Rep. Terry Martin
700 H. St. Suite 5
Anchorage AK 99501

Dear Rep. Martin:

I am adamantly opposed to

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

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

Yours very truly,

Polly Leo

P. D. Borasi
Pettersburg AK
99833
Sept. 14th 1981

P.O. Box 251
Petresburg AK 99833
Sept. 14th 1981

Chair Mike Biene
700 "H" St. Suite 8
Anchorage AK 99501

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

Dear Chairman Biene:

I am adamantly opposed to
HB 500 and HB 550.

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

Please enter this statement into
the record.

Yours very truly,
Polly Lee

Dear the same, SEP 17 1981

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

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

2 I believe in the rights of the unborn child!

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

Thank you,

Shirley Valley
Anchorage Alaska

14 SEP 81 9:06

 ALASCOM

Telegram

02007 TDA SITKA ALASKA 52 09-14 0840A ADT

PMS THE HOUSE HESS COMMITTEE

700 H ST SUITE 8

02866

ANCHORAGE AK 99501

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

WILLA RABINOVITCH

WR

September 14, 1981

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

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

Dear Committee Members,

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

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

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

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

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

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

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

Thankyou

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Virginia Washburn
Box 2444
Siyka AK 99835

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

Dear Representative Beirne,
I strongly disagree with the Alaska Legislature's attempt to restrict personhood on a fetus, as in H.B. 550, and with the limitation on payment for abortions, H.B. 500.

No one is happy about abortions, but until we are able to substitute widespread and readily available means of birth control and for-reducing educational programs on the facts and responsibilities of actual life, abortions will continue. And even if all the abhorrence, there will always remain the unfortunate few, victims of ignorance, malice or hopelessness. Personhood is a concept best left to religion and philosophy, particularly when the personhood of a fetus is under discussion. And, to co-actually force peer women to bear a child against her will, by stealing her funds that are readily available to the more affluent, regardless of the conditions - rape, poverty, or work or ill health - is border-

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

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

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

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

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

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

The other option is unwanted childbirth. The risk of death from childbirth is ten times greater than from legal abortion¹. HB 500 says nothing about the woman for whom an unwanted child is the final burden that resigns her to a life of poverty. Life means more than just physical survival. These women must be afforded the right to choose a life of quality.

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

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

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

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

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

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



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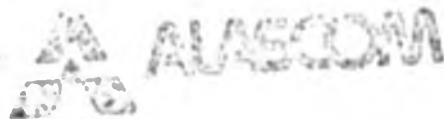
PMS MIKE BEIRNE 277-6219

BOX 4-1539 02841

ANCHORAGE AK 99509

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

CANDY RUTLEDGE



Telegram

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ROSI GROSS, PUBLIC HEALTH EDUCATOR



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MICHAEL SWITIN, PUBLIC HEALTH EDUCATOR

WESTERN

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

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

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

I beg you to

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

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

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

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

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

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

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

STATEMENT ON HOUSE BILLS 500 and 550

September 14, 1981

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

Mr. Chairman, I regret that I cannot personally be present for your hearings. However, I have an active law practice in Fairbanks and could not come to Anchorage for your hearing. I have asked the Executive Director of the Alaska Commission on the Status of Women to deliver these comments for me.

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

There are few more divisive issues than abortion. The United States Supreme Court, in its landmark decision of Roe v. Wade, 410 U.S. 113 (1973), conceded that fact:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Performing Arts 2:25
celler

Mr. Chairman & Members of the Committee:

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

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

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

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

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

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

STATEMENT ON HOUSE BILLS 500 and 550

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

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

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

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

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

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

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

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

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

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

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

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

September 14, 1991

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

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

Dear Committee Members,

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

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

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

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

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

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

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

Thankyou

ALASKA STATE LEGISLATURE - HOUSE OF REPRESENTATIVES

IN SESSION

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



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

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

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

COMMITTEES
HEALTH
EDUCATION AND
SOCIAL SERVICES
COMMITTEE FOR REVIEW
OF REGULATIONS

SEPTEMBER 23, 1981

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

Dear Gail,

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

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

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

Sincerely,

Mike Beirne
State Representative



Abused Women's Aid in Crisis, Inc.

TESTIMONY ON HOUSE BILLS 500 and 550
September 14, 1981

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

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

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

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

Women's Shelter
POB 4-619
Anchorage, AK 99509
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417 W. 8th Avenue
Anchorage, AK 99501
(907) 277-2115

4. (cont.)

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

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

HB 500

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

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

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

Thank you.

P.O. Box 251
Petersonburg AK
99833
Sept. 14th 1981

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

Dear Rep. Martin:

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

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

Yours very truly,
Polly Lee —

P.O. Box 251
Petersburg AK 99833
Sept. 14th 1981

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

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

Dear Chairman Bierne:

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

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

Please enter this statement into
the record.

Yours very truly,
Polly Lee

9-14-81

Dear Rep Seine, SEP 17 REC'D

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

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

Thank you,
 Sue Dally
 Anchorage, Alaska

James

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

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

Re: HB 500 and HB 550

Dear Representative Martin:

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

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

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

Sincerely,

James S. Crane

James S. Crane

On behalf of the Alaska
Civil Liberties Union

JSC:kh

17

Abortion

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

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

HR 10
The discriminatory effect of the prohibition of abortion involves another area of civil liberties interest, that of equality. The rich can circumvent or violate the law with impunity, but the poor are at the law's mercy. This treatment is simply too unequal for civil libertarians to accept. Moreover, the very tendency of the law to be so arbitrarily applied and so widely ignored itself weakens the principle of the rule of law which is essential to the protection of civil liberties.

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

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

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

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

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

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

4) They are unconstitutionally vague.

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

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

1344 K Street
Anchorage, AK 99501
September 15, 1981

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

Representative Beirne:

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

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

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

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

Re: Bill 500

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

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

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

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

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

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

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

Re: Bill 550

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

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

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

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

Respectfully submitted,

Terri Ann Pollock

Terri Ann Pollock

September 2 1981

Representative Mike Beirne
Representative Terry Martin

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

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



Betty Thielson

Box 4-744

Anchorage, Alaska 99509

Dear Members of the Alaska State House HESS Committee:

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

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

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

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

Please do not pass HB 500 or HB 550

Thank you.

Peggy Wilson
247 Vanderbilt Circle
Anchorage, Alaska 99504

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

ANCHORAGE ASSOCIATION OF WOMEN LAWYERS

POST OFFICE BOX 3882

ANCHORAGE, ALASKA 99510

TESTIMONY ON HOUSE BILL 500

PUBLIC HEARING

BEFORE HOUSE HESS COMMITTEE

September 14, 1981

Anchorage

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Beirne:

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

Sincerely,


Ruth Johnson

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

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

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

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

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

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

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

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

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

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

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

By THE REV. JESSE L. JACKSON

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

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

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

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

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

Only the name has changed

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

Human beings cannot give or create life by

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

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

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

Measure, pain and suffering

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

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



THE REV. JESSE JACKSON

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

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

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

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

Life is public and universal

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

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

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

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

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

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

January, 1977

NATIONAL RIGHT TO LIFE NEWS 3

MCCL

A PRO-LIFE MOVEMENT

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Cont from pg. 1

DOCTORS' RACIST STATEMENTS BRING STRONG CONDEMNATION

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

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

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

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

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

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

Dr. Alfred perhaps accomplished what Chicanos had not been able to do... make the general public perceive

the racist nature of the Abortion Movement.

Herman Baca, Chairman of the Committee on Chicano Rights, summed up the general feeling that La Prensa sensed throughout the Chicano community: "Dr. Alfred's racist statements that he had personally killed 250,000 babies since 1968, makes it true that Adolph Hitler is alive and well in 1988. His racist statements that Mexican immigrants lack respect of democracy and about 'us' that he would stem the tide by setting up border barriers in Mexico and the U.S. represents a new low in the immigration issue."

Baca continued, "Dr. Alfred's statements should be a clear indication to the Chicano movement that the Fascist Right which is controlled by the White Supremist, nativist, and Border Patrol apologist, who have advocated shooting Mexicans at the border, and the Liberal Left, composed of Politicians, environmentalists, Zero Population Movement, White Anglo Feminists and the Abortion Movement, have now politically merged to legitimize the policies of genocide upon the most defenseless sector of our community. Our Chicanos, what is at stake here is our Basic Right to survive as a people!"

CONFEDERACION PRO-DERECHO A LA VIDA

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"It is our position that the stopped by the Chicano political movement of these movements. It is a type of people must be survive," concluded Baca

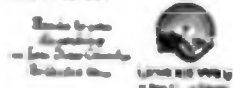


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Cont from pg. 1

ABORTION CLINICS INVESTIGATION

groud should be allowed to bear children and which should not be," said the San Diego Democrat.

"What right does Dr. Alfred have to exploit the poor and disadvantaged for his own personal gain," criticized Chacon. "Tying the lives of innocent unborn children does not benefit the survival of our society," noted Chacon.



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LA PRENSA

SAN DIEGO



VOL. IV No. 48 La Prensa San Diego 1550 Fifth Avenue, San Diego, CA 92101 (714) 231-2974 Oct. 24, 1980

Abortion-Clinic Investigation Asked For!

Assemblyman Pete Chagon (D-San Diego) announced today that he had requested the State Attorney General's office to investigate alleged kickbacks by abortion clinics to a state supported family planning agency in exchange for abortion referrals. The San Diego Democrat sent a letter to Attorney General Cesar Meyer after the alleged criminal investigation was reported in a recent San Diego newspaper article.

In his letter Chagon expressed his concern that investigations and audits had been initiated two years ago and to date no action has taken place by state health officials. "I am concerned that a purported Medi-Cal audit report concluded that the state could collect \$200,000 from one of Dr. Edward Alfred's hospitals for having overbilled Medi-Cal in 1977, and yet no further investigation has occurred said Chagon. Assemblyman Chagon also

sent a letter to the Board of Medical Quality Assurance inquiring about alleged improper misuse of Medi-Cal funds and allegations of substandard medical care at an Alfred-owned hospital.

Chagon was also extremely upset at comments by Dr. Edward Alfred referring to the need to "stem the tide of Hispanic immigrants." "I am outraged by the admission of Dr. Alfred that he felt it necessary to stem the tide of any ethnic group by means of abortion," said Chagon. He continued by stating, "Dr. Alfred's remarks about a 'tulen' black women, and that 'Hispanic immigrants' lack of respect for democracy and social order reflects his racial bias." "Although Dr. Alfred claims that he refused to debate morality, he obviously feels that he is free to make moral judgement about ethnic groups and determine which ethnic

Cont on pg. 8

Chicanos React Angrily To Racist Doctor

San Diego, CA—Dr. Edward Alfred, owner of 12 Abortion Clinics, in California and recipient of more than \$4 million from Medi-Cal abortion reimbursements for 1980, took a highly personal position to justify his involvement in the abortion-mill business.

Dr. Alfred confirms charges which had been made repeatedly in past editions of La Prensa San Diego, "that the abortion system had as its basic premise the elimination of third world children through abortion, contraceptives, and sterilization."

Dr. Alfred stated, "I was interested in population control even before I went into the abortion business. Population control is too important to be stopped by some right-winged Pro-Life types." He continued, "The financial influx of Hispanic immigrants, their loss of respect for Democracy and

social order is frightening. I hope I can do something to stem the tide of Hispanic immigrants. Maybe one in Calexico would help. The survival of our society could be at stake."

"If the state were to eliminate Medi-Cal funding for abortions, Alfred said his clinics might continue giving free abortions to poor women for the social good." (Dr. Alfred didn't specify whose particular social good.)

Dr. Alfred who owns the largest chain of abortion-mill clinics in the state proudly claims to have made over \$12 million for performing abortions. "I have personally aborted 250,000 babies since 1968," he said. A new clinic will open in Long Beach this January and one in Calexico to help stem the Hispanic tide into the United States.

Appalled at Dr. Alfred's public statements, the California Pro-Life Medical Association

issued an urgent statement asking for an immediate, thorough investigation of Dr. Alfred and his clinics based upon the gross patient neglect evidence in the 1977 Department of Health's SUR Report. Further, Nancy T. Mullan, M.D., President of the organization, asked that "all legislators join them in asking Mario Obledo, Secretary of Health and Welfare, for the immediate removal of Dr. Edward Alfred and his 12 clinics from the Medi-Cal reimbursement provider list."

"Dr. Edward Alfred is the Tom Metzger of the Medical Profession," stated Dr. Mullan. "He must no longer be a paid agent of the State or the State treasury party to his outrageous program against minorities."

Jose Macias, President of the Chicano Democratic

Cont on pg. 12

Dr. Reyes

New Assistant Secretary Of The Navy



Dr. Domingo Nick Reyes sworn in by the General Counsel of the Navy, Coleman Hicks. Dr. Reyes was appointed as the Special Assistant to the Secretary of the Navy Edward Hidalgo (center right). Also present for the ceremony are Dr. Reyes' wife Conchita and three of their children (from left to right) son Esteban, and daughters Sabrina and Athena.

Dr. Domingo Nick Reyes was sworn in as Special Assistant for Minority Affairs, to the Secretary of the Navy in a Pentagon ceremony late last month.

Secretary of the Navy Edward Hidalgo conducted the ceremony in his office and the General Counsel of the Navy, Mr. Coleman Hicks, administered the oath of office.

Dr. Reyes' wife, Conchita and three of their children, Sabrina and Athena and son, Esteban, were present for the swearing in.

In his position as advisor to the Secretary on minority affairs, Dr. Reyes will be intimately involved in the Navy's Hispanic Demonstration Project. The project, initiated by Secretary Hidalgo in November 1979, stresses the many enlisted and officer programs available to Hispanics in the Navy. It is an important first step toward increasing the representation

LA PRENSA SAN DIEGO

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Opinion

The Daily Californian

OUR OPINION

On the edge of the pit: abortion as a racist tool

The great danger of uncontrolled abortion is that it will be used for politically motivated purposes.

How close are we to the brink of that fiery pit when an abortion specialist, earning more than \$12 million a year by performing 50,000 to 60,000 abortions, publicly announces that he has a consuming interest in curbing the birth rate of certain populations, namely Hispanics and blacks?

Dr. Edward Allred, whose chain of abortion clinics is under investigation for possibly paying kickbacks to a state-supported family planning agency in exchange for customers, speaks with Hitlerian preciseness about his personal and professional "population control" program.

"Population control is too important to be stopped by some right-wing pro-life types," Allred is quoted by the San Diego Union as saying. "Take the new influx of Hispanic immigrants. Their lack of respect for democracy and social order is frightening. I hope I can do something to stem that tide. I'd set up a clinic in Mexico for free if I could. Maybe one in Calexico would help. The survival of our society could be at stake. . . . The Aid to Families With Dependent Children program is the worst

boondoggle ever created. When a sullen black woman of 17 or 18 can decide to have a baby and get welfare and food stamps and become a burden to all of us, it's time to stop. In parts of South Los Angeles having babies for welfare is the only industry the people have."

Abortion raises ethical questions for anyone who engages in serious thought. Most people have wrestled with the question and have arrived at a position with which they are comfortable. Some take the absolutist position that abortion is wrong in every instance. Others, including this newspaper, have taken the less rigid view that abortion is essentially a private matter between a woman, her husband and her doctor and that rape, incest, threat to the life or health of the mother or the prospect of bringing an unwanted and unloved child into the world are legitimate reasons for the procedure.

But we are appalled and revolted by the chillingly racist view adopted by Dr. Allred, who rails against welfare but nevertheless obtains a fourth of his revenue from tax dollars through Medi-Cal. Is this Tom Metzger, the Ku Klux Klan leader, in medical garb? Those who warned how easy it would be to misuse

abortion as a tool of genocide certainly have an in-the-flesh example of what they meant.

There is no indication so far that any of the women who had abortions did so other than willingly, but the state is investigating whether the alleged kickback scheme provided for the family planning agency "an economic motive to advocate that its clients choose abortion." The overuse of abortion to regulate family size, rather than reliance on less controversial contraceptives, is a matter drawing increasing public attention as the number of abortions skyrocket, prolonging the acrimonious debate and contributing unnecessarily to damaging divisions in our society.

The State of California most definitely should not be subsidizing any operation which has as its primary goal the elimination, or severe curtailment, of populations deemed undesirable by a millionaire doctor who on one hand condemns tax support for dependent children but with the other hand grabs all he can get from the public treasury for terminating pregnancies.

Do you have an opinion on this subject? Send it to YOUR OPINION, The Daily Californian, Drawer 1344, El Cajon, Calif. 92022

The Surrogate Parent Foundation, Inc., a California non-profit organization, has been established to gather and disseminate current and accurate information on the many aspects of surrogate parenting. These include sociological, moral, religious, ethical, psychological, medical, and legal considerations. The Foundation also advises legislators and establishes ethical and procedural guidelines regarding new laws, protecting those involved.

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Further information about surrogate parenting can be obtained by contacting:

Surrogate Parent Foundation, Inc.
12435 Oxnard Street
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(213) 506-1804

Surrogate Parenting

An Alternate Method Of Child Bearing

"We can't cure infertility, but we can cure childlessness"

Nina Kellogg, Ph.D.

Approximately one out of six couples has an infertility problem. In cases when the male is infertile, artificial insemination by a donor provides a widely acceptable alternative. But even more females are infertile, and until recently there was no similar procedure.

There are no longer enough children available through adoption. The largest public adoption agencies have a five to seven year waiting list, and private adoption likewise cannot meet the need. The shortage of adoptable children has become critical for various reasons:

- The wide use of contraceptives.
- Abortions—close to 2 million are performed each year.
- Unwed mothers keeping their babies.

When all medical and adoption sources have been exhausted, these desperate couples now have another alternative. There are women (surrogates) willing to bring the gift of life to childless couples, but this alternative is not without its problems.

Presently there are no laws that apply to surrogate parenting. Many legal issues need to be resolved to protect the child, the parents, the surrogate, and others involved. Additionally, the psychological, moral, and ethical aspects must be considered along with their long term effects on the individuals and society.

Lawmakers are realizing the need to address this matter, due to increased awareness and acceptance by the public and professionals. Legislative measures are being taken to support this procedure and to establish and maintain professional and ethical standards.

Throughout history, man's ingenuity has kept up with his desire to rear children even when nature failed, and Surrogate Parenting is the next logical step in that process.



What is Surrogate Parenting?

Surrogate parenting is an alternative method of child bearing for an infertile couple when the wife is unable to bear a child. In this procedure, a woman known as the surrogate agrees to be artificially inseminated with the husband's sperm and carry the baby for the couple. The surrogate further agrees to relinquish all parental rights. The husband, being the natural father, assumes custody with his wife who then legally adopts the child.

This method of childbearing is best accomplished by teamwork of the parents, surrogate, physician, psychologist, and attorneys, each making an important contribution toward their common goal of creating a family.

The notion of surrogate parenting dates back almost 4,000 years. According to the Bible, Genesis chapter 16, Abraham's wife Sarah could not conceive, so she sent her husband to sleep with her Egyptian maid, Hagar, who bore Abraham's son, Ishmael for them.

Artificial insemination was developed and successfully used in 1950 by Eustachius (physician to the Pope). The freezing of sperm (which can maintain its life for about 10 years) dates back to 1776, developed by an Italian priest, Lazzaro Spallanzani. Since then, over a million children have been born through artificial insemination.

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

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

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

MSG 82-00002180 PRTY 1 01/19/82 18:54:29 ORIG: LA00 IN= 0031 OUT= 01
FROM: CINDY ANCH. TO: JNU INFO
TARGET: LJM2 SUBJ: POM PAGE 00

TO: REPRESENTATIVES BEIRNE, CATO, MALONE, SMITH

FROM: EILEEN F. LEVINSON, 101 W. 22ND AVE., ANCH 99503 (274-3792)

RE: HB 500

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

MSG 82-00002168 PRTY 1 01/19/82 17:43:52 ORIG: L000 IN= 0005 OUT= 01
FROM: KODIAK TO: JUNEAU PAGE 00
TARGET: LJM2 SUBJ: PUBLIC OPINION MESSAGE

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

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

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

MSG 82-00002360 PRTY 1 01/20/82 13:32:15 ORIG: LA00 IN= 0012 OUT= '0080
FROM: MARCIE, ANC INFO TO: POM, JUNEAU INFO
TARGET: L J H 2 SUBJ: P O M PAGE 0001

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

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

MSG 82-00002357 PRTY 1 01/20/82 13:26:13 ORIG: LF01 IN= 0014 OUT= 006
FROM: DEBBIE/FBKS TO: J'ND LTN PAGE 0001
TARGET: L J H 2 SUBJ: POMS

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

FR: JUDY HARVEY
SR BOX 70389
FAIRBANKS, AK 99701

RE: HB 500

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

MSG 82-00002406 PRTY 1 01/20/82 14:56:25 ORIG: LA00 IN= 0016 OUT= 010
FROM: CINDY, ANCH TO: JNU INFO
TARGET: LJM2 SUBJ: POM

TO: REPRESENTATIVES BEIRNE, CATO, MALONE, MARTIN, SMITH
FROM: NORMA JEAN ELGAS, 7319 E. 6TH, ANCH. 99504 (337-5228)
RE: HB 500

I AM VEHEMENTLY OPPOSED TO THE PASSAGE OF HB 500. I URGE YOU TO NOT SUPPORT THIS BILL.

MSG 82-00002406 PRTY 1 01/20/82 14:56:25 ORIG: LA00 IN= 0016 OUT= 010
FROM: CINDY, ANCH TO: JNU INFO
TARGET: LJM2 SUBJ: POM

TO: REPRESENTATIVES MARTIN, BEIRNE, CATO, SMITH, MALONE
FROM: JOANIE CLEARY, 1420 MELCHINA, ANCH. 99501 (274-9056)

I STRONGLY OPPOSE HB 500 (LIMITING THE USE OF STATE MONEY FOR ABORTION) ABORTION IS A CHOICE NOW AVAILABLE TO ALL WOMEN, BUT POOR WOMEN WOULD HAVE FREEDOM TAKEN FROM THEM WITH PASSAGE OF THIS BILL. IT IS NOT RIGHT TO DISCRIMINATE ON THE BASIS OF WEALTH, OR FOR YOU TO MAKE THIS PRIVATE CHOICE FOR THE POOR WOMEN OF ALASKA.

MSG 82-00002406 PRTY 1 01/20/82 14:56:25 ORIG: LA00 IN= 0016 OUT= 010
FROM: CINDY, ANCH TO: JNU INFO
TARGET: LJM2 SUBJ: POM

TO: REPRESENTATIVES BEIRNE, CATO, MALONE, MARTIN AND SMITH
FROM: CORRINE WERTZBAUGHER, 3700 AMBER BAY LOOP, ANCH. 99502 (349-3205)

IT HAS COME TO MY ATTENTION THAT HB 500 IS AGAIN BEING CONSIDERED IN COMMITTEE HEARINGS. SINCE I WAS UNABLE TO COMMENT DURING THE HEARING IN ANCHORAGE, I WANT TO TAKE THIS OPPORTUNITY TO VOICE MY STRONG OPPOSITION TO THIS BILL WHICH UNDULY PENALIZES POOR WOMEN.

TO: ALL REPRESENTATIVES

FROM: DOROTHY PATTERSON
423 W 22ND, APT 202
ANCHORAGE 99503

(H) 276-7986

RE: HB 500

I STRICTLY OPPOSE HB 500.

TO: ALL REPRESENTATIVES

FROM: LORRINE RAGSDALL
801 AIRPORT HEIGHTS RD, SP 404 KRISTAS
ANCHORAGE 99504

(H) 272-2900

I OPPOSE HB 500.

THRU: LORRINE SUBJ: PUM

PAGE 0004