

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 86/2

1381 HESS HB 500 (#2)

As I said before, most people should have a schedule in hand so the thing should run relatively smoothly. There is the possibility that some people may not show. I've stressed the importance of being on time so I don't think they can bitch if we go on to the next person should they not be there. If by some chance we should start to run way ahead of schedule, you might want to call a break or see if anyone in the audience who was not scheduled might want to speak. Throughout the day, I'll try to stay on top of new people coming in who want to speak and give you an updated waiting list.

One final thing. I told both "sides" that they could set up a table outside the theatre by the main entrance pass out literature or whatever. And I also put into that "hearing guideline" that no demonstrations or outbursts will be allowed while the committee is in session. That would be cause for removal. You said the other day that that might mean an early adjournment of the hearing too. I didn't say that in the guide because that might tend to backfire. I could just see the pro-choice people causing a disturbance to end the meeting since they've never wanted to have one from the beginning.

Otherwise I can't think of anything else. I've taken all the stuff with me tonight and will go directly to the theatre around 8 am tomorrow. I'm assuming you will come to the office first and then head on out there. Reminder that the hearing is in that big building on the left, on Providence Drive at the Anchorage Community College.

Jena

p.s. I talked with Sally Smith over the weekend in Fairbanks and she plans on writing letters to relatives, maybe catching up on some reading while she sits through this thing. Although I don't expect her to ask many questions, you might want to mention to Terry Martin that we ought to hold questions to the speakers at a minimum since it only adds more time to this already long day.

## House Bill 500- Summary

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

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

This act takes effect immediately.

September 11, 1981

Mr. Jens Zehbe  
H.E.S.S Committee Office  
700 H Street, Suite G  
Anchorage, Alaska 99501

Dear Mr. Zehbe,

I understand that the House Health Education and Social Services Committee will be taking testimony on HB 500 and 550 this Monday. I would appreciate this letter being forwarded to H.E.S.S. committee members as testimony.

I am concerned over the possible ramifications of HB 500. I can understand concern that state money is spent on abortions. But consider the alternative: unwanted children would be born, with a bleak future ahead for them. This would likely lead to a substantial increase in Aid to Families with Dependent Children payments, as well as more child abuse and neglect. As a woman, I can understand the anguish that can accompany the decision to have an abortion. Any woman who has ever had one will assure you it is not a viable alternative to other forms of birth control. If a woman has the courage to seek an abortion, it should be available to her.

The possible effects of HB 550 are less obvious. The legislation could conceivably limit a woman's right to control her own body, giving instead rights to the unborn fetus. I realize that the bill as now proposed allows for the "killing of a fetus" if the mother consents. But I see no purpose for the legislation at all. I anticipate that this bill will be the forerunner for more limiting bills. Our elected lawmakers are not charged with legislating morals. The question of when life begins is impossible to answer. Scientists will tell you life began when the first strands of DNA coded the blueprint for life, and life has been continuing ever since, flowing through being after being. Rather than being concerned with the "murdering of a fetus," I feel that legislators should concentrate on safeguarding the lives and liberties of parents and the children they choose to have.

Finally, I would like to note that the Right to Life group has been gathering signatures for a petition supporting limiting state funds for abortions through misleading means. These people are interjecting posters and pamphlets graphically portraying the result of abortions (i.e. fetuses in garbage bags). These serve to emotionally charge the issue, and I feel that many signers of the petition did not fully understand the issue before them. It is also my understanding that many of those signing the petitions were not registered Voters, or even residents of the State of Alaska. I am basing that statement on observations at the Tanana Valley State Fair last month in Fairbanks. I understand that the Right to Life group is meeting in Anchorage at the same time testimony on HB 500 and 550 is being accepted. I ask that you bear in mind that the radical, limiting view that this group advocates is probably not the majority view of Alaskans.

I welcome any comments, clarifications, or justification for H.B. 500 and 550, from either the H.E.S.S. committee or its staff. I would also appreciate knowing the timetable for these bills, and how long testimony regarding them will be accepted.

Sincerely,  
  
Julie Scott  
P.O. Box 80435 College  
Fairbanks, Alaska 99708

# Confederacion Pro-Derecho A La Vida

P.O. Box 761 Davis, CA 95616



Re: Tax-paid Abortion

Dear Members of the Alaska Legislature:

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

**Executive Committee:**

Jose J. Granda  
*President*

Patricia Garcia  
*Northern California Vicepresident*

Mariana T. Rodriguez  
*Public Relations Director*

Carmen Trujillo  
*Southern California Vicepresident*

**Afiliated Organizations:**

Confederacion de la Raza  
*Unida San Jose*

Suskol Indian Council  
*Napa*

American G.I. Forum

United Indian Tribes  
*Redding*

Centro de Vida  
*East Los Angeles*

Auxilio de la Vida  
*San Jose*

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

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

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

Jose J. Granda  
President

*Jose J Granda P.E.*

## 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 1365, El Cajon, Calif. 92022

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# LA PRENSA

# SAN DIEGO



VOL. IV No. 46 La Prensa San Diego, 1950 Fifth Avenue, San Diego, CA 92101 (714) 231-2874 Oct. 24, 1989

## Abortion-Clinic Investigation Asked For!

Assemblyman Pete Chacon (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 Deussen after the alleged criminal investigation was reported in a recent San Diego newspaper article.

In his letter Chacon expressed his concern that investigations and audits had been initiated two years ago and to date no action has been taken by state health officials. "I am distressed that a purported Medi-Cal audit report concluded that the State could collect \$800,000 from one of Dr. Edward Alfred's hospitals for having overbilled Medi-Cal in 1977, and yet no further state action has occurred," said Chacon. Assemblyman Chacon 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.

Chacon 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 Chacon. He continued by stating, "Dr. Alfred's remarks about a 'Latin race woman,' and that 'Hispanic immigrants' lack of respect for democracy and social order reflects his racial bias." "Although Dr. Alfred claims that he refuses to debate morality, he obviously feels that he is free to make moral judgement about ethnic groups and determine which ethnic

Cont on pg. 12

## Chicanos React Angrily To Racist Doctor

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

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

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

social order is frightening. I hope I can do something to stem the tide of any ethnic group by means of abortion, contraceptives, and sterilization. Maybe one in California would help. The survival of our society could be at risk."

"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 1969," 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.

Appealed 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, stated that "all legislators join them in asking Maria Obiedo, 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 paid agent of the State or the State become party to his outrageous program against minorities."

Jose Macias, President of the Chicano Democratic

Cont on pg. 13

### 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 (extreme right). Also present for the ceremony are Dr. Reyes' wife Conchita and three of their children: (from left to right) son Esteban, and daughters Sabina 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, Sabina 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 1978, stresses the many enriched 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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Cont' from pg. 1

### DOCTOR'S RACIST STATEMENTS BRING STRONG CONDEMNATION

Jose Lora, 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."

Irma Castro, Executive Director of the Chicano Federation, when informed of the genocidal statements of Dr. Alfred in support of abortion "is 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 condon 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 Tom Chai man of the Board, Roger Hedgecock, and Supervisor Jim Bates. All voted to support the funding of Planned Parenthood. It was noted that Hedgecock's wife, Cindy, sits on the Board of Directors of Planned Parenthood.

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 Abolish Hitler is alive and well in 1980. His racist statements that Mexican immigrants lack respect for democracy and support order that he would stem the tide by setting up abortion clinics in Mexico border towns represent 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 Supremacist, and Border Patrol nationalist, 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 Children. What is at stake here is our Basic Right to survive as a people!



CONFEDERACION PRO-DERECHO A LA VIDA  
P. O. Box 761  
Davis, California 95616

(916) 756-8288 the Chicano political movement of the movement. Laws are to stop at people must be survive," concluded Baca.



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Cont' from pg. 1

### ABORTION CLINICS INVESTIGATION

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

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

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ISSUE 80

300 North Bragaw

Anchorage, Alaska 99504

Bell

Dear ISSUE '80 Sponsor:

The deadline for the initiative signature drive has been extended until mid-summer. After governmental delays, some mis-direction, poor communications, and a slow start; our campaign is going well. We already have over 8000 signatures, and over 400 sponsors gathering more signatures.

We expected to have reached our goal of 16 000 signatures by now; but the response to our direct mail appeals was much less than expected. The most successful sponsors carry their signature books with them all the time and solicit signatures from virtually every voter they encounter. They aggressively gather signatures at the gatherings of people in their areas such as PTA, church, Scouts, sales meetings, political meetings, club meetings, and sports events.

if you have friends who would like to be sponsors, or if you need another book (one person is on her fourth) sign the enclosed form and mail it to ISSUE '80. Remember that when you finish a book you must have it notarized.

There are encouraging signs in the courts and in the legislature that the battle against abortion is moving in our favor. NOW is the time to press on to stop the slaughter of the unborn.

Thank you for your efforts.

Most sincerely for life,

*Fred Dyson* *cg*

Fred Dyson  
Initiative Coordinator

Enclosure

FD:cg

# ALASKA STATE LEGISLATURE - HOUSE OF REPRESENTATIVES

IN SESSION:

POUCH V  
JUNEAU, ALASKA 99811  
TELEPHONE: (907) 465-4948

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

September 2, 1981

COMMITTEES:  
HEALTH  
EDUCATION AND  
SOCIAL SERVICES  
COMMITTEE FOR REVIEW  
OF REGULATIONS

## PRESS RELEASE

The House Health, Education and Social Services Committee which is chaired by Representative Mike Beirne of Anchorage will be holding a public hearing on House Bills 500 and 550, both relating to abortion.

The hearing is scheduled for September 14th at the Performing Arts Center of the Anchorage Community College at 2533 Providence Drive. The hearing will begin at 10:00 am and run till 5:00 pm with a break for lunch at noon. There is also an evening session scheduled to begin at 7:00 pm. The public is invited to attend and those persons wishing to speak before the committee should contact Representative Beirne's office at 278-4912.

Copies of both bills can be obtained at the Anchorage Legislative Information Office located at 1024 West 6th Avenue.



Official Business

# Alaska State Legislature

## House of Representatives

Committee on

Health, Education & Social Services

Pouch V  
State Capitol  
Juneau, Alaska 99811

November 6, 1981

Mr. David Buchanan  
Issue 80 Executive Committee  
300 North Broadway  
Anchorage, Alaska 99504

Dear Mr. Buchanan:

Thank you for your informative and well thought out letter of September 14, 1981. Your Issue '80 organization sounds like a worthwhile educational group. You might be interested to learn that HB500 and HB550 will probably be taken up early in the upcoming session of the Legislature. The interim hearings on these matters were well attended and many provocative issues were introduced.

I am pleased that you took the time to write me about the work you have done on initiative petition #80-04. I, too, feel that public input to the Legislature regarding abortion issues has been overdue.

Once again, I appreciate your informative letter and hope that I will continue to hear from citizens as concerned about their community as you.

Sincerely,

Mike Beirne  
State Representative

MB/bw

TO: Representative Beirne and Members of the Health,  
Education and Social Services Committee.

FROM: David Buchanan and Issue 80 Executive Committee.

RE: Transcript of testimony from Issue 80 before the HESS  
Committee Public Hearing on Housebills 500 and 550,  
(Abortion Funding), September 14, 1981.

Dear Representative Beirne:

I have come to share not only the concerns that are of a personal response but also the response of the Issue 80 Committee.

Issue 80 was formed originally as an educational effort to share the five episode film series Whatever happened to the Human Race which addresses the issues of abortion, infanticide and euthanasia. Those on the Executive Committee are professional people in the Anchorage area, people who are from professions representing business, medical, legal and various members of the clergy. Issue 80 has no organizational tie to any other agency, organization, or political action group. Issue 80 receives no federal or state funds. Every aspect of Issue 80 is truly a broad based grass roots effort.

Due to the response from those who viewed the film series at statewide seminars, Issue 80 was urged from the grass roots level to become more involved than just education. The result was the instigation of initiative petition, Proposition #80-04 which is essentially the same as House Bill #500.

There are presently over 700 petition sponsors statewide, in all election districts, from Barrow to Ketchikan, gathering signatures in support of Proposition #80-04. About 13,000 registered Alaskans have already placed their signatures on the line. We find the number making a commitment to the anti-abortion issue is growing every day throughout this state.

While Issue 80 is clearly anti-abortion, we find it unique that a significant number of individuals who themselves are pro-abortion are backing Proposition #80-04 because they hold the conviction that state tax money should not be used for such purposes.

Issue 80 stands against the many myths that plague the abortion issue.

Representative Beirne  
Page 2

Issue 80 stands against the Economic Myth which says because wealthy people want abortions the minority poor must also want them. We find it appalling that when the poor ask for jobs and bread the state offers them the funds and the solution by eliminating their dearest of possessions, their family.

Issue 80 stands against the Biological Myth which says the developing fetus is merely another part of the woman's body. It is not! It is merely domiciled there. Maybe due to that fact tennant rights are warranted.

Issue 80 stands against the Scientific Myth that says because some do not know precisely when the beginning of life occurs that we cannot know when it is most likely to occur. It is because we may not know with precision, that we be all the more prudent to reserve the entire process.

Issue 80 stands against the Sociological Myth which states that due to instances of child abuse abortion would have been the better occurrence. The 1.5 million abortions performed per year has prevented millions of unwanted children from being present on the scene. This should have resulted in the lowering of child abuse rates, but it has not. Child abuse rates continue to rise year after year.

Issue 80 also stands against the Human Rights Myth which communicates that by eliminating the rights of some deemed unwanted, imperfect or un-useful we somehow insure the rights of others.

What then does Issue 80 stand for, you ask?

Issue 80 stands for the belief that there is no such thing as a life unworthy to be lived.

We therefore urge our state legislature to pass Housebill #500 and 550!

Why?

So that Alaska will not become an exclusive reservation where only the planned, the privileged and the perfect have the right to live.

Respectfully submitted,

*David R. Buchanan*

David R. Buchanan  
Representing Issue 80 Committee.

*P.S. Issue 80 will make available to the House Committee any or all of the film series "Whatever Happened to the Human Race?" upon your request to view it.*

*DB*



FAIRBANKS CHAPTER, P.O. BOX 82254, College, ALASKA 99708

To: Representative Mike Beirne, Chair  
House Committee, Health & Social Services

From: Fairbanks Chapter N.O.W.  
Bonnie McCorquodale Navin, Correspondent

Re: Testimony for Record - Public Hearing  
Anchorage, 9/14/81

The Fairbanks Chapter of the National Organization for Women represents many Alaskans in this community--all of whom are deeply committed to the concept and reality of freedom of choice. We have, on occasion, been mistakenly identified as "pro-abortion." In fact, many N.O.W. members do not believe in abortion, but they do believe in the right of all Americans to make individual choices based on their individual beliefs.

Those who support legislation prohibiting abortion and/or prohibiting the use of any public monies for abortion claim that they are protecting human life. We would suggest that they are, in reality, threatening the right of women--particularly women of child-bearing age--to life, liberty and the pursuit of happiness.

Pregnancy and childbirth are life threatening conditions for some women. Will the State of Alaska refuse to pay for an abortion for a woman without funds when that abortion is necessary to save her life? If not, who will define "life saving?" The death of a woman's spirit, abilities and hopes for the future cannot be ignored. The suffering and despair of many of the women seeking abortions or the funds for an abortion is probably beyond the comprehension of many of the people who will be present for this hearing. These women are not limited to, but certainly include: 1/ rape victims, 2/ mothers who know that bearing another child will result in deprivation and harm for those already living, 3/ young, already abused incest victims, 4/ women whose fetuses are hopelessly damaged and many, many more. Refusing to allow women the right to choose for themselves what will or will not happen within their own bodies will, ultimately, cost us far more than we are really willing to pay. We will pay with human lives--the very thing these legislative efforts are pretending to protect.

We do not believe that anyone who testifies at this hearing will be opposed to protecting human life. When abortion is discussed the issue is women's lives and the potential for human life. The potential for life cannot and should not be equated with viable human life. The fertilized egg is not a viable human life. It is, in fact, part of a woman's body. The embryo cannot live outside of the human female

testimony  
H & S S  
9/14/81  
Page 2

and thus, cannot be said to have a life separate and independent of hers. Until such time as the fetus is viable, it--like the other organs and organisms within the woman--is a part of her own body. Surely the right to control what happens to our own bodies is a fundamental right of all people in this country. Our legal system has acknowledged an individual's right to defend property and life--even in cases where that defense resulted in the death of an already viable human being. The State of Alaska cannot possibly consider limiting the right of it's female residents to defend their lives and liberty by denying them control of their own bodies. Legislation limiting that right, in this state or the nation, would make a mockery of our 200 year history of freedom.

Thank you.

cc: Fairbanks Daily News-Miner  
House of Representatives - Fairbanks delegation  
State Senate - Fairbanks Delegation  
Senator Ted Stevens  
Senator Frank Murkowski  
Representative Don Young

ANCHORAGE ASSOCIATION OF WOMEN LAWYERS

POST OFFICE BOX 3082  
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.

TO: House Committee on Health,  
Education and Social Services

DATE: September 14, 1981

FROM: Teresa Williams, Attorney

RE: Testimony on H.B. 550

### I. Introduction

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

### II. Typographical Error

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

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

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

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

### III. Battered Women

I will assume that the typographical error will be corrected and will turn to the general nature of House Bill 550.

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

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

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

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

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

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

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

9/14/81

Testimony by Annely Girard

INTRO

I have worked in the area of counseling and social work for the last 8 years.

- 1) As legislators for Alaskan citizens of divergent origins, religious and moral beliefs, you have the responsibility to put emotional and religious beliefs aside in your handling of this issue. Consider the economic, social, and psychological aspects of this legislation.

The issue is not whether abortions will be done, but whether they will be done safely.

- 2) Unwanted pregnancies are a factual problem. Unwanted children abound. Dr. Wilke's statement that there is no such thing as an unwanted or unloved child in this society is NOT factual. There are upward of 30 abuse cases investigated in Anchorage each week, the age range covering from birth thru the teens.

We need a positive approach to providing preventive measures, to provide alternatives: we need quality sex education in the schools, and generous funding for outreach programs in education and counseling.

- 3) We know that those who can pay the price can obtain abortions, no matter how the law reads. And we know that the irresponsible actions of many men who are fathers of unwanted children are largely condoned by our laws and society.

I challenge you: are these measures not yet another act of discrimination against women, against the poor?

- 4) HB 550 is sufficiently confusing to warrant a return to the drawing board.

Our society's coming into an age of awareness of responsibility is something to be fostered by means of TEACHING, not prohibition. We know from history that prohibition does not work -- Prohibition fosters lawlessness.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HOUSE HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE

MR. CHAIR, REP. MIKE BEIRNE

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

I am a registered voter.  
I vote.

I support the Right to Choose.

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

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

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

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

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

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

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

*Ilene Sackett*

Good Afternoon.

My name is Angela Rinaldo and I am the Executive Director of Standing Together Against Rape. I am speaking today on behalf of STAR in opposition to House Bills 500 and 550. Due to the fact that I am not an attorney I will refrain from addressing the constitutionality of the bills. However, I would like to raise issue with House Bill 550 and its vagueness. Considering my limited experience with the legal implications of the bills, I will discuss them from a social and moral perspective.

If my understanding of the bills is accurate I must conclude that the introduction of these bills is an attempt to limit the availability of abortions and a woman's right to choose to abort. In doing so these bills together would make the abortment of a fetus (which is undefined), unless the woman's life is in danger, murder and prohibit the use of state money to pay for it. The social implications of these bills are many. It is our contention that by limiting funds for abortions and reducing an individual's choice about one's body, to murder, will not prevent abortions but merely reduce the availability of safe medical means to having one. Abortion is not a new phenomenon. When I was a little girl I remember hearing horror stories about back-room abortions. If you pass this legislation all you will have accomplished is reducing abortion to a back-room phenomenon once again.

Lastly I would like to address the issue of providing for the children that will emerge from the unabortted fetuses. Nowhere does the legislation address the problems associated with unwanted children, parents who can't support them, and a lack of social services to provide for them. In a time when government is cutting back on child care funds, welfare funds, and social services in general I question who and how will we care for these children and assure that they will have a happy healthy life.

In conclusion, I urge you to consider the implications these bills will have on our freedom of choice and the consequences if you deny that choice by passage of these bills.

TESTIMONY  
of  
Pastor Paul E. Glover  
Harvester Christian Church

Thank you Dr. Beirne for allowing this issue to come to a hearing. When you get it on the floor for a vote, we will be back to congratulate you.

I would also like to thank each of you legislators for taking the time to come and listen to our testimony. It is much appreciated.

This is my 30th year as an ordained minister. My testimony will support the enactment of both bills that are before us today.

Quite frankly, the very question of whether the State should hire the killer of unborn children is, in itself, a disgrace. The judgment of God has always rested upon the slaughter of the innocents, in all ages, and this generation will be no exception.

Noah was barely out of the Ark before God spoke to him these words: "And surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of every man; at the hand of every man's brother will I require the life of man. Whoso sheddeth man's blood, by man shall

"his blood be shed: for in the image of God made He man. And you, be ye fruitful, and multiply; bring forth abundantly in the earth, and multiply therein."

The Constitution of the United States addresses a number of things that are pertinent to our lives. The Bill of Rights spells out specific provisions for the preservation of life, liberty, and the pursuit of happiness. If we, as citizens of the United States, are at any point the victims of a lack of direction, it is probably in the area of responsibility.

Substantive testimony has been presented in this forum to establish beyond any reasonable doubt that life begins in the womb at conception, and that single cell being is, in fact, a being from that moment.

One of the questions I have to offer is related as to whom is responsible for that life, and if it is destroyed, whose responsibility is it? Does the prospective mother bear that responsibility alone, or does the abortionist share that responsibility with her? If it is legalized abortion, then would those persons who voted for legalized abortion become abortionists themselves by the way they voted? If the murder takes place with State funding, would the legislators who voted for the funding be added to the list of abortionists. In all fairness to the question, what about the people who willingly paid their tax money. Would their willingness to pay taxes constitute responsibility for the murder of those children?

What about the eternal destiny of a child who dies in infancy? It is generally understood by many biblical scholars that the spiritual state of the parent or parents will determine where that child spends eternity.

If we follow through on that inquiry, then where does the child who is killed by the abortionists spend eternity, and who is responsible? I know you may say that we have enough problems on our hands trying to decide what to do with this issue as far as life here is concerned. On the other hand, to fail to consider the hereafter is to ignore a very real part of this issue.

So, are we to assume that the prospective mother who elects to kill; the doctor who elects to kill; the legislators or justices who elect to legalize killing; the legislators who elect to finance the killing; the taxpayers who elect to pay their taxes knowing that those taxes may be used for the killing of the innocent are all abortionists through their participating action?

God spoke to more than one Old Testament prophet and said, "I knew you while you were still in your mothers womb." Life begins there. "It is appointed unto man once to die, and after that the judgment." Where are those unborn babies who die in their mothers wombs going to spend their eternity? and who bears the BLAME OR RESPONSIBILITY?

I AM GEORGE BROWN, HUSBAND, FATHER OF 2 TEENAGERS, ALASKA RESIDENT FOR 16 YEARS, BOARD CERTIFIED PEDIATRICIAN IN PRIVATE, NON-PROFIT PRACTICE, AND A CONCERNED, RESPONSIBLE CITIZEN.

MY TESTIMONY IS AGAINST THE TWO PROPOSED BILLS WHICH WOULD RESTRICT ABORTIONS IN ALASKA.

OUR HUMAN RACE IS IN DANGER FROM A RECENT PUBLIC SENTIMENT OF OVERSIMPLIFICATION. IT IS UNDERSTANDABLE THAT WE ARE TEMPTED TO FIND BLACK & WHITE ANSWERS WITH INCREASING THREATS TO OUR ESTABLISHED SECURITY. INFLATION, INCREASING CRIME, RAPID TECHNOLOGICAL CHANGE, BROKEN HOMES, MASSIVE DRUG INDULGENCE, AND UNWANTED, MISTREATED CHILDREN ABOUND. TO TRY TO APPLY SINGLE, OVERSIMPLIFIED SOLUTIONS TO SUCH COMPLEX ISSUES CAN ONLY MAKE MATTERS WORSE, FOR ALL OF US.

A FRIGHTENLY OVERSIMPLIFIED SOLUTION TO OUR CURRENT MOST CONTROVERSIAL PUBLIC ISSUE, ABORTION, IS BEING PUSHED BY SINCERE FELLOW CITIZENS. THEIR CONSTITUTIONAL RIGHT TO EXPRESS THEIR VIEW AND TO CHANGE OUR LAWS IS GUARANTEED. THIS RIGHT IS CRUCIAL FOR ALL OF US AND IS TRULY REVOLUTIONARY IN HUMAN HISTORY.

TO SAY THAT ALL ABORTIONS ARE MURDER IS TO SAY THAT NATURE IS A MURDERER, FOR THERE HAVE ALWAYS BEEN SPONTANEOUS ABORTIONS. AS THE SCIENCE OF HUMAN REPRODUCTION IS SLOWLY BEING BETTER UNDERSTOOD, WE KNOW THAT NATURE ABORTS HANDICAPPED AND DISEASED UNBORN BABIES. TO MAKE A LAW THAT A PERSON ASSISTING AN ABORTION IS A MURDERER WOULD SUBJECT MANY MEDICAL RESEARCHERS TO IMPRISONMENT, RESEARCHERS WHO HAVE WON THE BATTLE AGAINST MANY OF THE FORMER MASSIVE KILLERS OF HUMANKIND. SMALLPOX IS A GOOD EXAMPLE. OVERSIMPLIFIED, BLACK & WHITE, ALL OR NOTHING SOLUTIONS DO NOT WORK FOR COMPLEX BIOLOGICAL PROBLEMS. SMALLPOX VACCINATION KILLED TENS OF HUNDREDS OF PERSONS, ESPECIALLY WHEN IT WAS UNSCIENTIFICALLY USED, BUT IT SAVED TENS OF MILLIONS AND FINALLY ERADICATED SMALLPOX, WHICH IN HUMAN HISTORY HAS WIPED OUT ARMIES AND RAVAGED NATIONS.

WE WILL CONTINUE TO HAVE ABORTIONS, JUST AS WE WILL CONTINUE TO HAVE STARVATION, WAR, AND DISCRIMINATION. BUT WE CAN DECREASE THE NUMBERS AND THE DAMAGE, BY NOT BEING AFRAID TO BE TOLERANT AND TO TRY TO COOPERATE.

I AM NO MORE IN FAVOR OF ABORTIONS THAN I AM IN FAVOR OF STARVATION, WAR, AND DISCRIMINATION. I WILL CONTINUE TO ACT TO SUPPORT ACTIVITIES THAT HELP FEED STARVING CHILDREN AND ADULTS. I WILL CONTINUE TO SUPPORT PERSONS AND GROUPS THAT AVOID VIOLENCE. I WILL CONTINUE TO SUPPORT LEGISLATION THAT DECREASES DISCRIMINATION. ANY LAW THAT RESTRICTS ACCESS TO A MEDICAL SERVICE IS DISCRIMINATORY. ESPECIALLY WHEN THOSE DISCRIMINATED AGAINST ARE POOR AND POLITICALLY DISPOSED, SUCH LAWS ARE BASICALLY UNFAIR, UNDEMOCRATIC, AND UNAMERICAN.

THE MOST THREATENING DISCRIMINATION, BY SUCH LAWS, IS TO THE INTEGRITY OF INDIVIDUAL CHOICE. THE COMPLEX DECISION ABOUT ANY ABORTION, WHICH IS ALWAYS AN INDIVIDUAL DECISION, CAN BE BEST MADE IN THE PRIVACY OF FAMILY, PROFESSIONAL, PERSONAL SUPPORT. AS ONE PERSON SAID: "IF THE GOVERNMENT CAN TELL A WOMAN TODAY SHE CANNOT HAVE AN ABORTION, THEN TOMORROW IT MAY TELL HER SHE MUST."

*George Brown*

9-14-61



# acog

newsletter

july, 1981/volume 25, number 7

## Abortion favored in most cases

Eighty percent of Americans say they would favor legal abortion in most circumstances, according to a Washington Post ABC News poll.

The poll of 1,533 people interviewed by telephone in May throughout the U.S. showed 16 percent disapproved of abortion in most circumstances and the 10 percent remaining disapproved in all circumstances.

Those surveyed were asked to indicate whether they would favor or disapprove of legal abortion in most circumstances, in all circumstances, or in no circumstances.

decides she wants one no matter what the reason.

Among those surveyed, 88 percent favor legal abortions when the woman's life is endangered, 87 percent in cases of rape or incest, 84 percent when the woman might suffer severe health damage, 70 percent when there is a chance the baby would be born deformed, and 59 percent when a woman's mental health is endangered.

When asked whether they would favor or disapprove of legal abortion in all circumstances, 16 percent favored it and 10 percent disapproved.

# Dr. Ryan presents ACOG abortion position

The ACOG's official position in opposition to the Human Life Bill (S 158, HR 900) was presented within a statement by College President George M. Ryan, Jr. M.D. at a May 20, 1981, hearing of the Senate Judiciary Subcommittee on Separation of Powers. Dr. Ryan told Subcommittee members that "my purpose in being here is to provide expert testimony which I, as well as many of my colleagues, feel is absolutely necessary to assure that Congress has information on the broad health ramifications of this bill. When Congress equates cellular life to personhood it is taking a substantial leap beyond the current views of the medical and scientific community that will have a major and lasting effect upon the health care of women in this country, the practice of medicine in this country, and the personal health practices of a large portion of our population.



Dr. Ryan testifying before Senate Judiciary Subcommittee on Separation of Powers

Illustrating the potential effect and consequences of passage of such legislation, Dr. Ryan noted that major obstetrical practices over the past twenty years have been directed to evaluate the intellectual status of the fetus and perform early delivery of the fetus when indicated. Many of these premature births relate to maternal disease (e.g. toxemia). Prevention of the most severe effects of this disease involves early delivery with concomitant risk to the baby. Failure to act in this situation for fear of abridging the rights of the fetus could result in death of the mother and fetus. This bill if enacted could create impossible dilemmas for the practicing physician trying to meet his or her ethical responsibility to act in the best interest of the pregnant woman. Medicine has the capability of identifying a number of genetic abnormalities early in pregnancy and offering a pregnant woman a chance to make the crucial decision as to whether or not she will bear a defective child. The proposed legislation would essentially nullify our current efforts in genetic screening programs.

Additionally, for over 10 million women in this country, the exercise of self-determination includes management of their reproductive functions by means of the intrauterine device and the birth control pill. If the legislation as proposed were to pass, any known contraceptive which interferes with the development of the conceptus would be suspect. It is realistic to assume that the IUD and low dose oral contraceptive pills could be considered as abortifacients and therefore could be declared illegal. Dr. Ryan's testimony to the Subcommittee highlighted medical and health concerns while raising questions as to how the medical profession will deal with the relatively frequent incidence of ectopic pregnancies, hydatidiform mole, or spontaneous abortion if this legislation were to pass.

The Subcommittee is in the process of conducting hearings of additional testimony from legal experts on the current reproductive laws and whether they have ever been used as a means to discriminate against the pregnant woman.

POSITION PAPER

HOUSE BILL NO. 500

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

I. BACKGROUND:

Alaska law permits any woman in consultation with her physician, to exercise individual judgment concerning whether to obtain an abortion. This has been the case since July 20, 1970, when AS 11.15.060 became effective through legislative action that overrode a Governor's veto. The provisions of AS 11.15.060 have remained essentially unchanged since its enactment, except that the statute was transferred to AS 18.16.010 effective January 1, 1980.

Payment of these elective abortions in Alaska for indigent women has been available either through Medicaid (AS 47.07.010 - .080) or General Relief Medical (AS 47.25.300 and AS 47.25.130). Funding for elective abortions was covered under the General Relief Medical Program from July 29, 1970 to August 31, 1972, when it was largely absorbed by the Medicaid Program. Because of changing federal policy embodied in the "Hyde Amendment", payment for elective abortions shifted back to General Relief Medical on October 21, 1976, where it has remained to date.

Last year the Attorney General issued an opinion stating that the Department did not have authority to curtail or modify access to abortion payment coverage for low income women merely through a change in State regulations. The Attorney General ruled that, at a minimum, legislative action would be necessary. The Attorney General also cautioned the Department that even legislative action in this direction might violate privacy and equal protection rights afforded all women, poor or otherwise, under the Alaska Constitution. A copy of that opinion, dated January 12, 1981 is attached.

II. EFFECT OF HP-500:

House Bill No. 500 would limit the expenditure of general funds or other funds administered by the State under the Medicaid Program to abortions that are necessary to save the life of the mother as determined by the attending physician.

Section 1 would amend the Medicaid statutes to prohibit the use of state money or money administered by a state agency for the purpose of paying for an abortion; unless there are extenuating circumstances that require such action to save the mother's life. This action to save the mother's life must be consistent with the effort made to save the life of the fetus as certified in writing by the attending physician.

Section 2 would amend the Medicaid statutes to define "abortion" as a medical procedure to terminate the pregnancy of a nonviable fetus. A nonviable fetus is defined in state regulations as a fetus which has not developed beyond 150 days (see 17 AAC 40.140).

As presently drafted, HB500 would not curtail payment for elective abortions for low-income women in Alaska, due to the fact that funding is provided under the General Relief Medical Program which is located in a different chapter of the Alaska Statutes, specifically AS 47.25. HB500 would have to be expanded to include GR Medical if the Legislature desires to curtail all state funded abortions which do not endanger the mother's life, which appears to be the intent of HB500.

I I. DEPARTMENTAL POSITION:

The Department recognizes the sensitivity of an issue that involves a public policy which transcends political and philosophical boundaries. It is appropriate that a decision of this magnitude be undertaken by the electorate and the Legislature. Since it is the role of the Department only to administer state programs, the Department takes no position concerning this bill.

Approved By:

  
Helen D. Beirne  
Commissioner

Date:

1/21/82

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. \_\_\_\_\_ House Bill No. 500  
Title An Act Limiting use of State money to pay for abortions  
Requested by House HESS Date 21 January 1982

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
Program Category Affected Health; Social and Economic Assistance to General Population  
BRU, Program, or Subprogram(s) Affected Medicaid, General Relief Medical; AFDC  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.	0	1715.7	1853.0	2001.2	2161.3	2334.2
TOTAL	0	1715.7	1853.0	2001.2	2161.3	2334.2

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	0	742.4	852.4	920.6	1015.8	1097.1
FEDERAL FUNDS	0	973.3	1000.6	1080.6	1145.5	1237.1
OTHER (Specify Fund Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

All elective abortions are presently funded by the General Relief Medical program. This bill will virtually eliminate elective abortions. Based on the most recently available statistics, the Department provides payment for approximately 300 elective abortions annually at an average cost of \$900 per procedure. Since elective abortions would not be covered, the Department will bear the cost of 300 additional births annually and the related cost of providing financial and medical assistance to approximately 150 new AFDC cases each year. The following is a breakdown of the financial impact HB 500 will have on the General Relief Medical, Medicaid, and AFDC programs during FY 83.

IV. DATE 21 January 1982 PREPARED BY David M. Davidson  
AGENCY Department of Health & Social Services

Original Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

PHONE 465-1147

*James C. Clark, Dir. of Mgmt. & Budget*

FISCAL IMPACT OF HB 500  
DURING FISCAL YEAR 1983

PROGRAM	TOTAL EXPENDITURE	STATE FUNDS	FEDERAL FUNDS
1. General Relief Medical (\$900 x 300 abortions)	\$ (270,000)	\$ (270,000)	\$ 0
2. Medicaid (\$2500 x 300 routine deliveries)	750,000	390,000	360,000
3. AFDC payments for one year (\$559 x 150 cases of mother and one child)	1,006,200	503,100	503,100
4. Medicaid payments for one year (\$850 x 270 people)	229,500	119,340	110,160
TOTAL	\$1,715,700	\$ 742,440	\$ 973,260

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K-STATE CAPITOL  
JUNEAU, ALASKA 99811

465-3600 .

January 12, 1981

The Honorable Jay S. Hammond  
• Governor  
State of Alaska  
• Pouch A  
Juneau, Alaska 99811

Re: General Relief Medical  
Assistance  
Our File: J-66-413-81

Dear Governor Hammond:

You have asked for an outline of possible options with respect to funding elective abortions through General Relief Medical Assistance. Theoretically, you have four alternatives: (1) retain the existing coverage of elective abortions; (2) direct that payment be stopped for elective abortions; (3) direct that existing regulations be amended to no longer cover elective abortions; and (4) introduce legislation that would amend the statutes underlying General Relief Medical Assistance.

Our research indicates that only the first option is free from legal difficulties. Of the others, the last is legally the most defensible.

BACKGROUND

The Department of Health and Social Services has informed us that indigent women have been able to obtain abortions through the General Relief Medical Assistance Program since its creation in 1953. Elective abortions have been covered since 1970 when the Alaska Legislature overturned Governor Miller's veto of a bill which removed most criminal sanctions in this area. Chapter 103, SLA 1970. Federal funds became available to some extent in 1972 when the State of Alaska enrolled in the Medicaid Program. See AS 47.07.010-080. General Relief Medical Assistance has remained available to indigent women who, for one reason or another, have not been eligible for Medicaid.

The so-called Hyde Amendment, which in various forms has sought to eliminate Medicaid coverage for elective abortions, was initially adopted by Congress in 1976. After a checkered career in federal court, the Hyde Amendment was approved by a 5-4 decision of the United States Supreme Court in Harris v. McRae, \_\_\_\_\_ U.S. \_\_\_\_\_, \_\_\_\_\_ S.Ct. \_\_\_\_\_, 65 L.Ed.2d 784 (1980). This decision, as we indicated orally to the Department of Health and Social Services soon after it was rendered, has no direct impact on General Relief Medical Assistance since that program uses no federal funds.

OPTION ONE

The present policy of making elective abortions available to indigent women presents no legal difficulties. General Relief Medical Assistance derives from AS 47.25.120 which authorizes financial assistance to be provided needy persons "so far as practicable under the conditions in this state." The nature and the amount of assistance are addressed in AS 47.25.300(1) and AS 47.25.130:

AS 47.25.300. DEFINITIONS. In §§ 120-300 of this chapter. . . (1) "assistance" means financial assistance to or on behalf of a needy person, including subsistence (food, shelter, fuel, clothing, and utilities) and transportation, medical needs (including but not limited to, hospitalization, nursing, and convalescent care), burial, and other determined needs;

Sec. 47.25.130. AMOUNT OF ASSISTANCE. The amount of assistance for a needy person shall be determined by the department with regard to the resources and needs of the person and the conditions existing in each case. Where possible, assistance shall be sufficient to provide the applicant with reasonable subsistence according to standards of assistance established by the department. However, the amount of assistance for subsistence needs may not exceed \$80 a person a calendar month.

While financial assistance for abortions is not specifically addressed by statute, existing regulations of the Department of Health and Social Services specifically provide that payment will be made for family planning services, including abortions, that are not available under Medicaid. See 7 AAC

43.005(c), 7 AAC 43.140(b), 7 AAC 43.835, 7 AAC 47.170.

Coverage, of course, implies a prior finding of need by that agency.

OPTION TWO

The second option, that of simply stopping payment, is not legally sustainable. Authority clearly exists for payments to be made under the program to address needs which, in the language of the statute, have been "determined" by the Department of Health and Social Services through the adoption of administrative regulations. Any changes would similarly have to be pursued by regulation in accordance with the procedures set forth in the Administrative Procedure Act. United States v. Nixon, 418 U.S. 683, 694-696, 94 S.Ct. 190, 41 L.Ed.2d 1039 (1974). This option, additionally, is subject to attack on impoundment and constitutional grounds. The constitutional problems, articulated by the dissenting justices in Harris, derive from the Alaska Constitution and are briefly discussed below.

OPTION THREE

The third option is that of amending the regulations to delete elective abortions. While this course of action would not raise the problem mentioned above, it too would be vulnerable to legal challenge.

AS 47.25 gives the agency broad discretion to determine whether there is a need for specific types of medical treatment. Further, the agency has discretion to determine whether a particular applicant actually requires financial assistance. While the latter decision is obviously made on a case-by-case basis, the former is not.

By adopting regulations providing for the coverage of abortion expenses, the agency implicitly made a finding that there is a general need for that type of medical treatment, i.e., that abortions are "medical needs" under the terms of the statute. It could be argued that before the regulations could be amended to exclude elective abortions, there would have to be a finding that conditions within Alaska had changed to such an extent that there is no longer a need for that type of medical treatment. Without such a finding, the change might be considered an arbitrary agency action. It should also be noted that the legislature has not taken action to change the original agency determination.

Such a finding would be most difficult to make in this case. Neither the Hyde Amendment nor the United States Supreme Court decision in Harris alter "medical needs." Nor has any other event occurred in the state which suggests a change in medical needs. Absent changed circumstances, we believe a court might not permit the deletion of elective

abortions from the list of medical needs covered by the General Relief Medical Assistance program.

Conversely, a strong argument can be made that the Department of Health and Social Services has absolute discretion to change its definition of "medical needs" even if there are not changed circumstances in the real world.

#### OPTION FOUR

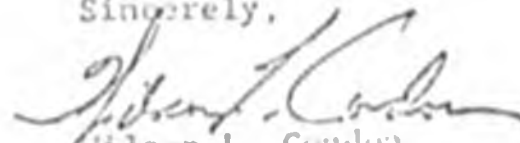
The fourth option, if pursued by the legislature, would eliminate all statutory obstacles and would necessarily elicit the views of that body on this issue. As the United States Supreme Court observed in Harris, "when an issue involves policy choices as sensitive as those implemented [here]. . . , the appropriate forum for their resolution in a democracy is the legislature." 65 L.Ed.2d at 811.

A legislative solution would not, however, eliminate the constitutional problems that this option shares with the preceding two. While the majority in Harris rejected challenges to the Hyde Amendment based on federal rights to privacy and equal protection, it did not address the Alaska Constitution. The Alaska Supreme Court has made it clear that our constitution provides broader protections than its federal counterpart. See Shagloak v. State 597 P.2d 162 (Alaska 1979).

The Alaska Constitution contains an explicit guarantee of the right to privacy which has no parallel in the federal constitution. Ak. Const., Art. I, § 22. See State v. Glass, 583 P.2d 872 (Alaska 1978). It also imposes a more flexible, and likewise more stringent, standard for equal protection. See Commercial Fisheries Entry Comm'n v. Apokedak, 606 P.2d 155 (Alaska 1980); State v. Erickson, 574 P.2d 1 (Alaska 1979); Williams v. Zobel, \_\_\_\_\_ P.2d \_\_\_\_\_, Op. No. 2170 (Alaska Sept. 9, 1980). In light of these factors, it is possible, if not likely, that the minority position in Harris would be adopted by the Alaska Supreme Court. The minority in Harris would have struck down the Hyde Amendment on the grounds that it effectively deprives poor women of the choice of whether to have an abortion and thereby constitutes an infringement of their right to privacy and a denial of equal protection.

Should you decide to seek elimination of state aid for elective abortions, legislative action would probably be the best means of doing so. It should be recognized, however, that even this approach raises constitutional issues that would likely be litigated.

Sincerely,

  
Wilson L. Condon  
Attorney General

WLC/jal

FISCAL IMPACT OF HB 500  
DURING FISCAL YEAR 1983

PROGRAM	TOTAL EXPENDITURE	STATE FUNDS	FEDERAL FUNDS
1. General Relief Medical (\$900 x 300 abortions)	\$ (270,000)	\$ (270,000)	\$ 0
2. Medicaid (\$2500 x 300 routine deliveries)	750,000	390,000	360,000
3. AFDC payments for one year (\$559 x 150 cases of mother and one child)	1,006,200	503,100	503,100
4. Medicaid payments for one year (\$850 x 270 people)	229,500	119,340	110,160
TOTAL	\$1,715,700	\$ 742,440	\$ 973,260

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Sponsor Substitute House Bill No. 500  
Title An Act limiting use of State money to pay for abortions  
Requested by House HESS Date 21 January 1982

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
Program Category Affected Health; Social and Economic Assistance to General Population  
BRU, Program, or Subprogram(s) Affected Medicaid, General Relief Medical; AFDC  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.	0	1715.7	1853.0	2001.2	2161.3	2334.2
TOTAL	0	1715.7	1853.0	2001.2	2161.3	2334.2

FUNDING (Thousands of Dollars)

	FY82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	0	742.4	852.4	922.6	1015.8	1097.1
FEDERAL FUNDS	0	973.3	1000.6	1078.6	1145.5	1237.1
OTHER (Specify Fund Source)						

POSITIONS

	FY82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

All elective abortions are presently funded by the General Relief Medical program. This bill will virtually eliminate elective abortions. Based on the most recently available statistics, the Department provides payment for approximately 300 elective abortions annually at an average cost of \$900 per procedure. Since elective abortions would not be covered, the Department will bear the cost of 300 additional births annually and the related cost of providing financial and medical assistance to approximately 150 new AFDC cases each year. The following is a breakdown of the financial impact HB 500 will have on the General Relief Medical, Medicaid, and AFDC programs during FY 83.

IV. DATE February 10, 1982 PREPARED BY David M. Davidson  
AGENCY Department of Health & Social Services  
PHONE 465-3347  
Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

*[Signature]*  
*James C. Chid, Dir. of Budget & Audit*

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Sponsor Substitute House Bill No. 500  
Title An Act Limiting use of State money to pay for abortions  
Requested by House HESS Date 21 January 1982

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
Program Category Affected Health; Social and Economic Assistance to General Population  
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OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

All elective abortions are presently funded by the General Relief Medical program. This bill will virtually eliminate elective abortions. Based on the most recently available statistics, the Department provides payment for approximately 300 elective abortions annually at an average cost of \$900 per procedure. Since elective abortions would not be covered, the Department will bear the cost of 300 additional births annually and the related cost of providing financial and medical assistance to approximately 150 new AFDC cases each year. The following is a breakdown of the financial impact HB 500 will have on the General Relief Medical, Medicaid, and AFDC programs during FY 83.

IV. DATE February 16, 1982 PREPARED BY David M. Davidson  
AGENCY Department of Health & Social Services  
PHONE 465-3347

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

*James C. Chab. Dir. of Mgmt. & Budget*

FISCAL IMPACT OF HB 500  
DURING FISCAL YEAR 1983

PROGRAM	TOTAL EXPENDITURE	STATE FUNDS	FEDERAL FUNDS
1. General Relief Medical (\$900 x 300 abortions)	\$ (270,000)	\$ (270,000)	\$ 0
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3. AFDC payments for one year (\$559 x 150 cases of mother and one child)	1,006,200	503,100	503,100
4. Medicaid payments for one year (\$850 x 270 people)	229,500	119,340	110,160
TOTAL	<u>\$1,715,700</u>	<u>\$ 742,440</u>	<u>\$ 973,260</u>

January 11, 1982

# Court Strikes Down Illinois Program Funding Pregnancy Assistance

Federal District Court Judge Prentice Marshall on November 23 struck down an Illinois statute providing state funds to agencies that offer counseling and assistance to pregnant women but not referral or counseling for abortion. The ruling drew immediate criticism from Americans United for Life Legal Defense Fund, which represents a pregnancy counseling group whose funding is cut off by invalidation of the statute.

The case, titled *Planned Parenthood v. Kempiners*, had been brought by Planned Parenthood Association—Chicago Area after its application for funds for a program including abortion counseling was denied by the Illinois Department of Public Health.

Judge Marshall said the statute is unconstitutional because by means of it, "the state ensures that a woman will not be told of the complete range of options and relevant considerations to her decision." He said the law violates the

constitutional right of privacy and the First Amendment by "permitting grants to provide information about childbirth but not abortion."

Patrick Trueman, General Counsel to Americans United for Life Legal Defense Fund, charged that, "This ruling flies directly in the face of several U.S. Supreme Court decisions which have held that the government can encourage childbirth over abortion in its funding programs."

A public interest law firm AUI, represents the Care Center of Springfield, an agency funded under the Act which intervened in the lawsuit.

"There is a basic difference between saying the state cannot interfere with abortion and saying that taxpayers' money must be spent to support it. The decision strikes a drastic blow at the ability of the state to help pregnant women cope with difficult pregnancies," Trueman said. "Everyone is talking

about teenage pregnancy and about the need to provide alternatives to abortion, but this court is saying that we can't help with that unless we promote abortion at the same time.

"It is ironic that the prolife movement is frequently criticized for caring only about children and not about their mothers, but when programs are set up to help problem pregnancies, the same critics go into court to strike them down," Trueman said.

Trueman described the law as a model one. "Congress and the states are likely in the future to pass laws similar to it in order to keep tax money from funding abortion promoters," he predicted. "Therefore this is a vitally important case, not only for Illinois but also in the precedent it sets for the nation; it must be appealed—if necessary, all the way to the Supreme Court."

Americans United for Life Legal Defense Fund is the legal arm of the



AUI's Pat Trueman

prolife movement. Since its founding five years ago it has participated in dozens of court cases and won some of the prolife movement's most significant legal victories, including the 1980 Supreme Court rulings upholding the Hyde Amendment and the right of states not to fund abortions.

## Nebraska Stops Public Abortion Insurance

The Nebraska legislature has prohibited the use of public funds for insurance policies that include coverage for abortion.

The bill was voted on three separate times, in accordance with normal procedure in Nebraska's unicameral (single-body) legislature. It passed the first time 33-9, the second time 33-7, and the third time 34 to 11. It now awaits the expected signature of Governor Charles Thone.

The bill received only one vote more than necessary to take effect as soon as the governor signs it. Had it

received only 32 votes at the third reading, it would not have taken effect for two years, when the current insurance bill was to have expired.

A number of amendments were offered for the bill, but the only one that passed was one allowing insurance policies to cover the cost for a woman injured while attempting to abort herself. The bill also covers complications arising from physician-induced abortion.

Debate over the bill was muddled

## Insurance 5/5/81

by anti-Catholic remarks from two pro-abortion legislators. Sen. Shirley Marsh said, "Perhaps in fact this proposal is one more way for the (Catholic) Church to try to control its people... Why should one religious group who has their choice try to force only that choice on the rest of us?" Senator Ernie Chambers staged a theatrical diatribe mocking the Catholic religion. He predicted the Catholic Church would change its teachings on sexuality just as the Church once changed its rule on eating meat on Fridays.

# Summaries

(from p. 6)

## *Beal v Doe* June 20, 1977

The court upheld a Pennsylvania law limiting Medicaid assistance to those abortions that are certified by physicians as medically necessary. The court held that "Pennsylvania's refusal to extend Medicaid coverage to nontherapeutic abortions is not inconsistent with Title XIX" (Medicaid).

The "State has a valid and important interest in encouraging childbirth," the court stated and further noted that "when Congress passed Title XIX in 1965, nontherapeutic abortions were unlawful in most States," to support its ruling that states are not required to fund nontherapeutic abortions.

Six to three decision. Powell, Burger, Stewart, White, Rehnquist, and Stevens for the majority. Brennan, Marshall, and Blackmun dissenting.

## *Meher v. Roe* June 20, 1977

In upholding a Connecticut statute, the court ruled that, in light of its decision in *Beal*, the Constitution does not require a state to pay for nontherapeutic abortions even though it pays for childbirth.

"An indigent woman who desires an abortion suffers no disadvantage as a result of Connecticut's decision to fund childbirth; she continues as before to be dependent on private source for the services she desires. . . . There is a basic difference between direct state interference with a protected activity," the court continued, "and state encouragement of an alternative activity consonant with legislative policy."

The court emphasized again that the "State unquestionably has a strong and legitimate interest in encouraging normal childbirth," an interest honored over the centuries. . . . The subsidizing of costs incident to childbirth is a rational means of encouraging childbirth."

The court concluded that the question of whether the government should fund nontherapeutic abortions should be left to the legislative bodies. "We should not forget," the court said "that legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts."

Six to three decision. Powell, Burger,

Stewart, White, Rehnquist, and Stevens for the majority. Brennan, Marshall, Blackmun dissenting.

## *Harris v. McRae* June 30, 1980

The court ruled that congressional passage of the Hyde Amendment was constitutional. The Hyde Amendment limits the use of federal Medicaid funds to pay for abortions. "It simply does not follow," the court stated, "that a woman's freedom of choice carries with it a constitutional entitlement to the financial resources to avail herself to the full range of protected choices." To hold otherwise, the court said, "would mark a drastic change in our understanding of the Constitution."

Five to four decision. Stewart, Burger, Powell, Rehnquist, and White for the majority. Brennan, Marshall, Blackmun, and Stevens dissenting.

## *Williams v. Zbaras* June 30, 1980

In light of its ruling in *Harris v. McRae* the court upheld an Illinois statute that limits state medical assistance payments to only abortions "necessary for the preservation of the life of the woman seeking such treatment."

Five to four decision. Stewart, Burger, Powell, Rehnquist, and White for the majority. Brennan, Marshall, Blackmun, and Stevens dissenting.

## *H. L. V. Matheson* March 23, 1981

The court upheld a Utah statute requiring a physician to "notify, if possible" the parents or guardian of a minor before an abortion is performed. The ruling was limited and applies only to dependent, unemancipated minors making no claims to maturity.

Recognizing that the "custody, care, and nurture of the child reside first in the parents," the court said that the statute serves a significant state interest by providing parents the opportunity to supply essential medical and other information. "The medical, emotional, and psychological consequences of an abor-

tion are serious and can be lasting; this is particularly so when the patient is immature," the court said.

The abortion procedure is different from other medical procedures. The court continued, "If the pregnant girl elects to carry her child to term, the medical decisions to be made entail few—perhaps none—of the potentially grave emotional and psychological consequences of the decision to abort."

The court concluded that the "Constitution does not compel a State to fine-tune its statutes so as to encourage or facilitate abortions. To the contrary, state action 'encouraging childbirth except in the most urgent circumstances' is 'rationally related to the legitimate governmental objectives of protecting potential life.'"

Six to three decision. Burger, Stewart, White, Powell, Rehnquist, and Stevens for the majority. Marshall, Brennan, and Blackmun dissenting.

## *Gary-Northwest Indiana Women Services, Inc v. Orr* April 27, 1981

In this decision the court affirmed a lower court ruling upholding an Indiana law stating that second-trimester abortions must be done in hospitals.

Six to three decision. Burger, Stewart, Powell, Rehnquist, White, and Stevens for the majority. Marshall, Brennan, and Blackmun dissenting.

teenagers questioned in a recent Memphis, Tennessee study stated they had possessed functional contraceptive knowledge before becoming pregnant. 63 percent reported having made a conscious decision to become pregnant, and the same percentage expressed strong opposition to the prac-

G.M. Ryan, Jr. and P.J. Sweeney of the University of Tennessee College of Medicine. The respondents were 87 randomly selected pregnant teenagers living in the inner city of Memphis. All except one were "non-white," less than half were on welfare, 86 percent were single, and 23 percent had been preg-

most significantly, 76 percent of them said that their parents were either "happy" or "accepting" about their pregnancies, and less than one-fourth reported any problems whatever connected with the pregnancy — these problems, the doctors noted, were primarily related to school. Ironically, two weeks after Modern

protecting the unborn to varying

(See COLUMBIA)

# California Legislature Defies Court, Stops Abortion Funding

The California state legislature has passed a budget providing no funds for elective abortions, directly challenging a California Supreme Court decision declaring that the state must pay for welfare abortions.

The court had ruled to mandate abortion funding by a 4-2

margin. The legislature, however, not only refused to appropriate money for abortion, but also specifically forbade the court to force appropriations not made by law.

Last year, California paid over \$65 million to abortionists.

June 29, 1981

1/12/81

Medicine published its report on the Tennessee study, outgoing head of the federal Health and Human Services Department Patricia Harris told a New York Times reporter that she favored abortions for precisely those reasons which the study so clearly refuted. Harris described to the reporter a visit she made to a community health center where she observed a 16-year-old mother with her 4-year-old daughter. Also present at the clinic, Harris said, was an 18-year-old mother of four.

"A 14-year-old cannot make a rational decision to bear a child," said Harris. "It so circumscribes the life of the mother and the life of the child that it should not be permitted to happen."

Harris' remarks raise some interesting questions. The majority of the youthful mothers in the Tennessee project made a "decision to bear a child," one which Harris insists must "not be permitted." Harris, however, does not specify what preventive measures might be taken to insure that such decisions can be neither made nor carried through. If, for one, rather wish that she had...

The Times article goes on to cite, without supplying a direct quote from the HHS Secretary, that "more than half of all black children born today are born out of wedlock, as against less than 10 percent of all children" and that "children born to unmarried women are six times more likely than other children to be brought up in poverty."

There are other important reasons why a black child is six times more likely to be poor than a white child. Racism, for example, Harris's comments make this problem seem irrelevant, an nonexistent. For there is no alternative, in fact, that it would be virtually impossible to find a light who wouldn't fully agree.

Moreover, Harris exhibits an incredible lack of understanding for the social values that prevail among economically-disadvantaged groups. Because poverty tends to isolate its subjects from the mainstream of American society — both physically and culturally — low-income people have not been assimilated into a culture which condemns teenage motherhood, so-called "illegitimate births," or large, woman-headed households. Among the poor, there is no sense of humiliation associated with pregnancy, and no sense of urgency to abort. The negative attitude toward abortion expressed by the Memphis teenagers should have been entirely predictable.

Within the same interview, Harris did express that her pro-abortion opinion has become politically unpopular. It is not just the Catholic bishops who are against abortion, it is...



**Planned Parenthood  
Federation of America, Inc.**

510 Seventh Avenue  
New York, New York 10019  
(212) 541-7800

Planned Parenthood-World Population

*Fundraising letter  
Jan. 1981*

REP. TERRY MARTIN  
STATE CAPITOL  
POUCH V  
JUNEAU, AK 99811

Dear Friend,

I wish this letter didn't have to be written.

I am enclosing the draft of a budget which we've drawn up to meet this crisis posed by the extreme Right Wing. Our lobbyists, legislative advisors, media specialists and accountants estimate that it will cost at least an extra \$592,000 over and above our regular budget for the next six months to mount an effective, winning campaign against the extreme right.

This new effort is called the Public Impact Program and we need your help now to make sure it succeeds. Your contribution of \$20, \$25, \$50, \$100, \$200 -- whatever you can afford -- is so important to us now if we are to have the funds on hand to implement the plans we are making to counter the imminent threat to freedom.

I hope you will let me know your decision as soon as possible because we must get our plans and campaign underway.

When you think of your commitment, think of the future. Think of the consequences of not standing up to this Right Wing attack. Think of the consequences should abortions no longer be legal and should the most widely practiced forms of birth control be outlawed.

The Human Life Amendment is certain to be introduced in the early days of the new Congress. We must be ready to move.

Your help is vital.

Your investment in the Public Impact Program is more than a contribution to Planned Parenthood. It's your way of participating in the battle against repression. Your way of saying, "I care." Your way of helping us mobilize the majority of Americans who don't believe for a minute that the 1980 elections represent a mandate for forces whose only political weapon is fear and ignorance.

Sincerely,

*Faye Katteton*  
Faye Katteton

P.S. Please don't put this emergency appeal aside. If you could see some of the reports I'm getting from the field and from Capitol Hill, you'd understand why we must begin to marshal money and strengthen our network without one minute's delay.

# The Baby-Go-Round: Want-Ad Adoptions

By Grace Lichtenstein

“...Put off by official red tape, couples are increasingly taking adoption into their own hands and advertising to find a child...”

**A**T FIRST GLANCE, HEATHER Smith's baby book looks as if it could belong to any one-year-old—pink satin cover, snapshots, a lock of hair. But on a page entitled “First Phase,” there is a classified advertisement clipped from *Newsday*: “PREGNANT? Young college grad couple wants to adopt newborn Caucasian baby. Will pay expenses. Call Collect.”

Four months before Heather was born, her natural mother, a frightened college student from Queens, saw that ad and hesitantly dialed the New Jersey phone number that Roberta and Arthur Smith had included in it. Later, outside a hospital maternity ward, the student handed her newborn white infant girl to the beaming Smiths. The next week, the couple mailed an exultant announcement to their friends, proclaiming, “A baby was born for us . . . Heather Ann . . . June 14, 1980.”

The ad represents a new, apparently legal and highly successful twist in the practice of private adoption. It was suggested to the Smiths by Stanley B. Michelman, New York's best-known, most controversial adoption lawyer.

To his clients, Michelman is “Mr. Stork,” a caring man who has helped hundreds of childless couples find white babies. To his critics, he is a baby broker who operates in a gray market for big bucks.

*The names of all natural and adoptive parents and children and many details in their stories have been changed to protect their privacy.*

In most states, it's illegal for a lawyer or anyone but an adoption agency to act as the agent in placing a child for adoption, just as it's illegal for a mother to sell her baby outright. There's nothing illegal, however, about a parent's giving a child to another couple for adoption or about a lawyer's getting paid to handle the transaction. This is private adoption, and today it's flourishing.

As traditional adoption agencies have come under sharp attack, largely for



their long delays in matching babies with new parents, an increasing number of couples are turning to lawyers.

Michelman produces. In 1980, he was involved in over 100 adoptions, he says. By contrast, Spence-Chapin, a leading nonsectarian agency, placed only 37 Caucasian children; Louise Wise, a leading Jewish agency, only 18.

But Michelman and his methods also have their critics. Some adoption workers claim that prospective parents aren't adequately investigated under the private system, and that bad placements can occur. Because private adoptions are handled quickly, the natural mother sometimes demands her child back.

Most serious of all, adoption lawyers

and natural mothers have been accused of accepting large, under-the-table bundles of cash from grateful adoptive families. The shorthand term for the accusation is “baby selling.” Two years ago, a Manhattan jury acquitted Michelman of baby-selling charges.

Everyone interviewed for this article denied making or receiving illegal payoffs. Still, the suspicion persists that, whatever the advantages of private adoption, it can in some cases lead to profiteering.

## ARTHUR AND ROBERTA

**T**HE BIRTHDAY BRUNCH IN Heather's honor was not to be held until Sunday, but the oak dining-room table was already set with crystal and linen napkins when I arrived Saturday morning at the Smith's Pointon Lakes condominium. Roberta, a 34-year-old full-time homemaker, chain-smoked Newport as she told her family's story.

“I went through so much with fertility experts that this was easy street,” she said of the adoption process. She and Arthur, vice-president for sales at a major industrial firm, had been married for six years. Like many couples who want to adopt, they had asked about agencies first, only to be warned that they might wait years for a newborn white baby. Finally, Arthur suggested they see Stanley Michelman, whose reputation they knew well.

Michelman made no direct promises.

“...The Smiths said they paid \$2,000 in lawyers' fees to adopt their daughter—a far cry from the \$50,000 rumored on the grapevine...”

but he advised them to place a classified advertisement in *Newsday* or another paper on his list of those that accept adoption requests. Many of his clients, he told the Smiths, had gotten a child within six months of the appearance of their first ad.

Unlike a number of other Michelman clients, the Smiths didn't bother to install a special unlisted telephone; they put their regular number in their ad. Seven women responded within a week. As expected, a few calls were outrageous. One woman was putting her baby up for the best price, according to Arthur. Another said she didn't want to turn hers over to Jews. Roberta wound up interviewing three of the “applicants” face to face in Michelman's midtown-Manhattan office. The Queens student stood out.

“I instantly fell in love with her,” said Roberta. “She felt the same about me. I just knew she was carrying our baby.” The student told Roberta that she'd initially planned to get an abortion but had procrastinated until it was too late. “I'm personally against abortion now,” Roberta said. “After all, my daughter could have been an abortion.”

With Michelman as consultant, a New Jersey lawyer put the agreement in writing. The Smiths would pay the eighteen-year-old woman's medical and hospital costs. Once the baby was born, the woman would formally surrender her rights to the child. A physician would check the newborn, make sure it was healthy. The adoption by the Smiths wouldn't be ruled final by New Jersey courts until a year after the birth.

Once the details were worked out, the wait began. “As the days numbered down, the real worry for me was ‘What if she changes her mind and wants the baby?’” Arthur recalled. Roberta phoned the pregnant woman in Queens every two weeks. If they hadn't met through the *Newsday* ad, Roberta thought, they might have been real-life friends. The contact between them even made Roberta feel “a little bit pregnant.” Finally, the call came from the student's aunt. “You have a beautiful baby girl,” she said. Michelman uncorked a bottle of champagne with the Smiths to celebrate.

The Smiths said their total bill for New York and New Jersey lawyers' fees was \$2,000—a far cry from the rumored \$50,000 that New York couples hear on the adoption grapevine. The arrangement didn't amount to baby selling. Arthur insisted, because the natural mother didn't get a penny more than reasonable expenses.

As we spoke, Heather, the kind of

adorable blond baby you see in baby-shampoo commercials, sat on the carpet sucking a cracker. “If we had to pay a hundred thousand to get another child from this mother, I'd do it. Money can't buy this,” Roberta said, scooping Heather up in her arms.

The natural mother had told them Heather's father was a fellow student. Two months before the baby's first birthday, Roberta could no longer contain her curiosity. She had a friend telephone the man, pretending to be a secret admirer. Could they get together on a blind date? The man agreed to meet her in a Queens bar, near the college.

On the appointed evening, Arthur, Roberta, and the friend trooped into the bar. Without introducing themselves, they surveyed Heather's father from across the room. He was sort of cute, Roberta decided. They did not bother to tell him his “date” was a ruse.

Roberta has not spoken to the natural mother either since she and Arthur received Heather at the hospital. But in

ADOPTION - Young professional, happily married couple with much love & security to give desiring to adopt white newborn. All expenses paid, confidential. Please call collect 201-556-4572.

Heather's baby book, Roberta has already prepared for the day her daughter will learn about her real mother. “She was pretty, sweet and just a lovely, lovely person,” Roberta has written. “Because she was in college, she knew this was not the right time... But she wanted to give you life, and a good one at that...”

## HAL AND MIRIAM

**T**HE SMITHS APPEARED TO BE thrilled with Heather and with the relative simplicity of the private-adoption process. Assuming that her natural parents don't regret their decision to allow her adoption, Heather illustrates how fair and painless the process can be. Not everyone, however, finds the path to instant parenthood as smooth as the Smiths did.

Hal and Miriam Cohen seem to have all the ingredients of a “model” couple. Both in their mid-thirties, they are attractive, educated, affluent, sensitive. Their Scarsdale home is immaculate. Married twelve years ago, they still hold

hands as they talk, sitting side by side on a couch in their den. Through Michelman, Hal and Miriam adopted three children. But they have been permitted to keep only two, and nearly had to give back one of those.

Six years ago, as it became clear they could not conceive children on their own, the Cohens signed with a well-known adoption agency. They had to wait two years just to reach the “prime” waiting list.

Miriam, in particular, found the agency demeaning. She said she felt “enough like a freak being unable to get pregnant.” Yet the agency social worker who interviewed her showed little sympathy. “She was so cold! You're treated like you're just not quite as good as other women,” said Miriam.

The Cohens turned to Michelman. He was not yet recommending advertising. He merely told the couple to call him every two weeks; perhaps he would hear soon about a pregnant woman who was right for them.

Hal and Miriam tried other attorneys whose names had been mentioned to them, with bizarre results. One lawyer wanted a \$1,000 “deposit.” Others promised ways of getting South American and Communist-bloc babies by smuggling them out of their countries. (At one time, Michelman was part of a network that brought pregnant German women to the United States to deliver their babies for adoption.)

Finally, Michelman told the Cohens he knew of a Bronx girl, a minor, who was about to deliver. He prepared all the legal documents for a \$2,000 fee. Shortly thereafter, the girl gave birth to a baby boy, whom the Cohens picked up at a local hospital. Announcements went out to friends and relatives. The infant had a bris, the Jewish circumcision ritual. The family was ecstatic.

Fifteen days after the birth, the natural mother demanded her child back.

New York State law says that no matter what rights she waives beforehand, a mother can revoke her consent to the adoption within 30 days of giving it. There was little the Cohens could do. They returned their little baby boy.

“It was like having a child die,” said Miriam.

Nonetheless, Michelman quickly managed to find another pregnant woman through connections in Tampa, according to Hal. Would the Cohens gamble again? “We were devastated the first time,” Hal acknowledged, “but if we hadn't gone through it again, we would never have had her.” Five-year-old Barbara, who sat on his lap, giggled at Hal nuzzled her neck.

**B**EFORE BARBARA WAS BORN, Hal and Miriam questioned the natural mother at length to make sure she had no desire to keep her child. "Please, you must be positive!" Miriam begged her. Convinced she was certain, they paid her way to New York, with Michelman again handling the legal end. Barbara left the hospital with the Cohens when she was three days old.

The required 30 days passed, and the Cohens began to relax. On the thirty-fifth day, an anguished Stanley Michelman called Hal. "You're not going to believe the call I just got from Florida," Michelman said. A lawyer for the natural mother was demanding that Barbara be returned, on the ground that the mother had been coerced into giving her up for adoption.

This time, the Cohens fought back. They hired a famous custody lawyer. A private detective investigated the natural mother, reporting that she was a user of the drug angel dust. The Cohens planned last-ditch "escapes," complete with a forged Mexican passport for Barbara and residence in Europe.

After months of turmoil and a painful court appearance at which the natural mother was grilled about her personal life, the Cohens "won." The custody suit was dropped. Barbara became the Cohens' legally adopted daughter before her first birthday. Three years later, they adopted their second daughter, Geraldine, with no complications.

Hal stroked his elder daughter's hair. "When you get something like this," he said, "it's all worth it. Now we have two

ADOPTION-Loving couple unable to have baby desires to adopt white newborn. All medical expenses paid. Call collect from 4:PM-12:PM 215-256-2566.  
ADOPTION-Loving Prof couple wishes to adopt white infant. Expenses covered. Call after 6pm 215-256-2566.

terrific kids." As if on cue, Barbara stood up on his lap, stretched out her arms, and took a bow.

## AUDREY AND SUSAN

**N**EW YORK CITY RECORDS indicate that it's rare for adoptions to be contested by the natural parents. Michelman insists that if he senses a pregnant woman doesn't truly want to surrender her child, he won't let his clients continue dealing with her.

But how can anyone be certain? Two women, introduced to me by Michelman, declared they had no regrets about turning a child over for private adoption.

Audrey, a poised seventeen-year-old with a passing resemblance to Meryl Streep, gave up her baby last year. She was quite serene as she spoke of her disastrous marriage. She had been sixteen at the time, her husband twenty. They met while he was stationed at an army base near her home, in Arkansas. Soon after they wed, they moved to New York, his hometown, to live with his parents. Audrey's mother-in-law hated her. Audrey's husband, discharged from

the army and unemployed, began to slap her around. By the time she discovered she was pregnant, Audrey was convinced that her marriage was a mistake.

Her husband ordered her to get an abortion. Audrey refused. She was a Roman Catholic and considered abortion immoral. Without telling her husband, she visited adoption agencies.

"They were very uncaring," she said with a soft southern accent. "Their attitude was 'All we want is the child. We're not going to tell you anything.' It was like they were saying, 'Go to hell,' if you'll pardon the expression."

One day, searching the *Newsday* classifieds for apartment rentals, she came across the adoption ads. She telephoned one number and found that the family was represented by Michelman. They wanted her unborn child. Relieved, she met with Michelman, who arranged for Audrey and her husband to move into a Park Avenue South apartment until she gave birth. She never met the adoptive parents, although they frequently talked to her by phone. "We got to be very close," Audrey said of the woman who is now mother to her child. "She was there when I needed her. She's a happy lady, and I'm tickled to death. My son has everything he's ever going to want or need. He has the best set of loving parents anyone could ask for."

Audrey said that her husband battered her so badly he induced early labor. He never got to see his son. The adoptive parents collected the child from the hospital while Audrey deliberately delayed telling her husband she had delivered. Afterward, Audrey

## Getting a Baby: Agencies vs. Lawyers

**D**ESPITE THE BUREAUCRATIC MAZE, HUNDREDS OF CHILDREN are adopted here each year. Figures provided by Joseph B. Williams, the deputy administrative judge for New York City Family Court, show that a total of 591 adoptions were granted in that court in 1980. Of those, agencies handled 357. Lawyers handled 234, many of which involved one spouse's formally adopting the other's children from a previous marriage.

The most obvious difference between agency and private adoptions is speed. An agency, contending it is safeguarding the child, conducts a rigorous and time-consuming investigation of each potential adoptive family before placing a child. These newborns in agency care almost always stay in foster homes for some time. In private adoption, on the other hand, a couple often receives a baby within a few days of its birth, even though the infant cannot be certified as legally adopted for six months.

This is the agency procedure as outlined by Spence-Chapin: An inquiry secretary gathers basic information from a prospective couple. The couple then attends group meetings to discuss various aspects of adoption. (Prospective parents seeking a non-handicapped, Caucasian child are told they may have to wait at least a year. For couples willing to accept a "hard to place" child, the wait is considerably shorter.) Next comes a more thorough "in-

take" interview, sometimes three to six months after the couple has first visited the agency. A Spence-Chapin committee reviews the application. If the family is approved, another three to six months—called "the home-study period"—goes by while agency social workers observe the prospective parents and visit their home. Meantime, in most cases, the agency has obtained from the natural parents a "voluntary surrender" of rights to the child, or a court has terminated those rights (because of abandonment, for example). Finally, the agency delivers the child to its new parents, and the family undergoes six months of supervision by agency social workers before the adoption is completed.

Private adoptions generally proceed this way. Often before the child's birth, a lawyer handles preliminary arrangements for the natural parents to turn over a child to an adoptive family. Once the family gets the baby, it petitions the court for adoption, and the natural parents sign court documents consenting to the adoption. Natural parents then have 30 days to retract this consent, unless they have appeared in court and confirmed it. In the next six months, a representative of the court's probation division investigates the adoptive home. (In practice, that can amount to a single visit.) The adoptive parents must wait six months after filing the petition to obtain the formal court order granting the adoption.

—G.L.

# "...I wanted my son to have a good home,' said one mother who answered an ad. 'I just gave birth to him; I'm not his parent'..."

moved back to Arkansas, got a divorce, and is now finishing high school. The only money she received, she said, was \$85 a week during her pregnancy for food and household expenses.

Does she have any second thoughts? "None," she said firmly. "I wanted my son to have a good home. I just gave birth to him; I'm not his parent. I was blessed with finding that ad."

**S**USAN, A 24-YEAR-OLD FACTORY worker eight months pregnant, was openly emotional. But she seemed determined to give her baby away. She already has a daughter by her former husband. As tears ran down her cheeks, she explained that her unborn child was conceived when a boyfriend, whom he had kicked out, stormed back into her house, beat her, and raped her.

Susan had irregular menstrual periods, so she didn't know she was pregnant, she said, until her fifth month. By then, she could feel the baby move. That ruled out abortion "because it would have been murder."

Like Audrey, she found an adoption ad by accident. Until then, she had been inclined to keep the child. "My best friend and I talked about it for days," she said. "If I kept the baby, the father would have an excuse to see me, and I didn't want my daughter to see him beat up on me again."

The ad in an upstate newspaper had been placed by another Michelman couple. They paid for plane tickets to New York for Susan, her daughter, and her best friend. The adoptive mother, Susan recalled, "seemed real excited. The baby's gonna have a good home. That's something I couldn't give it. I'd always be afraid."

Susan was living in a Manhattan studio apartment paid for by the prospective parents. She insisted that she will consent to the adoption once she delivers. The adoptive couple, she observed, "seem like nice people, homey people. I'm not the kind to make other people unhappy."

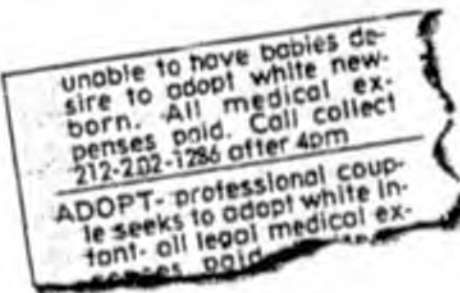
**T**HE SMITHS AND THE COHENS certainly seemed to be fine parents. Audrey and Susan seemed confident in their decisions. Why, then, does Morton Rogers, director of the Louise Wise agency, call private adoption through lawyers "ugly?"

"There is never enough information known about the family [in a private case], except that the parents have enough money to pay the costs," said Rogers. He said he was concerned that

children adopted privately through attorneys "are being abandoned and are now coming back into the system."

Jane Edwards, executive director of Spence-Chapin, contended that a privately adopted child "can often be placed in a dangerous situation," with a family unable to cope with illness or other problems.

A recent report by City Council President Carol Bellamy, on the other hand, labels the agency system a failure. The report says children in the agency system—most of whom are black or Hispanic—spend an average of seven years bouncing from one foster home to another before being adopted. Horror stories abound, such as the case of Michael Walden, the eight-year-old who was taken from a foster home, returned by Connecticut authorities to his real moth-



er, and then, in July, beaten to death.

Most of the clients who turn to specialists like Michelman demand a Caucasian child. Even if they would accept a minority-group baby, however, obtaining a newborn from an agency is almost impossible, according to Penny Ferrer, a court-appointed advocate who monitors adoptions. The red tape that's supposed to protect the child slows the process to a painful crawl.

Private adoptions are quicker, but many court and public officials look upon them with misgivings. One family-court lawyer said he worries that the system has become a profitable business for an "extensive international network of pregnant-women finders."

A recent book by Lynne McTaggart, *The Baby Brokers*, contends that Michelman, before his indictment and acquittal, handed babies over in parking lots to adoptive parents, took cash payments from the new parents, and claimed to have paid finder's fees to intermediaries who located pregnant women. McTaggart, who worked in Michelman's office for a close-up view of his procedures, told me she doesn't know whether the lawyer still uses those methods.

Michelman said he doesn't. He said that, though pregnant women occasionally come to him on their own, his principal method these days is to suggest the

classified. Advertising, he noted, has the advantage of letting clients make the first connections on their own.

Even the ad system is controversial, however. Some major newspapers have enough doubts about adoption ads to bar them from their columns. Len Harris, director of corporate relations for the New York Times Company, said the paper refuses them. "We could be inadvertently aiding and abetting the black market of baby selling," he said. The *Times* does accept ads from adoption agencies.

Jack Squire, promotion director for *Newsday*, noted that "there is nothing illegal or improper" about private-adoption ads.

The Adoptive Parents Committee of New York, which provides help to couples who want to learn about private adoption, doesn't take a position on ads. But Joseph Rosielio, a vice-president, said he favors using them, though "you do have to be a little careful in screening, and you're subjecting yourself to possibly weird phone calls."

How much should an adoption cost? The Adoptive Parents Committee says any legal fee above \$1,500 is excessive. Michelman said his legal fees are in the \$1,500-to-\$3,500 range. Spence-Chapin charges up to \$3,000, depending on the adoptive parents' income.

**C**LEARLY, PRIVATE ADOPTIONS fulfill a need. I visited a handful of happy homes and met a handful of grateful natural mothers. These people had only nice things to say about Stanley Michelman. Still, the system raises questions that are yet to be answered. Can untrained lawyers or prospective parents be objective when they discuss adoption with a scared, pregnant high-school girl? In private adoptions, who really has the interests of the natural parents and the child at heart? How far should a lawyer—a professional paid to find a baby—go in facilitating an adoption? Would some of these girls be better advised to have a legal abortion? The prospective parents in private adoptions may see a affluent and kind, but who makes a thorough check of their backgrounds? What about a child's natural father, who sometimes doesn't have the chance to claim his baby when the mother chooses to give it up?

In either private or agency adoptions, the most important person—the baby—becomes ensnared in a web of courtroom proceedings and bureaucratic wrangling. It seems tragically inescapable that a more humane, nonprofit system can't be found.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Sponsor Substitute House Bill No. 500  
Title An Act limiting use of State money to pay for abortions  
Requested by House HESS Date 21 January 1982

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
Program Category Affected Health; Social and Economic Assistance to General Population  
BRU, Program, or Subprogram(s) Affected Medicaid, General Relief Medical; AFDC  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.	0	1715.7	1853.0	2001.2	2161.3	2334.2
TOTAL	0	1715.7	1853.0	2001.2	2161.3	2334.2

FUNDING (Thousands of Dollars)

GENERAL FUND	0	742.4	852.4	920.6	1015.8	1097.1
FEDERAL FUNDS	0	973.3	1000.6	1080.6	1145.5	1237.1
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

All elective abortions are presently funded by the General Relief Medical program. This bill will virtually eliminate elective abortions. Based on the most recently available statistics, the Department provides payment for approximately 300 elective abortions annually at an average cost of \$900 per procedure. Since elective abortions would not be covered, the Department will bear the cost of 300 additional births annually and the related costs of providing financial and medical assistance to approximately 150 new AFDC cases each year. The following is a breakdown of the financial impact HB 500 will have on the General Relief Medical, Medicaid, and AFDC programs during FY 83.

IV. DATE February 16, 1982 PREPARED BY David M. Davidson  
AGENCY Department of Health & Social Services  
PHONE 465-3347  
Original: Legislative Finance  
cc: Budget and Management  
Print Sponsor (First Legislator Named)

*James C. Chisholm, Dir. of Budget & Budget*

FISCAL IMPACT OF HB 500  
DURING FISCAL YEAR 1983

PROGRAM	TOTAL EXPENDITURE	STATE FUNDS	FEDERAL FUNDS
1. General Relief Medical (\$900 x 300 abortions)	\$ (270,000)	\$ (270,000)	\$ 0
2. Medicaid (\$2500 x 300 routine deliveries)	750,000	390,000	360,000
3. AFDC payments for one year (\$559 x 150 cases of mother and one child)	1,006,200	503,100	503,100
4. Medicaid payments for one year (\$850 x 270 people)	229,500	119,340	110,160
TOTAL	<u>\$1,715,700</u>	<u>\$ 742,440</u>	<u>\$ 973,260</u>

ALASKA

STATE LEGISLATURE

MEMORANDUM

Please Reply to:  
921 W. Sixth Avenue, Suite 201  
Anchorage, AK 99501  
(907) 272-3471

TO: HOUSE MAJORITY COALITION

FROM: HOUSE MAJORITY COALITION OFFICE  
ANCHORAGE

DATE: SEPTEMBER 9, 1981

SUBJECT: INFORMATIONAL CALENDAR

Enclosed is a copy of an informational calendar for September and October of this year.

If you have changes, additions, corrections and/or information for this calendar, please contact Janet Seitz at the House Majority Office in Anchorage.

Thank you for your cooperation.

NOTE: Please check with the respective committee staff for further information on meetings and hearings.

HOUSE MAJORITY COALITION INFORMATIONAL CALENDAR

NOTE: Unless otherwise noted, times are expressed in time at hearing site.

SEPTEMBER 1981

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
	1	2	3	4	5	6
7  LABOR DAY STATE HOLIDAY	8	9	10	11	12 10am-5pm, Joint Senate/House HESS Committees, Health Care Delivery System In Alaska, Fairbanks Borough Assembly Chambers	13
14 10am-Noon; 1:30-5p.m.; 7pm - House HESS Committee; HB 500 & 550, Performing Arts Center, Anchorage Community College	15  COMMITTEE REPORTS DUE	16	17	18	19	20
21 9am-4pm - House Labor & Commerce, Workers' Compensation, 1024 W. 6th, 2d floor, Anchorage.	22 House Labor & Commerce: 9am-Noon, Auto Liability Ins.; 1:30-4:30pm-Job Service, Federal Cuts; 6:30-9pm-HB 600 & 612. 1024 W. 6th, 2d floor, Anchorage.	23 House Labor & Commerce 9am-Noon; 1:30-4:30pm Statewide Telecommunications 1024 W. 6th, 2d floor, Anchorage	24 House Labor & Commerce: 9am-Noon, Workers' Comp.; 1:30-4:30pm, Telecommunications; 6:30-9pm, Workers' Comp. 1024 W. 6th, 2d Floor, Anchorage	25 House Labor & Commerce 9am-Noon; 1:30-4:30pm, Government Permits. 1024 W. 6th, 2d floor, Anchorage. (Joint with Administrative Regulation Review Committee)	26 10am-5pm, Joint Senate/House HESS Committees, Health Care Delivery System In Alaska, Kenai Borough Assembly Chambers  ----- Administrative Regulation Review, 9am-Noon, Games of Skill & Chance, 1:30-3:30pm - Land Use & Disposal; 3:30pm	27
28	29	30 7:30-9:30 p.m., House Judiciary, HB 473, 180, 572, 573, 575-578, Kotzebue Council Chambers, Kotzebue			Open Discussion, 1024 W. 6th, Anchorage	

October 1981

NOTE: Unless otherwise noted, times are expressed in time at hearing site.

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
			1 1-4pm, House Judiciary, HB 473, 180, 572, 573, 575-578 Kotzebue Council Chambers, Kotzebue	2 7:30-9pm, House Judiciary hearings, Nome Council Chambers, Nome	3 1-4pm, House Judiciary hearings, Nome Council chambers, Nome	4
5 7:30 pm, House Judiciary hearings, Fairbanks Chamber of Commerce, Fairbanks	6 9am, House Judiciary hearings, Fairbanks Chamber of Commerce, Fairbanks	7 Majority Coalition Caucus, 921 W. 6th, 250, Anchorage	8	9	10	11
12 COLUMBUS DAY FEDERAL HOLIDAY	13	14	15 9am, Admin. Reg. Rev. Committee, Permits, SB 84, Legislative Information Office, 315 Barnette, Fairbanks	16 Admin. Reg. Rev. 9-Noon, Games of Skill & Chance; 1:30-3:30pm, Land Use Disposal; 3:30 open. 315 Barnette, Fairbanks	17	18
19 ALASKA DAY STATE HOLIDAY	20	21	22 4-5pm, Admin. Reg. Rev. Committee, joint meeting with Natural Resources during Miners Convention, permits, Capt. Cook, Anchorage	23	24	25
26 10:30 am-House Judiciary hearings, Assembly Bldg, Anchorage.	27 5pm House Judiciary, Mat-Sue Borough Assembly Rm, Palmer	28 10:30 am, House Judiciary, 1024 W. 6th, Anchorage	29 7:30 pm, House Judiciary, Centennial Building, Sitka	30 1pm, House Judiciary Leg. Info. Office, Sitka.	31	
9am-4pm, House Labor & Commerce, Worker's Comp, 315 Barnette Fairbanks	9am-4pm, House Labor & Commerce, Auto Ins. Job Service, 315 Barnette, Fairbanks	9am-4pm, 6:30-9pm, House Labor & Commerce Telecommunications 315 Barnette, Fairbanks	9-noon, House Labor & Commerce, Permits 315 Barnette Fairbanks			

Health, Education and Social Services Committee Hearing Schedule

Master List

10:15 am

<sup>Jack C.</sup> Dr. Wilke RTL ✓

10:30 am

Rev. Bay PC ✓

10:45 am

Jean Temple PC ✓

10:50 am

Dr. Dietrich RTL ✓

10:55 am

Mary Wheelock PC ✓

11:00 am

Joyce Rivers PC ✓

11:05 am

Dave Buchanan ? ✓

11:10 am

Dr. Grande RTL ✓

11:15 am

Kathy Johnston PC ✓

11:20 am

Tim Ewell RTL - No show

11:25 am

Lynn Carvey PC ✓ ~~Carol ...~~

11:30 am

Susan Winstow PC ✓ Harry ...

11:35 am

Robert Flint RTL ✓

11:40 am

Gale Mitchell RTL ✓

11:45 am

Pudge Klunkauf PC ✓

11:50 am

Russel Jackson RTL - Send w Kathy Miller - No show ✓

11:55 am

~~Wattie Carter PC~~ Laurie ... Susan Winstow ✓

12:00 Noon

~~LUNCH~~

12:50

Katie Abbott ✓

1:48

1:30 pm

~~Kit Evans PC~~ Karla Huntington ✓

1:35 pm

Shaun Humbold RTL ✓

1:40 pm

Dorothy Patterson PC ✓

1:45 pm

Carolyn Kannava RTL no show

1:50 pm

Helli Alog PC no show Susan Valacant ✓

1:55 pm

Paul Fischer RTL No show

2:00 pm

Mackline Holdorf PC ✓

2:05 pm

Tom Harvey RTL NO show

2:10 pm

Kaleen Saxton PC ✓

2:15 pm

Pastor Richard Benjamin RTL ✓

2:20 pm

Susan Vatten court PC Terry Geller ✓

2:25 pm

Bill Moffitt RTL christ ... ✓

2:30 pm

Teresa Williams PC att ✓

2:35 pm

Grant Walther RTL send w Kathy Miller ✓

chuck wheeler ✓

2:40 pm

Irene Self PC ✓

2:45 pm

Mike Haight ? RTL ✓

2:50 pm

C. Le Forsythe PC ✓

2:55 pm

Sherrilee Howe RTL ✓

3:00 pm

~~Karla Huntington PC~~ Kit Evans ✓

3:05 pm

Joseph Grove RTL ✓

3:10 pm

Anna Lee Girard PC ✓

3:15 pm

Christina Fastig RTL ✓ Anne Jenkins ✓

3:20 pm

Katie Hurley PC → May not verify. Dined later

3:25 pm

~~Gram Walker RTL~~ Dedicated - Carol Hutton

3:30 pm

~~BREAK~~ Leslie Goss P. Jean Sackett ✓

3:45 pm

Fred Dyson ? think RTL ✓

3:50 pm

Jane Dyson ? " RTL ✓

3:55 pm

Eileen Sackett PC ✓

4:00 pm

~~Richard ... RTL~~ Paul Glover ✓ Replaced

4:05 pm

Charles Franion RTL ✓

4:10 pm

Rosemarie Spencer 333-4520 ✓

4:15 pm

Bert Carney - RTL 344-0528 ✓

4:20 pm

Leslie Goss 916 W 30th St 4 P.O. Box 7964 ELB - 219-2511  
ELB 9211-0164 718-2630

4:25 pm

Carolyn Glover RTL 344-0528 ✓

4:30 pm

Linda Kinnunen 1418 Medtra Pn chme 9911 278-9250 ✓

4:35 pm

Rev. Richard Madden 333-8375 ✓

4:40 pm

Angie <sup>S.T.P.</sup> Kenaldo - 111 13th Ave 99501 276-7219 ✓

4:45 pm

Sally Overstad 279-8700

4:50 pm

~~Dorothy Jones Com. of Sts. of Home. Susan Georgette~~

4:55 pm

George Brown 745-3132 - 376-3237 ✓

5:00 pm

~~DINNER BREAK~~

6<sup>20</sup>

6:00 pm

Mike Siegfried RTL - side

7:05 pm

Pam. Siegfried RTL - ✓

7:10 pm

Emily MacAllister PC ✓

7:15 pm

Dorothy Bennett RTL ✓

7:20 pm

Bonnie Boedeker PC ✓

7:25 pm

Christal Baker RTL ✓

7:30 pm

Robin Britton PC ✓

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9:45 pm  
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10:00 pm

Leslie Ruskowski ? ✓  
Eileen Smith Levinson PC ✓  
Kathy Miller - RTL ✓ ~~Someone might read for her if she's gone.~~  
Jennifer Molley PC ✓  
Darlene Olson PC ✓  
James Bendell RTL ✓  
~~Irene Ramore PC~~ Sylvia Shatt PC ✓  
~~Richard Barnett RTL~~  
Cindy Pentony & PC ✓  
Marie Dickey ✓  
Robin Proomfield PC ✓  
Martha Johnson 777-5293 5023 Silvey wife 77504 ✓  
Laura Noland PC? No choice ✓  
E. Kenneth DeFEO 8300 Northside 99502 243-2553 ✓  
Joe O'Connell ? ✓  
Jim Curran ? ✓  
George Mason & Sally Slaughter (PC) Husband & Wife ✓  
~~END OF HEARING~~  
Laura ~~Eastley~~ 278-9615 PC (~~274-6431~~) 274-6000 <sup>no show</sup>  
Margie Ernie 276-7379 <sup>no show</sup>  
Elizabeth Sprague 264-6571 wk 272-7764 wk ✓  
Arlene Gordon ALLU Jim CRANE ✓  
Suzette Welling 345-1679 ✓  
John McKay ALLU Jane Bisming ✓  
Doctor Pettijohn (reserved by Chris Farley) <sup>no show</sup>  
Leslie Kleinfeld 263-5478 276-6425 ✓  
Rick Kaminski wk 264-4343 278-3966 wk  
Ruthay & Corey

learned a great deal today  
will be very helpful in dealing w this subject

9-11-81

Waiting List:

Elizabeth Sprague  
Susan Steinger

between 7<sup>30</sup> & 9:30p

374-3621 w/ Any Day  
272-7986 RM

Laurie Terrell 374-6110 (H) 374-3432 (W)

Virginia L

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

September 11, 1981

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

Dear Committee Members:

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

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

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

Thank you for your consideration.

A handwritten signature in cursive script that reads "James N. Shives, Jr." The signature is written in dark ink and is positioned in the lower right quadrant of the page.

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

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

Mr. Beirne:

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

Sincerely,

  
Ruth Johnson

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

9/13/51

Mary Kellon  
SR 4 Box 474 V  
Antwerp Ak 99502

Dear Committee members,

I am unable to testify at the public hearing on HB 500 and HB 500 being held on Sept 14, 1951, in Antwerp and with telephone conversations to Elyn Thorsness & the committee.

I have been a clerk resident for four years and am a member of the Clear Bar Association. I have on other acts on law in Antwerp. I feel fortunate to have my clerk, I have also had fortunate that all women in the state when I was in the state. For the reason of HB 500. Elyn Thorsness and HB 500.

I came to Alaska because I believed it to be a state which represented the freedom of individuals choice. I think it would be a tragedy if the religious beliefs of the minority of individuals were forced upon the rest of us by statute.

Thank you for your consideration  
Mary Kellon

Lynne M. K. Minton  
P.O.Box 8-9131  
Anchorage, AK. 99508

September 11, 1981

House Committee on Health , Education, and Social Services

Re: Hearing on HB 500 and HB 550

Dear Committee Members:

I am writing to express my opposition to house bills 500 and 550.

HB 500 proposes to end state funding for elective abortions. This would make it virtually impossible for poor women in this state to have a choice over their bodily function in the case of an unwanted pregnancy. These women, being unable to fund a private abortion, would seek out the obvious alternatives, back alley abortions, endangering their own lives as well as the fetus. Should these women "choose" to carry the fetus to term, the quality of that child's life would be in question for it would probably be raised on social welfare. This would place the burden upon society as well as the family of the child. Under such circumstances the result is often unloved, troubled or even battered children.

HB 550 is ambiguous in its wording but, it implies that women who "solicit, aid or abett" in the act that results in abortion are in fact committing murder. The question of where life begins or ends is a moral and philosophical issue which should not be legislated by the government. As a teacher and health educator who works with children and adults, I am very concerned with the quality of individual life. Bills such as HB 550 reflect a deep fearfulness which can only harm the quality of life. Children need not be brought into this world through threats, fear and intimidation, but on / through love, caring and sharing. Free will is a God given attribute of human life and parents must maintain the right to choose if and when a child is to become a part of their lives; for their own well-being and especially for that of the child.

I feel that these bills would box in the freedoms of thought and religion which are cornerstones of our society and detract from our ability to find the true value of life which comes from love, not fear. Please table HB 500 and HB 550.

Sincerely,



Lynne M. K. Minton

September 12, 1981

House Committee on Health, Education and Social Services  
State of Alaska/State Legislature  
PO Box 4-1539  
Anchorage, Alaska

I will be out of town and unable to attend the public hearings I just found out the committee is holding next week. I also just found out that the Right to Life group is holding its statewide convention on the same day. I would like to believe this is just a coincidence, but am inclined to think it is not.

I would like to go on record as being opposed to both HB 500 and HB 550. I feel both bills attempt to legislate a set of beliefs as to when life begins and to legislate morality as to abortion. The decision whether or not to be a parent is a highly personal one; each individual must make this decision according to his or her personal convictions. I do not believe the government should enter into this area of decision-making. I urge the committee to table both of these measures.

Respectfully,



George G. Scott  
Box 281  
Birdwood, Alaska  
99587

SEPT. 10, 1981  
1612 W. 14<sup>TH</sup> AVE  
ANCHORAGE, ALASKA

HOUSE COMMITTEE ON HEALTH, EDUCATION AND SOCIAL SERVICES  
STATE OF ALASKA LEGISLATURE  
PO BOX 4-1539  
ANCHORAGE, ALASKA 99509

DEAR COMMITTEE MEMBERS:

I WILL BE OUT OF TOWN AND UNABLE TO TESTIFY AT THE PUBLIC HEARINGS YOU ARE HOLDING ON HB 500 AND 550. PLEASE ACCEPT THIS WRITTEN STATEMENT AS MY TESTIMONY ON THIS PROPOSED LEGISLATION. I MOST STRONGLY OBJECT TO THESE BILLS ON BOTH MORAL AND LEGAL GROUNDS AND URGE COMMITTEE MEMBERS TO REJECT BOTH HB 500 AND 550.

BOTH BILLS ARE ATTEMPTS TO LEGISLATE IN AN AREA THAT PROPERLY SHOULD REST WITH THE INDIVIDUAL, NOT THE STATE. THE QUESTION OF WHEN LIFE BEGINS CANNOT BE ANSWERED BY THE STATE; EACH INDIVIDUAL MUST ANSWER THIS QUESTION ACCORDING TO THEIR OWN PERSONAL AND RELIGIOUS PHILOSOPHICAL/MORAL CONVICTIONS. MY OWN RELIGIOUS BELIEFS DO NOT INCLUDE THE NOTION THAT A "SOUL" OR A "PERSON" EXISTS AT THE MOMENT OF CONCEPTION. I DEEPLY RESENT ANY LEGISLATIVE ATTEMPT TO IMPOSE THAT PARTICULAR NOTION, BASICALLY RELIGIOUS IN NATURE, ON ME OR ANY SEGMENT OF THE POPULATION. HB 500 OBVIOUSLY SEEKS TO REMOVE EFFECTIVE CHOICE OF WHETHER TO BEAR A CHILD A NOT FROM POOR WOMEN WHO ARE PREGNANT. HB 550 IS ALSO AN OBVIOUS ATTEMPT TO LEGISLATE ON WHEN LIFE BEGINS.

HB 550 PURPORTS TO ADDRESS THE ISSUE OF CRIMINAL ASSAULT ON PREGNANT WOMEN. I BELIEVE THE ISSUE CAN MORE EFFECTIVELY BE ADDRESSED, WITHOUT COMPROMISING THE INDIVIDUAL'S PERSONAL CONVICTIONS, THROUGH A COMPREHENSIVE LEGISLATIVE APPROACH TO DOMESTIC VIOLENCE. MOREOVER,

IF THE CONCERN IS OVER DETERRENCE TO ACTS OF VIOLENCE AGAINST PREGNANT WOMEN, MY UNDERSTANDING IS THAT WE DO HAVE LAWS THAT PROVIDE FOR SEVERE SENTENCES FOR THOSE CONVICTED OF ASSAULT UNDER CLASS "A" FELONY. IF PROSECUTORS ARE UNABLE TO PROSECUTE AND JUDGES UNABLE TO SENTENCE, IT IS NOT BECAUSE THE TOUGH SENTENCING LAWS DO NOT EXIST.

AGAIN, I URGE THE COMMITTEE TO TABLE THESE TWO DANGEROUS PIECES OF LEGISLATION.

SINCERELY,

Katherine Taft.

Sept 10, 1981  
1624 W. 14th  
Anchorage, AK

House Committee on Health, Education and Social Services  
State of Alaska Legislature  
PO Box 4-1539  
Anchorage, AK 99509

Dear Committee Members Smith, Beirne, Cato, Malone and Martin:

I wish to make public comment on HB 500 and HB 550 which are the subject of hearings to be held in Anchorage Sept. 14, 1981. I strongly oppose both these proposed measures and would urge the committee to kill these bills or recommend a "no" vote to the full legislature.

As a counselor and as a teacher I have encountered many women (young and old) who have had to struggle to make a decision about an unplanned or unwanted pregnancy. Anyone who has worked with prospective parents in this area can tell you the agonizing difficulty for many in deciding whether to keep a child in the face of financial, emotional or familial problems, to give up a child after birth or to terminate the pregnancy. This is a deeply personal decision based on an individual's personal religious and moral convictions. I personally would have great difficulty opting for an abortion, were I to become pregnant at this time. However, I would never wish to have my views or any one else's imposed on to all, or on a particular segment of the population.

Both HB 500 and SSO represent dangerous attempts on the part of government to intrude into the private lives of its citizens. I thought our state constitution's "right to privacy" protected us against this kind of intrusion.

From my personal knowledge of <sup>other</sup> women seeking abortion in this state, I know that the process of obtaining a legal abortion (setting aside the emotional turmoil the process often engenders) is already a stressful and difficult process just in terms of finding a doctor who will perform the abortion and, for poor women, finding a doctor who will accept medical assistance payment. Almost all doctors require cash up front for an abortion - several hundred dollars. Women on medical assistance have had to put themselves on a doctor's "waiting list" and endure agonizing extra days, and even weeks before obtaining the abortion.

If HB 500 were enacted, it would be virtually impossible for many poor women to obtain an abortion. And this would mean the state would be putting itself in the position of mandating motherhood (and parenthood for fathers) for a particular portion of the citizenry. Moreover, not only would the poor be virtually forced to bear children, they would also then be forced to face the decision of raising a child which cannot be properly nourished, supported or <sup>even</sup> loved or

of bearing the child only to give it away. Alternatively, a poor woman might try to seek a cut-rate unsafe, or illegal abortion. I know this is the state of affairs in the lower 48 in many places. Is this the way it has to be in Alaska?

HB 550 may be touted as legislation to protect pregnant women from criminal assault endangering the unborn child. I doubt that HB 550 really effectively affords such protection. Much of this kind of violence against women occurs in the home. If we are truly concerned about domestic violence, let's address the issue in a comprehensive fashion. If we're concerned about deterring violence against women, let's work towards more enforcement, prosecution and sentencing under laws which we already have against criminal assault. The law, as it exists, is clearly not the issue in terms of deterring acts of violence. Therefore, I do not see HB 550 as truly addressing any of these issues. Rather, the statute's language introduces the notion that a "fetus" (presumably at all stages of development, since "fetus" is not defined) is at all times the equivalent of a "person". To me, this language is clearly an attempt to create a legislative building block towards a later erosion of people's abortion rights.

Moreover, the language used in the exemption section is highly inappropriate since "aided

and abetted" (in connection with the mother) is associated with a criminal act.

In closing, I would like to question the motivation behind holding hearings on these particular bills at this particular time. It is my understanding that HB 550 is still being considered by the Judiciary Committee -- is it normal procedure to hold hearing such as these when a bill has not been fully considered by the committee it is in? Also, it is my understanding that the hearings coincide with a state Right to Life Convention. I would be most upset with and disappointed in my elected officials on the committee if they <sup>have</sup> allowed themselves to be influenced by a special interest group in holding these hearings in this place at this time. I would question committee members' commitment to an open, democratic process, if they were, indeed, so influenced.

respectfully submitted,

Deborah Feldman  
Deborah Feldman

Memorandum to Bernard Berelson (President, Population Council) found in "Activities Relevant to the Study of Population Policy for the U.S." 3/11/69 by Frederick S. Jaffe (Vice-president of Planned Parenthood - World Population).

TABLE 1. Examples of Proposed Measures to Reduce U.S. Fertility, by Universality or Selectivity of Impact

Universal Impact	Selective Impact Depending on Socio-Economic Status		Measures Predicated on Existing Motivation to Prevent Unwanted Pregnancies
	Social Constraints	Economic Deterrents/Incentives	
Restructure family: a) Postpone or avoid marriage b) Alter image of ideal family size	Modify tax policies: a) Substantial marriage tax b) Child Tax c) Tax married more than single d) Remove parents tax exemption d) Additional taxes on parents with more than 1 or 2 children in school	Compulsory abortion of out-of-wedlock pregnancies	Payments to encourage sterilization
Compulsory education of children		Compulsory sterilization of all who have two children except for a few who would be allowed three	Payments to encourage contraception
Encourage increased homosexuality			Payments to encourage abortion
Educate for family limitation	Reduce/eliminate paid maternity leave or benefits		Abortion and sterilization on demand
Fertility control agents in water supply	Reduce/eliminate children's or family allowances	Confine childbearing to only a limited number of adults	Allow certain contraceptives to be distributed non-medically
Encourage women to work	Bonuses for delayed marriage and greater child-spacing	Stock certificate type permits for children	
	Pensions for women of 45 with less than N children	Housing Policies: a) Discouragement of private home ownership b) Stop awarding public housing based on family size	Improve contraceptive technology
	Eliminate Welfare payments after first 2 children		Make contraception truly available and accessible to all
	Chronic Depression		Improve maternal health care, with family planning a core element
	Require women to work and provide few child care facilities		
	Limit/eliminate public-financed medical care, scholarships, housing, loans and subsidies to families with more than N children.		

As it appears in  
Planned Parenthood's  
journal "Family  
Planning Perspectives"

#

Conn., a vice president of the Chase Manhattan Bank and member of the Council on Foreign Relations, to Morocco; Thomas Aranda Jr. of Phoenix, a lawyer and former Air Force officer who worked in the Ford Administration, to Uruguay; and, Faith Ryan Whittlesley of Haverford, Pa., an attorney and former state legislator, to Switzerland.

#### Opposition to Judge O'Connor

■ *Washington, September 1* — Judge Sandra Day O'Connor shares a net worth in excess of \$1 million with her husband, according to a financial statement submitted to the Senate



Mrs. O'Connor says she is against judicial activism.

Judiciary Committee, which opens hearings on her nomination to the Supreme Court September 9th. Included in Mrs. O'Connor's assets are her home in Paradise Valley, Ariz., valued at \$300,000; a joint interest in her husband's Phoenix law firm, valued at \$342,860; and, share in her family's cattle ranch, worth an estimated \$211,421. In a statement to the committee, Mrs. O'Connor says that she supports a limited role for the Federal courts and is "keenly aware of the problems associated with judicial activism. The separation of powers principle also requires judges to avoid

substituting their own views of what is desirable in a particular case for those of the legislature." She says the "fact that Federal judges are restricted to deciding only the particular case before them and are not given a broad license to reform society does not mean that general wrongs go unrighted."

■ *Dallas, September 3* — Thousands of pro-lifers rally here today in opposition to the nomination of Sandra O'Connor to the Supreme Court because of her pro-abortion record in the Arizona legislature in the early seventies. Those speaking out against Judge O'Connor during the day-long "Rally for Life" included Edward McAteer of the Religious Roundtable, ERA foe Phyllis Schlafly, Howard Phillips of the Conservative Caucus, and Peter Gemma of the National Pro-Life Political Action Committee. Two speakers — the Reverend Jerry Falwell of the Moral Majority and the Reverend James Robison — expressed concern about Mrs. O'Connor's record but said they were withholding final judgment until after her confirmation hearings are completed.

#### The Number of Medicaid Abortions

■ *Chicago, September 3* — Dr. Willard Cates Jr. of the Center for Disease Control in Atlanta reports that the Hyde Amendment's virtual prohibition on Federal Medicaid funding of abortion has had little effect on the number of abortions obtained by poor women. Of the nearly 300,000 women estimated to have wanted an

abortion in the year after the Hyde Amendment took effect in 1977, about 94 percent obtained one, according to an analysis published by Cates in the *Journal of the American Medical Association*. He says that 65 percent of the women had abortions paid for by state Medicaid funds and 29 percent used other financial sources. "The data don't support the fears of the 'pro-choice' groups that large numbers of low-income women would be forced to resort to illegal or self-induced abortions, or the hopes of the 'pro-life' groups that restricting funds would lead to more pregnancies being continued to term," says Cates. Not surprised by the report is Dr. John C. Willke, president of the National Right to Life Committee, who says that "the prime purpose of the Hyde Amendment was to take the Government out of the business of paying for the killing of unborn babies. Government funding legitimizes this killing in the minds of many people. We realized that many women would find other means of financing abortions."

#### The Retirement of David Brinkley

■ *New York, September 4* — David Brinkley has announced his retirement from NBC News after 38 years with the network. "I had hoped that David would stay with us for many more years," says NBC News President William J. Small. "It is like losing the home-run king. His departure from NBC News leaves a very big gap." The 61-year-old Brinkley, who gave no reason for his surprise retirement, first

came to national attention when he covered the 1956 political conventions with Chet Huntley. He co-anchored the nightly "Huntley-Brinkley Report" for the next 14 years, became a commentator on the nightly news in 1970, co-anchored the newscast with John Chancellor from 1976 to 1979, and took over the Friday night "NBC Magazine" last year.

#### Crackdown on Food Stamp Fraud

■ *Washington, September 3* — Attorney General William French Smith announces the creation of a special unit to crack down on the "staggering" amount of fraud and waste in the



Smith says fraud and waste are staggering.

Government's \$12-billion-a-year food stamp program. "One of the critical elements of the President's economic recovery program is the curtailment of fraud, waste, and abuse in Federal programs," says Smith. "The amount of fraud and waste in the food stamp program, in New York City and elsewhere, is staggering. The situation demands immediate and thorough investigation by the Department of Justice and other affected Federal agencies." He says that "anyone stealing food stamps or sitting idly by while such thefts go on is committing a serious criminal act. Such people



***If he is not alive,  
why is he growing?***

***If he is not a human being,  
what kind of being is he?***

***If he is not a child  
why is he sucking his thumb?***

***If he is a living, human child,  
why is it legal to kill him?***

## QUESTIONS & ANSWERS

1. Since the heart beat is generally used to determine life, when does the unborn baby's heart begin to beat?

The heartbeat begins between the eighteenth to twenty-fifth day.

2. When does the brain begin functioning?

Electrical brain waves have been recorded as early as forty days.

3. How early can a baby survive outside the mother?

Currently, twenty weeks is considered the accepted minimum. However, as medical technology continues to improve this time will be reduced.

4. How about cases of rape and incest?

Pregnancy from rape is extremely rare. A study of one thousand rape victims who were treated right after the rape reported no pregnancies. Concerning incest, there are no known studies. Medically we know pregnancy in these cases would be rare, if not impossible. I personally believe rape and incest as reasons for legalizing abortion are nothing more than emotional screens behind which those preferring from abortion choose to hide.

5. But what of the child with disease, who will die a slow death or live his life a burden to his family?

Do you believe the new "ethic" should be that we kill the suffering or burdensome? Some of these cases are tragic, some are also inspirational. We cannot assume the responsibility for killing the unborn child, simply because he has

not been seen in public. His place of residence does not change what we are doing — killing.

6. What of the population boom? We can hardly feed the people of the world now.

True, the population of the world is growing, but population is not a problem in the United States. The U.S. death rate is now 9 per 1,000 people per year. As our population grows older, the death rate will climb to approximately 16 per 1,000.

Population growth or decline compares replacement of the current number of reproductive age individuals with the number of babies being born. By this measure, the United States is now in a sharp population decline.

One recent projection of the population has predicted the year 2000 will begin with half the population over 50 and a third over 65. The impact upon our society will be tremendous.

7. How can a girl give up her own baby for adoption and go through life never knowing what is happening to the child?

Which is better, to remember, "I gave my baby life, then because I loved him, gave him into the arms of a loving couple" - or to remember, "I selfishly ended my baby's life"?

The following is a brief description of the various procedures being used to kill the unborn child:

1. **Ruption Abortion:** the most common method, in which a suction tube breaks apart the body of the developing child.
2. **D & C:** performed until approximately the twelfth week of development. A sharp hook is used to most often reassemble the parts of the body to make sure the womb is empty.
3. **Salt poisoning:** the method used once the baby reaches 16 weeks development. The baby is put in the mother's abdominal. After an hour of breathing and washing the solution, the baby dies.
4. **Hysterotomy:** with this operation, much like a Cesarean section, an incision is made in the abdomen and the baby is left to die. On occasion nurses have gone to the rescue of babies who died in this manner.