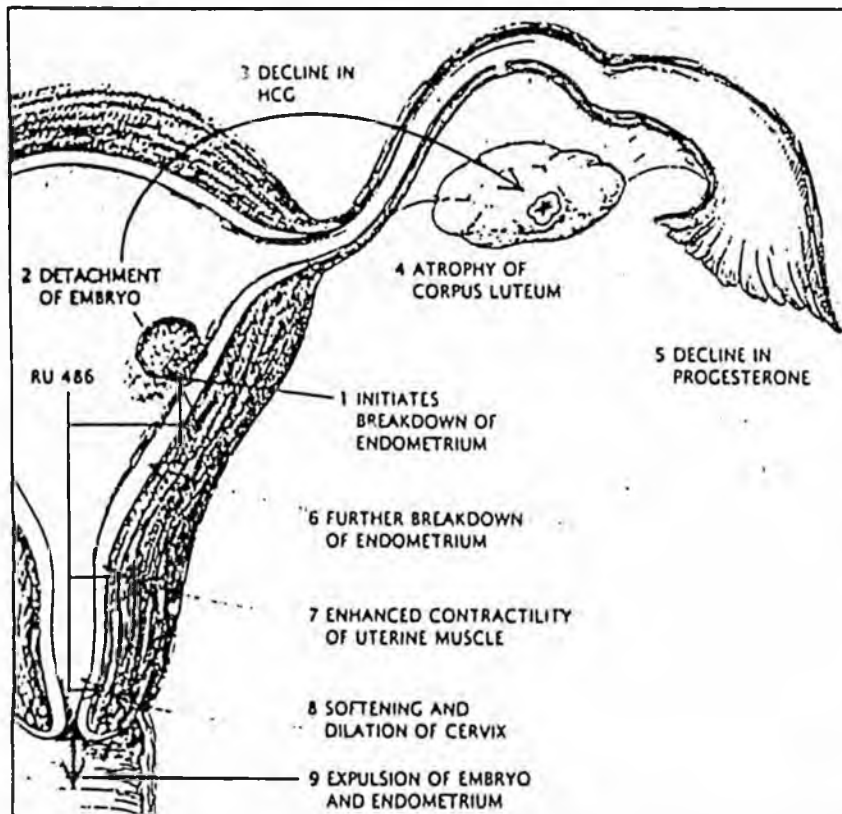
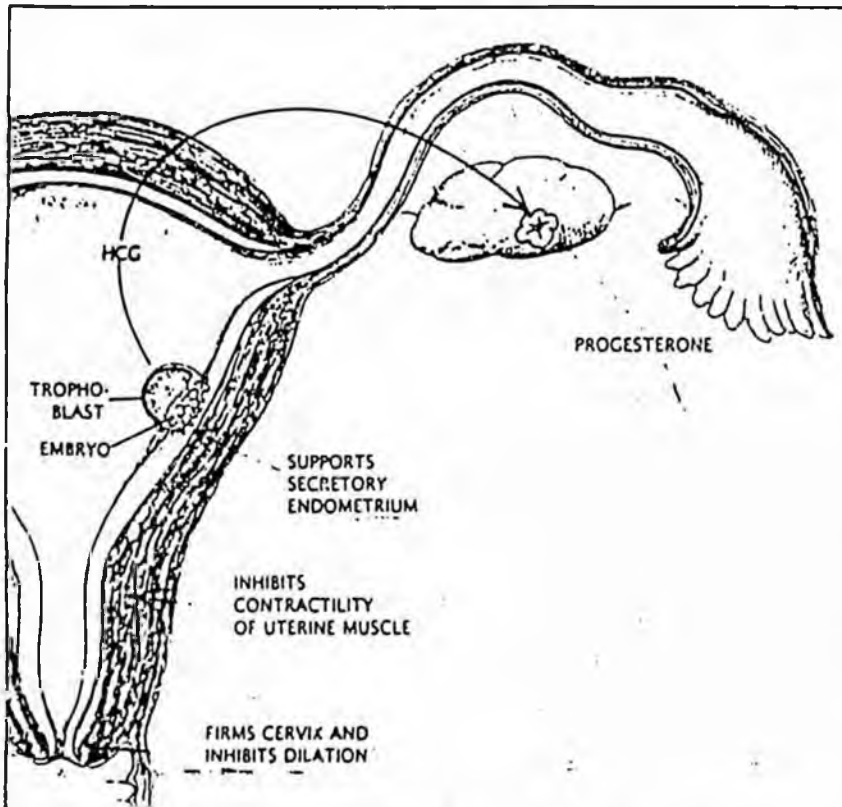


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RU 486 interrupts pregnancy by opposing the action of progesterone at several sites in the uterus. In a normal pregnancy (*top*), the trophoblast (the future placenta) secretes human chorionic gonadotropin (HCG), which maintains the corpus luteum. Progesterone secreted by the corpus luteum has several effects that support the pregnancy. When that progesterone is blocked by RU 486 (*bottom*), the endometrium erodes and the embryo is detached and expelled along with the endometrial tissue.

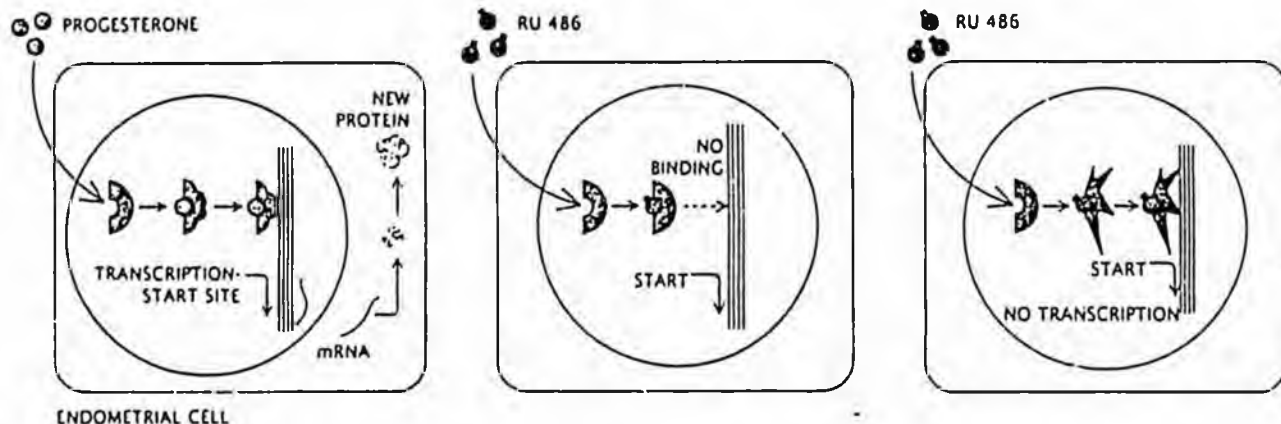
gallons into the progesterone-antagonizing activity of RU 486 was the discovery that the *in vitro* binding affinity of RU 486 for the progesterone receptor was three times higher than that of progesterone. This activity suggested that the synthetic molecule would successfully compete with progesterone in the body and "win" occupancy of the receptor much of the time. Studies of cultured cells supported the idea, demonstrating that the effects of progesterone could be blocked in target cells that were exposed to a small amount of RU 486.

The true test of a compound's potential as a drug is its activity *in vivo*, and the results of the early animal studies had been encouraging as well. Some of these examined the effects of the compound on the endometrium of immature female rabbits. The rabbits were first injected with estradiol, an estrogen that both stimulates the growth of the endometrium and induces the cells to produce progesterone receptors. Next some of the animals were exposed to progesterone, which transformed the proliferating endometrium into a secretory tissue. Other rabbits were given RU 486 orally. The exposure to RU 486 alone did not induce the same transformation. Furthermore, when RU 486 was administered together with progesterone, the new compound actually blocked progesterone's ability to induce the change from a proliferative to a secretory state—as would be expected of a progesterone antagonist.

The findings of antagonism *in vivo* were important, but a crucial question still remained unanswered at the time Roussel-Uclaf decided to examine the potential of RU 486 to serve as an antiprogesterone drug: Could the antagonism that had been demonstrated thus far translate into the interruption of pregnancy? Studies of female rats, which do not have a menstrual cycle, confirmed that it could, and experiments with female monkeys (*Macaca fascicularis*), which do have such a cycle, offered further proof.

The first studies of monkeys were done with nonpregnant animals and revealed that a single oral or injected dose of RU 486 given in the second half of the cycle induced a premature menstrual period 48 hours after administration. Subsequently, Gary D. Hodgen and his colleagues at the Eastern Virginia University Medical School showed that the drug could also terminate pregnancy in monkeys. Other animal work established that RU 486, even at high doses, was nontoxic.

Such studies justified the initial



**PROGESTERONE** acts within the cell (left). By occupying the progesterone receptor in the nucleus, the hormone modifies the receptor's shape, enabling it to bind to chromatin fibers and associated proteins. Such binding leads to gene transcription and protein synthesis. RU 486 antagonizes these effects

by occupying the receptor without stimulating gene transcription. It may block transcription by failing to induce the change in receptor shape required for chromatin binding (center). Or it may induce a change in shape that permits such binding but then prevents binding by critical transcription factors (right).

tion of clinical trials, and in October, 1981, Baulieu suggested to one of his colleagues, Walter Herrmann of the University Hospital of Geneva, that RU 486 be tested on human volunteers. The results were promising: RU 486 triggered expulsion of the embryo from the uterus in nine out of 11 women.

**A** number of clinical investigations soon followed under the auspices of Roussel-Uclaf, the World Health Organization and the Population Council, a nonprofit organization based in New York City. One of us (Ulmann) directed the clinical testing undertaken by Roussel-Uclaf.

The first large-scale studies were conducted in 1985 to determine the most effective administration schedule. It turned out that a single dose of 600 milligrams of RU 486 produced the best results. In the course of these studies, a consensus was reached as to exactly what constituted successful use of the drug. In short, RU 486 succeeded if no surgery was needed, that is, if the embryo and all but the deepest layer of the endometrium were expelled. (Incomplete expulsion calls for surgical removal, usually by vacuum aspiration, because the retained material can cause infection.)

By that standard, administration of RU 486 alone at best yielded an 80 percent success rate. The studies also found that the method worked only in early pregnancy, up to a week after menstruation would have been expected to begin. Considering that many women have a pregnancy test done only after that time, it became all

too clear that RU 486 alone had limited applicability.

What accounted for the 20 percent failure rate? One reasonable hypothesis was that antagonism of progesterone could not by itself induce the frequent, strong uterine contractions required for complete expulsion of the embryo and the endometrial lining. To help correct that problem, Mark A. Bygdeman of the Karolinska Institute in Stockholm, who was overseeing a clinical trial, proposed adding a small dose of a prostaglandin to the protocol. He had earlier demonstrated that RU 486 increases the responsiveness of the uterine muscle to the contractile effects of prostaglandins.

In accordance with Bygdeman's suggestion, new clinical trials were begun in France, Great Britain, Sweden and China to evaluate a new protocol: 600 milligrams of RU 486 delivered in a single dose, followed some 36 to 48 hours later by a prostaglandin. The interval cannot be shortened, because RU 486 takes time to sensitize the uterine muscle to prostaglandins.

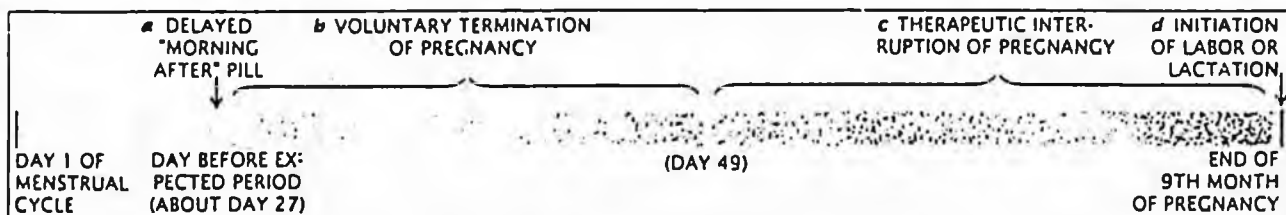
The results improved dramatically. The success rate became 96 percent, close to the rate achieved with surgery, which itself is not foolproof. The studies also looked at the effects of the drug combination on somewhat more advanced pregnancies—those persisting up to three weeks past the missed period—and showed that the same 96 percent success rate could be achieved. In most cases the embryo and all endometrial fragments were expelled within 24 hours after the prostaglandin was administered.

As is true of miscarriages, in which

a pregnancy is spontaneously arrested, the expulsion of the developing embryo and the endometrial lining was inevitably accompanied by uterine bleeding. In 4 to 5 percent of participants in these studies, the bleeding was heavy, as it can be during a normal miscarriage. Sometimes surgical intervention was needed to stop the bleeding, and in exceptional cases, a transfusion was needed. The results indicated that because of the risk of hemorrhage, the prostaglandin must be given in a medical facility where women can be monitored for several hours and, if necessary, treated.

The clinical studies further showed that abdominal pain, caused primarily by the contractile effects of the prostaglandin, is common. They also demonstrated that the 600-milligram dose of RU 486 needed to terminate a pregnancy did not cause clinically relevant antagonism of glucocorticoids. There was therefore no need to be concerned that RU 486 might produce undesirable antiglucocorticoid effects, such as profound fatigue and disturbances of electrolyte and glucose levels in the blood.

Once these studies were completed and reviewed, Roussel-Uclaf asked the French health authorities for permission to market the drug. This was duly granted on September 23, 1988. RU 486 is regulated by French law covering the termination of pregnancy, which stipulates that such terminations be performed only in authorized centers. There is one added restriction in the case of RU 486. Although the law permits voluntary termination of pregnancy through the 12th week, use of



APPLICATIONS OF RU 486 in fertility control and obstetrics are broad. The drug could serve as a delayed "morning after" pill (a) to be taken the day before menstruation is expected, for instance, in cases of rape. In France the compound is given along with another drug, a prostaglandin, to terminate pregnancies of up to 49 days' duration (b). The combination of

drugs is also able to interrupt pregnancy later and might be used when the mother's life is in danger or when the fetus is severely deformed or has died in utero (c). Studies of monkeys show that RU 486 can facilitate labor at term by sensitizing the uterus to the labor-inducing agent oxytocin; they also indicate that the compound can stimulate lactation (d).

RU 486 is limited to the seventh week of pregnancy because that is the outer limit examined in formal studies.

Since the autumn of 1988 more than 40,000 voluntary terminations have been performed with the combination of RU 486 and a prostaglandin. A recent study, published in March, of 2,115 of the women has confirmed the 96 percent success rate and the 4 to 5 percent rate of heavy bleeding. The study also showed that in 86 percent of the successful terminations, expulsion occurred within 24 hours of prostaglandin administration.

The average duration of bleeding in the subjects was nine days. Nevertheless, the time to expulsion, the duration of bleeding and the intensity of pain varied, depending on the dose of prostaglandin. A high dose was associated with faster expulsion but also with more prolonged bleeding and more intense pain.

Outside the study, physicians in the field have reported that two out of all the French women who received RU 486 have had severe disturbances in heart function after receiving the prostaglandin. The occurrence is rare and both women survived, but their difficulties suggest that prostaglandins should be administered cautiously in a woman who has heart disease or is at high risk for it, as in the case of heavy smokers.

It is now a decade since RU 486 was synthesized. The compound has begun to fulfill its potential as a nonsurgical method for interrupting early pregnancies, but that is only one of its many applications related to fertility control and obstetrics.

In theory, RU 486 might be taken as a delayed "morning after" pill, say, on the 27th day of a typical 28-day menstrual cycle. Because the drug is not always effective in this role, the woman must be tested some 10 to 15 days later to confirm she is not pregnant. For the same reason, the drug is not

suitable as a routine postcoital birth-control agent.

The drug may have a place when a woman declines to end an early pregnancy by vacuum aspiration. Several clinical studies have found that the procedure is facilitated by taking RU 486 some 36 to 48 hours before the surgery. The compound helps by softening and dilating the cervix.

Still later in pregnancy, up through the third trimester, the combination of RU 486 and a prostaglandin might offer an alternative to surgery when a pregnancy must be ended because the fetus is seriously malformed or the health of the mother is endangered. Investigators have found that the approach can be effective in late pregnancy and is, in fact, less risky than the kinds of surgery usually required after the first trimester. The drug combination may also be helpful when the fetus dies in utero. In such cases the fetus is usually delivered vaginally, and so contractions are induced, often with much difficulty. Administration of RU 486 followed by a prostaglandin seems to facilitate expulsion of the fetus.

Studies of monkeys indicate that RU 486 may also help to induce labor at term. In the animals the drug has been shown to augment the labor-promoting effect of oxytocin, a pituitary hormone often infused in high doses in cases of stalled labor to stimulate uterine contractions. Hodgen has found that after RU 486 is administered, the frequency of uterine contractions can be increased with just a small amount of oxytocin. Thus, RU 486 may well help to avoid some cesarean deliveries. Hodgen's experiments also suggest yet another role for RU 486: in monkeys, at least, it triggers lactation and increases the volume of milk that is produced in the breasts.

Outside the realm of pregnancy, RU 486 may one day help to treat cancers that bear progesterone receptors, in-

cluding certain breast cancers. In test-tube studies, RU 486 has slowed the growth of tumors displaying such receptors. Certain noncancerous tumors that synthesize progesterone receptors might also be controlled or reduced with RU 486, among them meningiomas (tumors of the meninges, the membranes surrounding the brain). Clinical trials examining applications in cancerous and noncancerous tumors are now in progress.

Finally, RU 486 may yet find application as a glucocorticoid antagonist. For instance, it is being studied as a treatment of Cushing's syndrome, a disorder that results from the overproduction of cortisone and leads to such symptoms as hypertension, rapid fat storage in the upper body and osteoporosis.

Clearly, RU 486, the first progesterone antagonist ever brought to market, has potential beyond its value in terminating pregnancy. Its application in that area is but the first stage in the history of the compound.

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**RU486**

**The Pill That  
Could End the  
Abortion Wars  
and Why  
American  
Women Don't  
Have It**

**LAWRENCE LADER**

Founding Chair, National Abortion Rights Action League

*misc. back-up*

# NATION'S HEALTH

August 1990

THE

Official  
Newspaper  
of the  
American  
Public  
Health  
Association



APHA President Myron Allukian, second from left, was part of a delegation presenting thousands of petition on RU486 to the Roussel Uclaf company in France. Center is Dr. Edouard Sakiz, CEO of Roussel Uclaf, and Eleanor Smeal, President of the Fund for the Feminist Majority.

## APHA Joins Delegation To Ask for RU486

A delegation representing APHA and other organizations recently returned from a European meeting with makers of RU486, "the abortion pill," expressing confidence that the drug will be available in the United States without extraordinary delay.

The group, spearheaded by the Feminist Majority, included APHA President Myron Allukian and nine other scientists and leaders of women's organizations.

After meeting for several hours in Paris with Dr. Edouard Sakiz, the Chief Executive Office of the Roussel Uclaf company, which makes the drug, the group said that they felt significant progress had been made in getting the company to make the pill available in the United States. The drug interrupts pregnancy in the early stages.

Several recent press reports have in-  
*See Delegation...page 5.*

## Delegation Asks Company To Bring RU486 to the US

*...from page 1.*

icated that the controversy in this country about abortion and RU486 have blocked the introduction of the drug here, seemingly indefinitely.

Right to Life groups have threatened a boycott on the company's other products if RU486 is introduced in the US. The Food and Drug Administration has banned imports of it saying that it could present an unreasonable safety risk.

At a news conference members of the US delegation said they found the French pharmaceutical company executives very concerned that the drug be used with proper precautions and that it not be abused. In France now, where reportedly 50,000 abortions have been carried out through this method and one in three abortions is currently done this way, there are a number of controls on the procedure. The woman must take the drug in front of a physician and sign a form saying that she will have a surgical abortion if the procedure does not work. Reportedly, the pills are numbered and the distribution of the pills is documented.

Also, the pill is not given to women over 35 who smoke because two women in that category have had cardiac problems, although both women recovered.

According to the delegation, many of the company's fears concerned the decentralized nature of the health system in this country and what they perceived as the lack of control that might apply to the drug once it was introduced. The delegation was able to allay many of those fears, according to its members.

The delegation presented the company with 115,000 petition signatures

gathered in the US from people asking that the drug be made available here.

The group also met with top officials of the Hoechst company, which owns the majority of Roussel Uclaf.

At the press conference, APHA President Myron Allukian said, "RU486 is effective, easy to administer and use, non-intrusive, and allows women more control over the way their personal health services are delivered....As a result of this visit I am convinced that this is a major advance in women's health care. Women in America should not be denied, for any reason, this high quality of health service which is available to women in other countries."

Allukian also indicated that because women taking RU486 do not require surgery, there is no need for anesthesia, and there is less bleeding and less chance of infection. It is also much more acceptable to women, he said.

As the technique is refined over time, the APHA president said, the procedure may become even simpler to administer and cheaper.

Eleanor Smeal, the President of the Feminist Majority, said that RU486 is the first major breakthrough in fertility control in the 30 years since the advent of the birth control pill, and it will indeed come to this country because American women will demand it.

At the same news conference the Feminist Majority announced a major push to combat laws requiring parental consent for abortion for women under 18 in the states where those laws are enforced. It will be appealing particularly to young people on the issue.

The side effects of RU 486.

# DRUG OF CHOICE

*By Dorothy Wickenden*

In the mid-1980s, as word of the French abortion pill rippled across the world, the new drug was greeted as a thing of awesome powers. Pro-choicers eagerly proclaimed that RU 486 would render both surgical abortion and the anti-abortion movement obsolete. If a woman suspected she was pregnant, she would go to her medicine cabinet and, in peace and privacy, swallow the pill. With this simple act she could banish the emotional, the physical, and even much of the moral trauma accompanying the decision to have an abortion. Described by its inventor, Etienne-Emile Baulieu, as a "contra-gestive" (because it impedes gestation rather than conception), RU 486 would in effect erase the distinction between a contraceptive and an abortifacient. Anti-abortionists, horrified at the euphoria, quickly marshaled their forces against the drug, calling it a "chemical time bomb" and a "death pill."

The pro-choicers have sounded more sober about RU 486 over the past couple of years. Their initial hopes

for the drug as "the ultimate act of reproductive privacy" proved to be, as Bill Hamilton of Planned Parenthood puts it, "a myopic dream." The anti-abortionists' continual boycott threats have cowed the patent owner and sole manufacturer, Roussel Uclaf of France, and its parent company, Hoechst AG, a German multinational, into tightly restricting access to the drug. In France, the only country where RU 486 is actually available to women outside of clinical trials, each pill must be registered, and the drug is dispensed only by designated clinics, only after a pregnancy has been confirmed, and only through the seventh week. And though French doctors report impressive success with it as an abortifacient, the procedure turns out to be neither quick nor painless nor totally private. Patients are required to make four visits to a designated clinic, on the second of which they are given synthetic prostaglandin to reduce the risk of hemorrhage and help induce contractions.

But the more recent news doesn't look good for the

anti-abortionists. Distribution of RU 486 will start in Great Britain within the next year. Scandinavia and the Netherlands are expected to follow soon, and Sweden has begun testing it as a once-a-month contraceptive. Spain's Ministry of Health has made an official demand for the pill, and Baulieu, who still works for Roussel, says the Soviet Union will likely be next. The World Health Organization continues its own clinical studies on RU 486 in China, India, Hong Kong, and Cuba. Perhaps most alarming of all from the anti-abortionists' point of view, RU 486 is once again being described as a miracle drug—this time by American doctors who say it may prove just as effective in treating a range of deadly diseases as it is in terminating pregnancy. William Regelson, an oncologist at the Medical College of Virginia, declares, "If RU 486 did not have abortion associated with it, it would be considered a major breakthrough drug."

In the August 22/29 issue of *The Journal of the American Medical Association*, Regelson and two co-authors describe the proven and potential uses for RU 486 in treating some kinds of breast cancer and brain tumors, Cushing's syndrome—a terminal disease characterized by hypertension, osteoporosis, diabetes, and infections—and even AIDS. RU 486 is known as a "hormone antagonist" because it prevents cells from responding to certain hormones as they normally would. It arrests the course of pregnancy by blocking the action of progesterone, without which an embryo cannot survive. Some tumors and cancers thrive on hormones as well, as do all women-related diseases. Cushing's syndrome, for example, is caused by an excess production of cortisol, which is blocked by RU 486.

A program at the University of Southern California School of Medicine is using RU 486 in a small group of patients with a type of meningioma, or brain cancer, that cannot be cured with surgery. Martin H. Weiss, who heads the study with Stephen Grunberg, says that it is the only medical treatment that has ever been shown to work on these patients; a third of them have been responding to the treatment. George Chrousos, a senior investigator at the National Institutes of Health, who conducted a five-year study of RU 486 on Cushing's syndrome sufferers, describes "miraculous improvement" on eight of the twelve patients in his study within weeks after treatment began. RU 486 may even be helpful to women who *want* to have a baby. Doctors at the University of California, San Diego, are doing a pilot study of RU 486 as a treatment for endometriosis, a common cause of infertility in women; and many believe that it could be used to induce labor in difficult deliveries, thus reducing the need for Caesarian sections.

All this sounds too good to be true, and some of it may be. The hopes that RU 486 may help AIDS patients, for example, are based on little more than informed speculation, and researchers who had hopes that it might cure glaucoma have been disappointed with the results of their animal studies. Arthur Caplan, director of the Center for Biomedical Ethics at the University of

Minnesota, points out that "the rhetoric of the abortion debate has gotten the science inflamed." Doctors, no less than the pro-choice and anti-abortion forces, have their own interests to protect, and it's not surprising that they are among those who tend to make extravagant claims about RU 486.

**A**nti-abortionists, of course, are quick to downplay its curative potential—well aware that once it is approved in the United States for other uses, doctors could legally prescribe it as an abortifacient as well, as long as abortion itself remains legal. John Willke, president of the National Right to Life Committee, says, "People are using the theoretical possibility of therapeutic use to get the drug into the country on a massive level for lethal use." Yet he insists that his organization objects only to studies on RU 486 as an abortifacient. "We couldn't stop the other research if we wanted to," he declares.

That's true, but they can impede it. Hoechst hastily withdrew the drug in September 1988, only a month after the French government had approved it. A Roussel stockholders' meeting had been the scene of an anti-abortion protest, and the National Right to Life Committee in Washington and Catholic groups in France had issued a boycott threat against Hoechst and Roussel. Extremists proclaimed that I. G. Farben, the ancestor company of Hoechst, manufactured cyanide for Hitler's death camps. Distribution of RU 486 was resumed under orders from the French government, which owns 36 percent of Roussel Uclaf. Undeterred, the anti-abortionists kept up their boycott threats, and in December 1988 Roussel devised a set of criteria that countries have to meet before they can receive the drug: abortion must be legal and accepted by medical, public, and political opinion; prostaglandin must be available; distribution must be strictly controlled; and the patient must be required to sign a consent form declaring that if the treatment fails (as it does in up to 4 percent of women), she will have a surgical abortion. This would eliminate the possibility of babies born with defects—an unlikely prospect, many doctors claim, since RU 486 is taken in a single dose and the drug is metabolized quickly, but one that understandably concerns the manufacturer.

According to Roussel, the United States does not qualify for the drug—even though abortion is legal and supported by a majority of the American public. By "accepted by public opinion," the company clearly means "uncontroversial"—a much tougher standard, which thus far essentially has given a noisy minority veto power over a major medical development. Willke vows that if RU 486 comes to the United States, he'll mount a worldwide boycott of every product made by Roussel and Hoechst, and, he warns, "It'll be a whopper." Hoechst AG owns two New Jersey-based companies: Hoechst-Roussel Pharmaceuticals and Hoechst Celanese Corporation, a chemical company that produces everything from carpet fibers to tire cord. Hoechst Celanese alone has annual revenues in the

United States of \$6 billion. American pharmaceutical companies, which could push for a license from Roussel, apparently have no intention of doing so. "Do you have any idea what would happen in the U.S. if the drug were being distributed?" one unnamed senior executive at a drug company told *The Washington Post* when RU 486 was issued in France. "The market is potentially huge and the drug appears worthy. But who needs the headache?"

Some researchers who covet the new wonder drug are exasperated by Roussel's extreme caution about relinquishing it. William Regelson and his co-authors say that the threatened boycott has "largely frozen clinical trials," citing as evidence Roussel's cancellation of a meeting that it was to attend in April 1989 at Memorial Sloan-Kettering in New York to help the National Cancer Institute organize a multicenter study of RU 486 for treating breast cancer. Regelson says he was later told by a Hoechst employee that the company had pulled back because of the hostile political climate. Gary Hodggen, president of the Jones Institute for Reproductive Medicine, who has conducted numerous studies on RU 486 since 1982, says of Roussel and Hoechst, "They have limited access far more strictly than they did in years prior to 1989, no question about that." Baulieu denies these charges. It is high costs and the need for quality control, he insists, that have restricted the number of studies. And apparently not all doctors have had trouble getting the drug. Michael Kettle, who is working on the endometriosis study at San Diego, says that he and his co-workers have received active support from Roussel in their work.

On one point, at least, most people agree: Roussel's tight hold on RU 486 has crimped research in some critical areas. Since the early '80s the National Institutes of Health, which is barred from doing any abortion-related studies, has been conducting clinical trials of RU 486 for its use as a contraceptive and cellular studies on it as a possible future cure for breast cancer. However, one of NIH's most promising studies on RU 486 has come to a halt. Unlike women who use it as an abortifacient, patients with Cushing's syndrome require massive doses on a daily basis for extended periods throughout their lives. Although NIH researchers were excited by the extraordinary progress shown by the patients in the study, for whom no other medical treatment is effective, NIH decided not to continue its study in part because of concerns that it would be unable to obtain the quantities needed to sustain the patients' recovery.

One curious sign of the anti-abortionists' discomfort about RU 486 is their rhetoric. When Willke talks about the drug, he emphasizes the threat that it poses to women's health. He calls it a "chemical Dalkon Shield," "a powerful, poisonous steroid" that "kills unborn babies, will injure and kill women, and will cause an epidemic of fetal deformity." This would seem to be a shrewd tactic. The grisly history of fertility control—DES, Thalidomide, and the early birth

control pill, as well as the Dalkon Shield—has made many women dubious about being subjected once again to an experimental drug whose long-term effects are unknown.

But this line of attack has already been shattered by the powerful medical establishment. The American Medical Association and *The New England Journal of Medicine*, among others, have declared that RU 486, when properly administered, is as safe as surgical abortion—one of the most common and least dangerous of all surgical procedures. The AMA has endorsed testing RU 486 here and is supporting efforts to convince Roussel to release it. Moreover, doctors are confident that as research continues, the drug—like the early birth control pill—will either be improved upon or replaced by a more sophisticated successor. NIH researchers hope that within the next several years they will have figured out the appropriate dose of RU 486 to be used as a birth control pill, perhaps taken only once or several times a month, and that it will have fewer side effects than the current pill.

Anti-abortionists should be the first to recognize the power of high-tech medicine to affect the political and ethical climate surrounding abortion. Sonograms have enabled us to peer inside the womb and detect the heartbeats of fetuses as young as six-and-a-half weeks, a development that helped to raise doubts among many whose support for abortion during the early months of pregnancy previously had been unqualified. RU 486 seems to be having precisely the opposite effect—removing some of the moral onus from abortion. Most people—even many in the anti-abortion rank and file—have fewer qualms about the idea of aborting a three-quarter-inch embryo than a fetus at three months, complete with tiny fingers and toes and all of its organs. So a pill that would both enable women to have earlier abortions and result in fewer late ones would doubtless be widely seen here, as it has been in France and other countries, as a welcome medical advance. And once its other potential uses are known, and the clamor for the drug increases, the issue will become even more problematic, not least among those who believe RU 486 should be available to prolong health and save lives but have serious scruples about it as an abortifacient.

On the other hand, Willke's health warnings about RU 486 have doubtless proved effective in raising the specter of lawsuits, which scare drug manufacturers in the United States as much as anti-abortion protesters do. Ever since the Dalkon Shield disaster, pharmaceuticals and insurance companies have retreated almost entirely from the field of birth control. In fact, insurance is no longer available in this country for clinical testing of most contraceptives. And even if a U.S. drug company decided to ignore the threat of political harassment and financial vulnerability, it would first have to wind its way through the byzantine—and politicized—regulatory maze. After getting a license from Roussel, a company would present a protocol to the Food and Drug Administration for its own round of expensive tests on RU 486 and

synthetic prostaglandin, and, finally, submit the drug application to the lengthy FDA approval process—an even more complex procedure when two drugs are involved. The FDA, for its part, has already revealed its susceptibility to political pressure: in June 1989, at the urging of Senator Jesse Helms, Representatives Henry Hyde and Robert Dornan, and others, it banned the import of RU 486 into the United States for private use.

Limitations on birth control research, of course, mean fewer and less effective means of family planning for Americans. This only perpetuates the country's staggering rates of teenage pregnancy and abortion, both of which are among the highest in the industrialized world. A report of the National Research Council estimates that between 1.2 million and 3 million unwanted pregnancies occur in the United States each year, and that about half of the 1.5 million abortions each year are due to contraceptive failure.

Steps are being taken, though, to break the impasse. Some members of Congress, galvanized by an administration that, like its predecessor, has been more receptive to the demands of a powerful interest group than to the idea of pressing forward in controversial areas of medical research, have begun to move. In July, at the instigation of Representative Barbara Boxer of California, seventy members signed a letter urging Roussel to make RU 486 available for testing in the United States, in the hope that eventually Roussel will be convinced that the anti-abortionists represent neither the views of established medicine nor the will of the public at large. In late October the reauthorization bill for NIH collapsed after conservatives vehemently objected to several abortion-related provisions—among them proposals for new centers to study contraception and infertility, which they claimed might lead to federal funding of research on RU 486. But this month Representative Ron Wyden of Oregon is holding a hearing on RU 486, in an attempt to smoke out the administration's position on the drug, and to raise questions about the extent to which the politics of abortion is impeding research that could save lives.

As for the pharmaceutical companies, eventually they may find the lure of profits more compelling than the fear of boycotts and litigation—especially if RU 486 brings with it some of the health benefits that are predicted. The boycott threat could turn out to be a paper tiger: it will be hard to convince Americans not to buy a laxative made by Hoechst-Roussel Pharmaceuticals because its parent company also owns the company that produces RU 486. And Hoechst-Roussel specializes in prescription drugs rather than over-the-counter products. Even the liability conundrum is not insoluble. Many have proposed devising an insurance scheme for controversial new drugs and devices that would assure companies they would only be liable if culpable error could be proved. An insurance pool would cover unforeseen casualties.

Meanwhile, a group of physicians in San Francisco—unwilling to wait for drug companies and the FDA—has

attempted to get the testing started themselves. Theirs would be the first trial in the United States of RU 486 with prostaglandin. (An earlier study, at the University of Southern California, examined the efficacy of the drug alone.) California's attorney general, John Van de Kamp, has proposed that the state invoke a statute that allows California to test, manufacture, and market drugs within its own borders that are not yet approved by the FDA. Three hospitals have agreed to conduct the trials, but the doctors' plan has stalled because Roussel has refused their request for the drug.

However, Baulieu, an irrepres-entable advocate of his invention, is confident that RU 486 will soon find its way to the United States—and "not through the back door," as the Californians are proposing. "I don't see any reason to have partial distribution," he says. "As in the U.K., the pressure will be so strong that it will go ahead in the USA. Roussel will help when the conditions are better." Baulieu is advocating a joint undertaking that would include Roussel, a non-profit organization here (most likely Planned Parenthood), and a group of venture capitalists.

The anti-abortionists have raised legitimate questions about how RU 486 might be misused if it becomes a legal commodity here. What happens if a pregnant teenager gets hold of some pills in her second trimester, and thinks they'll solve her problem? Because the U.S. regulatory system is so decentralized, it will be more difficult to maintain the scrupulous controls over distribution that France has imposed. But this country would doubtless require abortion patients to undergo the same series of doctors' visits, to receive the pills and the prostaglandin only at clinics and hospitals, and to sign the same strict consent forms. And the United States isn't exactly slack about drug safety standards. RU 486 could be handled like any prescription drug that poses a threat to the fetus (such as the acne treatment Accutane, with doctors strictly screening patients and the FDA requiring detailed warning inserts along with the prescription). Or, if necessary, it could be deemed a "Class 3" drug, like barbiturates and amphetamines, which doctors cannot prescribe without a special license, and which requires a detailed accounting on the part of physicians and pharmacists to avoid forgeries and other abuses.

There is no denying that RU 486 is an eerie drug. Even the most ardent pro-choice advocates have to ask whether there isn't a critical distinction between a contraceptive and a "contra-gestive." But RU 486, like abortion itself, isn't going to go away—regardless of the restrictions that are placed on it. As more countries begin using the drug, demand for it here will increase. And if it is not approved and carefully regulated in the United States, a black market will certainly develop, with predictably unpleasant consequences. Thus Wilke and his colleagues will have succeeded in creating exactly the circumstance he claims to fear the most: widespread misuse of a potent drug with possibly serious health hazards for women. •

# RU 486 and Abortion

## A Feminist Majority Foundation Report

Developed by Roussel Uclaf, a French pharmaceutical company, RU 486 (or Mifepristone) is the first in a new generation of fertility control which can cause the interruption of an early pregnancy. But Roussel Uclaf refuses to make RU 486 available to American women.

### RU 486: THE ABORTION PILL

As an anti-progestin, RU 486 works by blocking the action of the hormone progesterone. Without progesterone, the lining of the uterus breaks down (as it does prior to a menstrual cycle) and the conceptus is expelled. Because RU 486 stops gestation after fertilization of the egg, it has been called an abortion pill.

### SAFETY AND EFFICACY

RU 486, taken in pill form, has been used by over 90,000 women in 20 different countries and has been found to be both safe and effective in terminating unwanted pregnancies. Taken alone, RU 486 causes complete evacuation of the uterus 80% of the time. When a prostaglandin is administered 48 hours after RU 486 has been taken, the procedure is 96% successful through the first nine weeks following a missed menstrual period.

### PREGNANCY TERMINATION AND RU 486

In France, where RU 486 was approved for use in 1988, one out of three women seeking an abortion chooses the compound in place of another procedure. In France, there are currently four steps in the process:

**Step 1:** French law requires that a woman who wishes to terminate her pregnancy visit an authorized birth control center, where she is given a pregnancy test and a clinical examination. She must register her decision to have an abortion and then wait seven days before she can end the pregnancy.

**Step 2:** If she elects an abortion with RU 486, she returns to the center a second time and is given a 600 milligram oral dose of RU 486.

**Step 3:** After two days, she returns a third time for an injection or a vaginal suppository of prostaglandin. Prostaglandin causes contractions of the uterus and helps ensure its complete evacuation.

**Step 4:** Five to seven days later, she makes a final visit to her physician to make sure that the abortion is complete.

In countries with no mandatory waiting period for abortion, Steps 1 and 2 would be combined and the procedure would require only three visits instead of four. Leading scientists believe that RU 486 eventually will be combined with a slow-releasing prostaglandin, eliminating the need to administer these medications separately.

## WHY MANY WOMEN PREFER RU 486

Many women prefer RU 486 because it allows them greater psychological control over the termination of pregnancy. Due to its popularity, RU 486 could eventually replace 50% of vacuum aspiration or surgical abortions.

A woman can take RU 486 as soon as she knows that she is pregnant. Surgical abortion generally cannot be performed before the seventh week of pregnancy.

The administration of RU 486 is non-invasive, has no risk of infection, and does not require anesthesia. A vacuum aspiration abortion is invasive, has a slight risk of infection, and is commonly performed with local anesthesia in the United States.

RU 486 eventually will be less expensive than vacuum aspiration abortions.

## BRINGING RU 486 INTO THE UNITED STATES

RU 486 was licensed in France in 1988 and in Great Britain in 1991. Shortly after its introduction in France, Roussel Uclaf pulled RU 486 off the market, attributing their decision to anti-abortion pressure. Two days later, the French government ordered Roussel to make the compound available to women in France, declaring RU 486 "the moral property of women."

Yet RU 486 remains unavailable to American women. On June 9, 1989, in response to lobbying by anti-abortion members of Congress, the U.S. Food and Drug Administration (FDA) issued an import alert on RU 486, banning importation of the compound for personal use.

Opponents of abortion rights have threatened boycotts against the French manufacturer of RU 486, Roussel Uclaf, and its German parent company, Hoechst, A.G. Thus far Roussel and Hoechst have decided not to apply for a license to distribute RU 486 in the United States.

## FEMINIST MAJORITY PETITIONS PHARMACEUTICAL FIRMS

To visibly counter anti-abortion politics, the Feminist Majority Foundation is organizing the public, scientists, researchers, and health care professionals in the United States for the Campaign for RU 486 and Contraceptive Research.

Over 250,000 individuals have joined thousands of distinguished scientists, including winners of the Nobel Prize and the National Medal of Science, in signing petitions urging the manufacturers to release the drug.

In July, 1990, a Feminist Majority Foundation delegation of feminist leaders, scientists and health care professionals presented 800 pounds of some 115,000 petitions to Roussel Uclaf and Hoechst, A.G.

This delegation held a series of historic meetings with leading officials from both companies, including Roussel CEO Edouard Sakiz. The manufacturers were impressed by both the scientific and broad-based support for RU 486.

## ORGANIZATIONS SUPPORT RU 486

Major American organizations have passed resolutions calling for release of the drug to the U.S. for research purposes:

American Medical Association  
American Public Health Association  
American Assoc. for the Advancement of Science  
American Institute of Biological Sciences  
American Pediatric Society  
Zero Population Growth  
National Organization for Women  
Society for the Study of Reproduction  
National Cushing's Syndrome Association  
Endometriosis Association  
Endocrine Society  
National Association of Breast Cancer Organizations

# **RU 486 and Breast Cancer**

## **A Feminist Majority Foundation Report**

The French pill RU 486 has sparked international interest as a possible treatment for breast cancer. Yet the manufacturer of this compound has not provided RU 486 to any researcher for human clinical trials for breast cancer in the United States.

### **INCIDENCE OF BREAST CANCER**

Breast cancer is an epidemic. Each year over 175,000 women will be diagnosed with breast cancer in this country alone. One in nine American women will develop breast cancer in her lifetime.

Breast cancer kills 44,500 women in the United States annually.

### **BREAST CANCER AND HORMONE TREATMENT**

Breast cancer is the most common form of cancer in American women. Some types of breast cancer are "responsive" to different hormones: that is, tumors grow in response to levels of a particular hormone.

Great advances in breast cancer treatment have been made by using "anti-hormone" drugs to block the action of the hormone which causes tumors to grow.

For example, tamoxifen is an anti-estrogen drug which has been successfully used to delay breast cancer recurrence and reduce tumor growth in "estrogen-responsive" breast cancers.

### **RU 486 AND BREAST CANCER**

Since RU 486 is an anti-progesterone drug, there is strong interest in testing RU 486 to see if its effects would be similar to tamoxifen when used as a new form of hormonal therapy for progesterone-responsive breast cancer.

In animal studies, conducted by Dr. Bakker *et al* in the Netherlands, RU 486 reduced breast cancer tumors as well as tamoxifen. The administration of both tamoxifen and RU 486 reduced tumor size more than each drug alone.

RU 486 also may be a second-line treatment for tumors that have become resistant to tamoxifen. In a preliminary clinical trial in France, Dr. Romieu *et al* found that RU 486 halted some cancer growth in 12 of 22 breast cancer patients after other treatments failed. Additionally, this study reported that RU 486 reduced pain from the metastasis of cancer cells to the bones.

RU 486 has been tested domestically at the National Institutes of Health (NIH) in Washington, D.C. and elsewhere to determine if its progesterone-blocking action might remove the stimulus for the growth of some breast cancer tumors.

All U.S.-based studies concerning RU 486 and breast cancer have consisted of basic laboratory research using only animal and human cell lines. In Europe, however, researchers in France and the Netherlands have progressed to human clinical trials using RU 486 for breast cancer.

### **SCIENTISTS SUPPORT RU 486**

The most prestigious scientific organizations in the United States have passed resolutions calling for the release of RU 486 for research purposes. These organizations include:

**American Medical Association**  
**American Public Health Association**  
**American Association for the Advancement of Science**  
**American Institute of Biological Sciences**  
**American Pediatric Society**  
**Endocrine Society**

### **WOMEN'S HEALTH CARE ADVOCATES SUPPORT RU 486**

Advocates of women's health care also have expressed support for RU 486, including the **National Alliance of Breast Cancer Organizations**, **National Organization for Women**, **Endometriosis Association**, and **National Cushing's Syndrome Association** believe research into RU 486's possible applications should move forward immediately.

### **BRINGING RU 486 INTO THE UNITED STATES**

Opponents of abortion rights have threatened boycotts against the French manufacturer of RU 486, Roussel Uclaf, and its German parent company, Hoechst, A.G. Thus far Roussel and Hoechst have not applied for a license to distribute RU 486 in the United States.

At the present time, RU 486 is licensed in France and Great Britain as a safe, effective abortifacient.

The U. S. Food and Drug Administration's politically-motivated ban on personal importation of RU 486 has caused confusion, delays and obstacles for researchers investigating the non-abortifacient indications of RU 486 as a treatment for breast cancer, Cushing's Syndrome, meningioma and endometriosis. The Feminist Majority Foundation believes that Roussel Uclaf and Hoechst, A.G. should make RU 486 more widely available for use and continued research.

### **FEMINIST MAJORITY PETITIONS AMERICAN PHARMACEUTICAL FIRMS**

To visibly counter anti-abortion politics, the Feminist Majority Foundation is organizing the public, scientists, researchers and health care professionals in the United States for the Campaign for RU 486 and Contraceptive Research. Over 250,000 individuals have joined thousands of distinguished scientists, including winners of the Nobel Prize and the National Medal of Science, in signing Foundation petitions urging the manufacturers to release the drug.

In July, 1990, a Feminist Majority Foundation delegation of feminist leaders, scientists and health care professionals presented 800 pounds of some 115,000 petitions to Roussel Uclaf and Hoechst, A.G. This delegation held a series of historic meetings in Paris and Frankfurt with leading officials from both companies, including Roussel's CEO Edouard Sakiz. The manufacturers were impressed by both the scientific and broad-based support for RU 486.

# **RU 486 and Cushing's Syndrome**

## **A Feminist Majority Foundation Report**

**Some forms of Cushing's Syndrome, a deadly disease, can be treated with the new French pill RU 486. But opponents of abortion have caused the near-halt of research into this and other life-saving applications of RU 486 simply because the compound is an effective abortifacient.**

### **WHAT IS CUSHING'S SYNDROME?**

Cushing's Syndrome results from an overproduction of cortisol, a natural glucocorticoid hormone produced by the endocrine system. Normally, the pituitary gland (located between the optic nerves) sends messages to the adrenal glands (found just above the kidneys) signalling how much cortisol is needed. In Cushing's Syndrome, this signal is not shut off and the adrenal glands begin massive overproduction of cortisol. Too much cortisol can be fatal.

The disease is triggered by the growth of a tumor in one of three locations in the body. "Spontaneous Cushing's" occurs when a small benign tumor develops on the pituitary gland, or on one of the adrenal glands. "Ectopic Cushing's" occurs more rarely when cancerous tumors, often on the lung, pancreas, or thymus gland, produce a hormone that stimulates cortisol secretion.

### **RU 486 AND CUSHING'S SYNDROME**

The RU 486 compound is an anti-glucocorticoid: it binds to glucocorticoid receptors in the body and thus prevents the hormone cortisol from binding. Researchers at the National Institutes of Health (NIH) and elsewhere have investigated RU 486 as a possible treatment for Cushing's Syndrome since 1983.

**One important NIH study has shown that when people gravely ill with inoperable**

**tumors were given RU 486, over half experienced actual reversal and control of the disease as well as complete regression of the Syndrome's features. Administration of RU 486 enables the patient to regain strength, simultaneously allowing doctors enough time to find and remove the tumor(s). Without RU 486, the patient's condition continues to deteriorate, prevents surgery, and may result in death.**

**RU 486 already has helped patients in the United States with advanced Cushing's Syndrome symptoms. Two such survivors testified before Congress that RU 486 saved their lives.**

The National Cushing's Association strongly supports making RU 486 available in the United States.

### **WHO IS AFFECTED BY CUSHING'S SYNDROME?**

**The vast majority of Cushing's victims are women, primarily in their 20's - 40's. But it also affects men, and can strike children too. Cushing's Syndrome is not a common disorder. However, many more people have Cushing's than are diagnosed with the disease. In fact, many people who have the disease have suffered for years before proper diagnosis is made. Widespread use of pharmacological doses of glucocorticoids**

administered for a wide range of other diseases may have given millions of people mild variants of this disorder.

### **WHAT HAPPENS TO PEOPLE WITH THIS DISORDER?**

- excessive weight gain, especially fat deposits on upper body leading to "buffalo hump" and "moon face" features
- severe muscular weakness, impotence, and urinary incontinence
- mental depression, memory loss, severe mood swings
- osteoporosis (bone thinning)
- thinning of the hair
- development of diabetes mellitus
- atherosclerosis
- acne, facial hair growth in women
- loss of menstrual periods
- hypertension (high blood pressure)
- suppression of the immune system

*If left untreated,  
Cushing's Syndrome can be fatal.*

### **WHAT TREATMENTS EXIST?**

Selective surgical removal of the tumor in the pituitary gland, complete removal of the adrenal gland which has the tumor, or complete resection of an ectopic tumor are treatments for Cushing's. Surgical treatment relieves the predominant symptoms and reverses the process. But surgery is often not possible for people with Ectopic Cushing's, or when the cancer has metastasized. For these cases, RU 486 may be the only possible treatment.

### **BRINGING RU 486 TO THE U.S.**

Opponents of abortion rights have threatened boycotts against the French manufacturer of RU 486, Roussel Uclaf, and its German parent company, Hoechst, A.G. Thus far Roussel and Hoechst have not applied for a license to distribute RU 486 in the United States. At the present time, RU 486 is licensed in France and Great Britain.

The U.S. Food and Drug Administration's ban on personal importation of RU 486 has caused confusion, delays and obstacles for researchers. Scientists who need RU 486 for the treatment of Cushing's Syndrome and for research into the medication's potential as a life-saving treatment for diseases such as breast cancer have had difficulties obtaining RU 486. The Feminist Majority Foundation believes that Roussel Uclaf and Hoechst, A. G. should make RU 486 more widely available for use and continued research.

### **FEMINIST MAJORITY PETITIONS PHARMACEUTICAL FIRMS**

To visibly counter anti-abortion politics, the Feminist Majority Foundation is organizing the public, scientists, researchers and health care professionals in the United States for the Campaign for RU 486 and Contraceptive Research. Over 250,000 individuals have joined thousands of distinguished scientists, including winners of the Nobel Prize and the National Medal of Science, in signing petitions urging the manufacturers to release the drug.

Major American organizations, such as the American Association for the Advancement of Science, American Medical Association, the American Public Health Association, Endocrine Society, Endometriosis Association, Society for the Study of Reproduction, National Organization for Women, National Cushing's Syndrome Association, and the National Association of Breast Cancer Organizations, also have passed resolutions calling for release of the drug to the U.S. at least for research purposes.

In July 1990, a Feminist Majority delegation of feminist leaders, scientists and health care professionals presented 800 lbs. of some 115,000 petitions to Roussel Uclaf and Hoechst, A.G. This delegation held a series of historic meetings in Paris and Frankfurt with leading officials from both companies, including Roussel's CEO Edouard Sakiz.

# RU 486 and Meningioma

## A Feminist Majority Foundation Report

The new French pill RU 486 shows promise as a treatment for meningioma, a type of brain or spinal cord tumor. But opponents of abortion have caused the near-halt of research into this and other life-saving applications of RU 486 simply because the compound is an effective abortifacient.

### WHAT IS MENINGIOMA?

Meningiomas develop from the middle of the three layers of membrane that cover the brain and spinal cord. As meningiomas grow, they erode the outer membranes and cause thickening of the bones of the skull. Eventually, they may protrude through the skull and appear beneath the scalp as a firm lump. Depending upon the location of the meningioma, the tumor can cause a host of symptoms. Symptoms of brain tumors range from headaches, vision problems, seizures and memory loss to difficulty speaking, reading and writing.

Tumors of the spinal cord can cause pain in the neck and shoulders, loss of sensation in the upper part of the body, numbness or tingling in the arms or legs, difficulty walking, and a gradual weakness of the body. Usually benign, meningiomas are very slow growing tumors, that can cause debilitating symptoms and are sometimes fatal.

### INCIDENCE OF MENINGIOMA

Meningiomas account for between 15 and 20% of all brain tumors, and 32% of all spinal cord tumors. Meningiomas occur two times more frequently in women than in men.

Surgery is usually the treatment recommended for tumors located in an accessible area of the brain or spinal cord. Radiation therapy is used for inaccessible tumors, or those which can only be partially removed.

### RU 486 AND MENINGIOMA

According to the Association for Brain Tumor Research, meningiomas are more common in women, may enlarge or become symptomatic during pregnancy or the menstrual cycle, and are positively associated with breast cancer.

These indications suggest that the hormones estrogen and progesterone influence tumor growth. Meningioma cells have been found to contain progesterone and estrogen receptors, lending physical support to this theory. Meningiomas are more commonly positive for progesterone receptors than for estrogen receptors.

By binding with progesterone receptors, RU 486 -- an anti-progesterone -- may inhibit the growth of, or actually reduce meningiomas.

In a study by Dr. Grunberg *et al* at the University of Southern California School of Medicine,

RU 486 was found to have some efficacy in the treatment of patients with inoperable meningioma. Of 14 patients, 5 experienced objective tumor regression (reduced tumor measurement). Four patients also experienced subjective improvement (improved extraocular muscle function or relief for headache). Because meningiomas occur within closed spaces - the skull or spinal cord - even small amounts of shrinkage can mean important improvement for the patient.

### **BRINGING RU 486 INTO THE U.S.**

Opponents of abortion rights have threatened boycotts against the French manufacturer of RU 486, Roussel Uclaf, and its German parent company, Hoechst, A.G. Thus far Roussel and Hoechst have not applied for a license to distribute RU 486 in the United States. At the present time, RU 486 is licensed in France and Great Britain as a safe, effective abortifacient.

The U. S. Food and Drug Administration's politically-motivated ban on personal importation of RU 486 has caused confusion, delays and obstacles for researchers investigating the non-abortifacient indications of RU 486 as a treatment for breast cancer, Cushing's Syndrome, meningioma and endometriosis.

The Feminist Majority Foundation believes that Roussel Uclaf and Hoechst A.G. should make RU 486 more widely available for use and continued research.

### **FEMINIST MAJORITY PETITIONS PHARMACEUTICAL FIRMS**

To visibly counter anti-abortion politics, the Feminist Majority Foundation is organizing the public, scientists, researchers and health care

professionals in the United States for the Campaign for RU 486 and Contraceptive Research. Over 250,000 individuals have joined thousands of distinguished scientists, including winners of the Nobel Prize and the National Medal of Science, in signing Foundation petitions urging the manufacturers to release the drug.

In July, 1990, a Feminist Majority Foundation delegation of feminist leaders, scientists and health care professionals presented 800 pounds of some 115,000 petitions to Roussel Uclaf and Hoechst, A.G.

This delegation held a series of historic meetings in Paris and Frankfurt with leading officials from both companies, including Roussel's CEO Edouard Sakiz. The manufacturers were impressed by both the scientific and broad-based support for RU 486.

### **ORGANIZATIONS FOR RU 486**

Major American organizations now have passed resolutions calling for release of the drug to the U.S. at least for research purposes:

**American Medical Association  
American Public Health Association  
American Association for the  
Advancement of Science  
American Institute of Biological Sciences  
American Pediatric Society  
Zero Population Growth  
National Organization for Women  
Society for the Study of Reproduction  
Endometriosis Association  
National Cushing's Syndrome Association  
Endocrine Society  
National Association of Breast Cancer  
Organizations**

# RU 486 and Endometriosis

## A Feminist Majority Foundation Report

The new French pill RU 486 shows promise as a treatment for endometriosis, a chronic, long-term, painful disease that can affect women for their entire reproductive lives. But opponents of abortion have caused the near-halt of research into this and other life-saving applications of RU 486 simply because the compound is an effective abortifacient.

### WHAT IS ENDOMETRIOSIS?

Endometriosis is the growth of uterine tissue outside of the uterus: in the abdomen, on the ovaries and abdominal lining, bowel and bladder. Endometrial growths usually respond to the hormones of the menstrual cycle just as the lining of the uterus does. Tissue builds up each month and is sloughed off. But endometrial tissue outside of the uterus has no way of leaving the body. The result is internal bleeding, formation of scar tissue, inflammation, and other medical problems.

Endometriosis is one of the three leading causes of female infertility.

### WHO IS AFFECTED BY ENDOMETRIOSIS?

At least 5 million women between the ages of 11 and 50 are affected by endometriosis in the United States.

The most common symptoms of the disease are pain before and during menstrual periods, pain during or after sexual activity, infertility, and heavy or irregular bleeding. It is difficult to diagnose because these symptoms, as well as other less common ones, may be caused by other conditions.

Another barrier to accurate diagnosis is the unfortunate ignorance of many health professionals about the disease. As recently as the 1980's many medical students were taught that the symptoms of endometriosis originate in the mind or in mental or emotional conflict, and many women were referred to psychiatrists or given tranquilizers to "treat" this physiological condition.

Only ten to fifteen percent of girls and women in the United States with endometriosis are properly diagnosed.

### RU 486 AND ENDOMETRIOSIS

The cause of endometriosis is unknown, and currently there is no cure. One method of treatment involves using male and female hormonal preparations to try to shrink endometrial growths.

In addition to being an anti-progestin and an anti-glucocorticoid, RU 486 appears to be a non-competitive anti-estrogen. As such, it is a possible new hormonal treatment for endometriosis. Through an unknown mechanism, RU 486 seems to block the capacity of the endometrial tissue to grow in response to estrogen.

RU 486 also inhibits the secretion of estrogen in the body, lowering the amount of estrogen available to exacerbate endometrial growths.

There is currently only one human clinical trial in the United States investigating the efficacy of RU 486 in treating endometriosis. Much more data is needed before RU 486 could be used to treat women with endometriosis. But scientific research into the many potential applications of RU 486 is being slowed, if not stopped altogether, by non-scientific obstacles.

### **BRINGING RU 486 INTO THE UNITED STATES**

Opponents of abortion rights have threatened boycotts against the French manufacturer of RU 486, Roussel Uclaf, and its German parent company, Hoechst, A.G. Thus far Roussel and Hoechst have not applied for a license to distribute RU 486 in the United States. At the present time, RU 486 is licensed in France and Great Britain as a safe, effective abortifacient.

The U. S. Food and Drug Administration's politically-motivated ban on personal importation of RU 486 has caused confusion, delays and obstacles for researchers investigating the non-abortifacient indications of RU 486 as a treatment for breast cancer, Cushing's Syndrome, meningioma (brain tumors) and endometriosis.

The Feminist Majority Foundation believes that Roussel Uclaf and Hoechst A.G. should make RU 486 more widely available for use and continued research.

The critical need for research into endometriosis, both causes and treatments, cannot be underestimated. It is unconscionable that research into a promising treatment for this little understood disease is being hindered.

### **FEMINIST MAJORITY PETITIONS PHARMACEUTICAL FIRMS**

To visibly counter anti-abortion politics, the Feminist Majority Foundation is organizing the public, scientists, researchers and health care professionals in the United States for the Campaign for RU 486 and Contraceptive Research. Over 250,000 individuals have joined thousands of distinguished scientists, including winners of the Nobel Prize and the National Medal of Science, in signing Foundation petitions urging the manufacturers to release the drug.

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### **ORGANIZATIONS FOR RU 486**

Major American organizations now have passed resolutions calling for release of the drug to the U.S. for research purposes:

**Endometriosis Association  
American Medical Association  
American Public Health Association  
American Association for the Advancement  
of Science  
American Institute of Biological Sciences  
American Pediatric Society  
Zero Population Growth  
National Organization for Women  
National Cushing's Syndrome Association  
Endocrine Society  
Society for the Study of Reproduction  
National Association of Breast Cancer  
Organizations**

# **RU 486 and Women in Developing Nations**

## **A Feminist Majority Foundation Report**

*"If it is important, as I believe it is, to make a humanitarian effort to reduce the complications of abortion -- in countries where it is illegal, in countries where it is badly done, in countries where the health service infrastructure is inadequate -- then it has to be admitted that RU 486 presents an opportunity of doing better and cheaper abortions." - Dr. Etienne Baulieu*

### **RU 486 CAN SAVE WOMEN'S LIVES**

For women in poor nations in Latin America, Asia and Africa, RU 486 represents a significant and potentially life-saving discovery. According to the World Health Organization (WHO), an estimated 200,000 young women die each year (one every three minutes) in these countries as a result of unsafe and illegal abortion.

The vast majority of women in poor nations terminate their pregnancies outside the formal health sector using unsafe methods that often result in infections and bleeding.

In hospitals in developing nations, dilation and curettage (D&C), although twice as risky as either the use of RU 486 or vacuum aspiration abortion, remains the most frequently employed means of ending a pregnancy.

The availability of better technology, already used in wealthy nations, could vastly improve the quality of care women receive. RU 486 is a safe and inexpensive alternative for women in poor nations who lack fertility control options.

### **HOW RU 486 WORKS**

Developed by Roussel Uclaf, a French pharmaceutical company, RU 486 (or Mifepristone) is the first in a new generation of fertility control methods which can cause the interruption of an early pregnancy.

By blocking the action of the hormone progesterone, RU 486 causes the lining of the uterus to break down (as it does prior to a menstrual cycle) and the conceptus to be expelled. Because RU 486 stops gestation after fertilization of the egg, it has been called an abortion pill.

**To date, RU 486 has been used by over 90,000 women in 20 different countries.**

Taken alone, RU 486 causes complete evacuation of the uterus 80% of the time.

**When a prostaglandin is administered 36 to 48 hours after RU 486 has been given, the procedure is 96% successful through the first nine weeks following a missed menstrual period.**

## WHY MANY WOMEN PREFER RU486

For a variety of reasons, many women favor RU 486:

- Pregnancy termination with RU 486 is a non-invasive procedure, requiring no anesthesia and putting women at no risk of infection.
- RU 486 affords women relative privacy - both in making and in carrying out their reproductive decisions.
- RU 486 can be administered to a woman as soon as she knows that she is pregnant and wants to have an abortion. By contrast, a woman must wait until the seventh week of pregnancy before she is able to have a vacuum aspiration abortion.
- Many women prefer RU 486 because it allows them greater psychological control over the termination of pregnancy.

## RU 486: ADVANTAGES IN POOR NATIONS

There are some particular advantages in the use of RU 486 in poor countries:

- Minimal time from skilled practitioners is needed to administer RU 486. Its use would free up scarce and valuable medical personnel to attend to other work.
- RU 486 is safer and more effective than both currently used methods of self-induced abortion and D&C, the most frequently used method of pregnancy termination in hospitals in developing nations.

- Through a Roussel Uclaf - WHO agreement, RU 486 is available to the public sector in developing countries at a low price, estimated to be between \$2 and \$4 per treatment.

- Because RU 486 affords women relative privacy, it is culturally more acceptable than more invasive procedures in many settings.

## AVAILABILITY OF RU 486

To date, however, RU 486 is available only in France and in the UK. Although China was the first country to approve RU 486 following extensive clinical trials, the drug has not been made available to that country. The Chinese have synthesized their own version of the compound which is being tested in Shanghai.

The bulk of the research on RU 486 in poor countries has been sponsored by the Special Programme of Research, Development and Research Training in Human Reproduction at the World Health Organization (HRP/WHO) under a contract with Roussel. Clinical studies with RU 486 have been conducted in China, Cuba, India, Singapore, and Viet Nam. WHO studies on the efficacy of RU 486 as an abortifacient have been limited to countries where abortion is legal.

The lack of appropriate equipment and technology, restrictive abortion laws, the Reagan-Bush gag rule (the so-called "Mexico City Policy"), weak health-care infrastructures, and the over-medicalization of abortion and other health-care services all deny women access to safe, legal abortion.

**Expanding the availability of RU 486 is a critical step toward preventing the needless deaths of women in poor nations.**

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

## WHY MANY WOMEN PREFER RU486

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- Minimal time from skilled practitioners is needed to administer RU 486. Its use would free up scarce and valuable medical personnel to attend to other work.
- RU 486 is safer and more effective than both currently used methods of self-induced abortion and D&C, the most frequently used method of pregnancy termination in hospitals in developing nations.

- Through a Roussel Uclaf - WHO agreement, RU 486 is available to the public sector in developing countries at a low price, estimated to be between \$2 and \$4 per treatment.

- Because RU 486 affords women relative privacy, it is culturally more acceptable than more invasive procedures in many settings.

## AVAILABILITY OF RU 486

To date, however, RU 486 is available only in France and in the UK. Although China was the first country to approve RU 486 following extensive clinical trials, the drug has not been made available to that country. The Chinese have synthesized their own version of the compound which is being tested in Shanghai.

The bulk of the research on RU 486 in poor countries has been sponsored by the Special Programme of Research, Development and Research Training in Human Reproduction at the World Health Organization (HRP/WHO) under a contract with Roussel. Clinical studies with RU 486 have been conducted in China, Cuba, India, Singapore, and Viet Nam. WHO studies on the efficacy of RU 486 as an abortifacient have been limited to countries where abortion is legal.

The lack of appropriate equipment and technology, restrictive abortion laws, the Reagan-Bush gag rule (the so-called "Mexico City Policy"), weak health-care infrastructures, and the over-medicalization of abortion and other health-care services all deny women access to safe, legal abortion.

**Expanding the availability of RU 486 is a critical step toward preventing the needless deaths of women in poor nations.**

HJR

66



ALASKA CHAPTER  
NATIONAL ASSOCIATION OF  
SOCIAL WORKERS

8923 Tanis Drive  
Juneau, Alaska 99801  
(907) 789-7099  
FAX (907) 790-2209

March 8, 1992

Executive Director  
William Diebels, LCSW

The Honorable Ivan Ivan  
Alaska House of Representatives  
P.O. Box V  
Juneau, Alaska 99801

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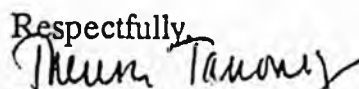
Dear Representative Ivan,

The Alaska Chapter of the National Association for Social Workers asks your support for SS HJR 66, "*Urging the Congress to amend the Budget Enforcement Act of 1990 to allow savings in military spending to be spent for domestic needs as well as for budget deficit reduction.*" We believe it is time to 1/ bring down the walls for domestic discretionary spending programs for FY '93; 2/ cut military spending FY'93 significantly below cuts projected in the Budget Enforcement Act (BEA) and free up resources for economic conversion programs; and 3/ transfer military savings to permit a greater investment in domestic programs.

The 1990 Budget Agreement was based on security needs that have become out-dated with the end of the Cold War and the disintegration of the Soviet empire. Under current plans, in 1996 we will *still* be spending \$85 billion defending Europe, \$12 billion on Norway, and another \$33 billion on Japan. In the next three years we can safely cut defense spending by at least \$60 billion to \$100 billion more.

According to our National office, next year, in FY'93, domestic programs are likely to face cuts unless the BEA is changed. Lower than projected inflation means that the domestic cap could be lowered \$2 billion since the BEA requires an adjustment to the spending cap when actual inflation is higher or lower than assumed in the Act. Additionally, Congress borrowed on next year's amount to make it through this year, putting an even greater squeeze on next year. On top of next year's squeeze is what is in store for FY 94-95. According to the Congressional Budget Office, domestic spending could be cut \$15 billion in FY 94 and \$22 billion in FY 95 if defense spending reductions continue according to the President's plan.

Please send the message that SS HJR 66 contains to the Congress and to President Bush. Thank you for your time.

Respectfully,  
  
Theresa Tanoury, LCSW  
Social Action Committee Chair

*letters of support*

# SERVICE EMPLOYEES

INTERNATIONAL UNION, AFL-CIO, CLC

1313 L STREET N.W. • WASHINGTON, D.C. 20005 • (202) 898-3200



JOHN J. SWEENEY  
INTERNATIONAL PRESIDENT

RICHARD W. CORDTZ  
INTERNATIONAL SECRETARY-TREASURER

November 18, 1991

Dear Representative:

On behalf of the 975,000 members of the Service Employees International Union (SEIU), I urge you to support policies which redirect the nation's fiscal priorities towards rebuilding America and revitalizing the middle class.

In light of recent world events, the projected level of defense expenditures is clearly unjustified. The excess funds from defense could be put to better use if they were freed to help meet domestic needs. In order to utilize a peace dividend, the Budget Enforcement Act must be modified to allow for a transfer of funds from the defense to the domestic discretionary spending account. By bringing down these walls, we could profit from the peace dividend while maintaining the overall deficit reduction goals established under the budget agreement.

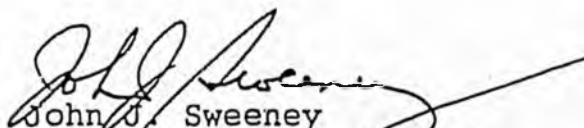
I also urge you to cosponsor H.R. 3732, the Budget Process Reform Act of 1991, which modifies the Budget Enforcement Act by eliminating the barriers among discretionary spending accounts for fiscal year 1993.

SEIU represents workers who are the backbone of the American middle class. These working men and women are struggling to maintain a decent standard of living during an era of declining wages, slow economic growth and rising income inequality.

We need greater investment in our schools, our children, and our infrastructure. Our cities and states need help solving their mounting fiscal crises. We also need to invest in a national healthcare system that guarantees every American access to quality, affordable care.

SEIU urges you to support budget policies that invest the peace dividend in meeting urgent domestic needs.

Sincerely,

  
John J. Sweeney  
International President

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ROBERT C. LARSON

*Senior Vice-Chairman*  
BERNARD C. WATSON

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# National Urban League, Inc.

WASHINGTON OPERATIONS  
1111 Fourteenth Street, N.W.  
6th Floor  
Washington, D.C. 20005

November 19, 1991

Dear Representative:

Our changed world requires a complete re-examination of our budget and spending priorities. Now is the time to commit to a program of long-term, strategic investment in the development of our human resources and the physical infrastructure that supports economic activity.

The National Urban League has taken the concrete step of developing a bold new initiative for investing in this Nation's human and physical infrastructure through a specific proposal, Playing to Win: A Marshall Plan for America. The Marshall Plan serves as a blueprint for an investment program for America, calling for an annual \$50 billion commitment of our resources, targeted to areas of greatest need. In a recent address, National Urban League President, John E. Jacob, argued that the progressive decline in America's relative economic strength means that unless we invest more in the nation's human and physical capital, we will face a bleak economic future. Failure to meet the challenge of global competitiveness could jeopardize our national security and our quality of life.

November 19, 1991

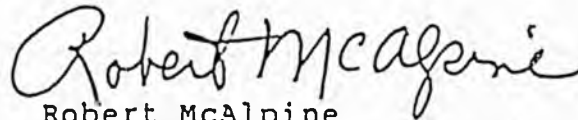
Page 2

To move forward with the Urban League's Marshall Plan, the Congress and the Administration must join together in modifying last year's budget agreement which is now obsolete in light of changes in the Soviet Union, the end of the Cold War, and the devastation of our communities. The National Urban League has joined other national organizations in drafting the following statement of principles to guide the re-ordering of our national priorities:

1. Congress and the Administration should reduce defense expenditures in FY1993 significantly below the levels projected in the President's FY1992 five-year plan. These savings should be used for needed public investment that can redress unmet domestic needs, build human capital and promote long-term economic growth.
2. Congress and the Administration should allow for the transfer of funds from defense to domestic discretionary spending programs in FY1993, while maintaining the overall deficit reduction goals set forth in the budget agreement.
3. Congress and the Administration should not use defense savings or other discretionary funds for tax cut purposes. Instead the Congress and the Administration should finance any personal income tax relief package by shifting the tax burden to upper-income taxpayers.

The National Urban League looks forward to working with you as we plan for our country's future economic well-being.

Sincerely,



Robert McAlpine  
Director  
Policy & Government Relations

RMC:sb

# American Nurses Association

2420 Pershing Road, Kansas City, Missouri 64108

(816) 474-5720

Lucille A. Joel, Ed.D., R.N., F.A.A.N.  
President

Fax: (816) 471-4903

Barbara K. Redman, Ph.D., R.N., F.A.A.N.  
Executive Director



Washington Office:  
1101 14th Street, N.W. Suite 200  
Washington, D.C. 20005  
(202) 789-1800  
FAX: (202) 842-4375

November 19, 1991

Dear Representative:

On behalf of the American Nurses Association (ANA) and the 200,000 members of its 53 constituent state and territorial associations I am writing to urge you to consider a renegotiation of the Budget Enforcement Act of 1990 (BEA) to permit the nation's domestic needs to be better met.

The American Nurses Association is participating with a broad based coalition of organizations that believe the Congress and the Administration should reduce defense spending in the coming years to permit that funding to be transferred to meet the nation's unmet domestic priorities. We believe that the principles of deficit reduction set forth in the budget agreement should be maintained, but that the recent events in the Soviet nations warrant a reduction in the amount of money spent on defense and a greater emphasis on domestic needs that have suffered over the past decade.

Universal access to health care must be a major domestic priority. As front line providers, we see the tremendous need for better delivery of health care to unserved and underserved populations. We also know that financing health care reform will be a formidable task. ANA and over 50 nursing organizations have joined together to propose a reform of the health care system called *Nursing's Agenda for Health Care Reform* to address those issues.

A renegotiation of the budget agreement will allow our nation's domestic programs to benefit from the peace initiatives and the reduction in defense spending. I urge you to invest in America now by supporting these principles of the budget coalition.

Sincerely,

Lucille A. Joel, EdD, RN, FAAN  
President

LAJ:PMG/pai

# ALASKA STATE LEGISLATURE

Office of Majority Whip

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COMMUNITY AND  
REGIONAL AFFAIRS

INTERNATIONAL TRADE  
AND TOURISM

CHAIR  
CHILDREN'S CAUCUS

## REPRESENTATIVE BETTYE DAVIS

DISTRICT 14 SEAT B • EAST ANCHORAGE • MULDOON

### S P O N S O R   S T A T E M E N T

SSHJR 66 "urges the Congress to amend the Budget Enforcement Act of 1990 to allow savings in military spending to be spent for domestic needs as well as for budget deficit reduction".

Joint resolutions were introduced in both the House and the Senate. Senator Arlis Stugulewski introduced SJR 43, which has passed out of Senate State Affairs and is now in Senate Rules.

I believe the American defense budget can be substantially reduced without risking national security. It's time we reorder our national priorities; we must direct more money toward educating children and promoting healthy and stable families. Due to the end of the Cold War we can't afford such a large military budget at the expense of our national well-being.

Despite modest unilateral reductions in the U.S. nuclear arsenal, military spending for fiscal year 1992 is \$291 billion. Fifty cents of every federal tax dollar goes to the military and paying for past wars. One B-2 stealth bomber costs \$865,000,000, which exceeds the cost of Aid to Families with Dependent Children in 49 out of the 50 states in the union.

Huge needs exist in our economy. More of our kids need a lifelong start in increased accessibility to Headstart programs. Too many of our rural community health clinic don't have access to the most basic of life's needs, such as safe water. For America to be strong and competitive, we need to transfer military resources to programs that meet human needs.

Specifically, jobs, housing, health and nutrition, education, community development, environmental protection, prenatal care and child care are all areas that would benefit from a military reduction.

The joint resolution request that Congress and President Bush do the following:

- . reduce military spending to a level that is more appropriate to a post-Cold War situation;

*Sponsor Statement*

- . reach a new budget agreement that would allow savings in military spending to be used to meet the nation's enormous social economic needs;
- . develop mechanisms to provide for the timely and orderly conversion of our economy from an emphasis on the military to one that is civilian oriented.

It is important for our children that the Alaska legislature pass this resolution and send an unified message to Congress. Lets join other organization like the National Urban League, Inc., American Nurses Association, Service Employees International Union, AFL-CIO and Women Legislators' Lobby in urging Congress to amend the Budget Enforcement Act of 1990, and support policies that invest the peace dividend in meeting urgent domestic needs.

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

Version: CSSSHJR 66 (MLV)  
Publish Date: 3-13-92

Revision Date: March 4, 1992  
Title: Shift military money to domestic needs  
Sponsor: Representative B. Davis

Department Affected: None  
BRU: None  
Component: None

Requestor: House Special Committee on Mil. and Vet Affairs

COMPONENT SERIAL NO. 

0	0	0	0
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0					
TRAVEL	0					
CONTRACTUAL	0					
SUPPLIES	0					
EQUIPMENT	0					
LAND & STRUCTURES	0					
GRANTS, CLAIMS	0					
MISCELLANEOUS	0					
TOTAL OPERATING	0					

CAPITAL	0					
---------	---	--	--	--	--	--

REVENUE	0					
FUND SOURCE:	0					

FUNDING: (Thousands of Dollars)

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER	0					
FUND SOURCE:	0					
TOTAL	0					

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Thomas W. Wright, Committee Staff Phone: 465-4527

Division: House Special Committee on Mil and Vet Affairs Date: March 4, 1992

Approved by Commissioner: Representative Ivan M. Ivan, Chair

Agency: House Special Committee on Mil and Vet Affairs Date: March 4, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legie. Ofc., & Impacted Agency(ies).

Rev 10/7/91

**COMMITTEE COPY**

(7)

HOUSE COMMITTEE REPORT

Date Referred: March 13, 1992

FURTHER REFERRALS:

Date of Committee Action: 4/8/92

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HJR 66

SPONSOR SUB. FOR HOUSE JOINT RES. NO. 66 SHIFT MILITARY MONEY TO DOMESTIC NEEDS

Urging the Congress to amend the Budget Enforcement Act of 1990 to allow savings in military spending to be spent for domestic needs as well as for budget deficit reduction.

RECOMMENDATIONS:

be replaced with CS SS HJR 66 (MLV)

[ ] the same title

[ ] a new title

[ ] have attached amendments(s)

[x] do pass

[ ] do not pass

[ ] no recommendations

[ ] individual recommendations

[ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal impact \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_

[ ] zero fiscal note \_\_\_\_\_

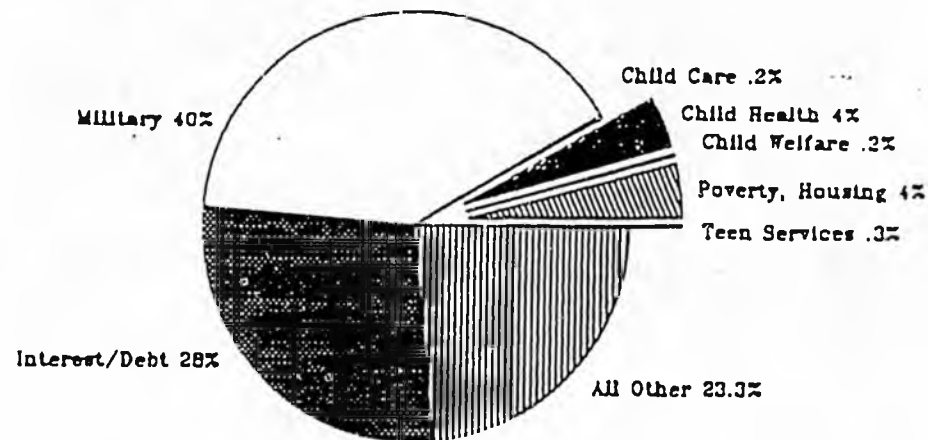
[x] zero fiscal note(s) Leg.

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
Bettye Davis	✓	<i>[Signature]</i>			
		J. G. [Signature]		✓	
		Cheri Davis		✓	

*[Signature]*  
CO-CHAIRMAN'S SIGNATURE

# Why Alaska's Children Deserve a Peace Dividend

## Childrens Program Share of Proposed FY '91 Federal Income Tax Dollars



While poverty, child abuse and other children's problems increased dramatically in this decade:

The state has lost over \$ 230.58 Million in Federal Funds for Children's Services.

A 10% cut in Military Spending could reverse that trend and provide opportunities afforded children in other industrialized countries.

---

Developed by the National Priorities Project in cooperation with the  
Child Welfare League of America.

*misc. backup*

## Let's Invest in Kids

Given the dramatic changes in the Soviet Union and Eastern Europe, the real threat to America's security in the next decade arises out of our neglect of domestic needs: poverty, homelessness, hunger, drug abuse, and insufficient health and education services increasingly confront our nation's children. We need a federal budget that responds to these problems.

Members of Congress and national organizations, including CWLA, are launching the BUDGET FOR A STRONG AMERICA, which calls for an estimated cut of \$90 billion from the military budget over three years. The savings would be applied to deficit reduction and funding critical domestic programs.

Alaska's three year share would be approximately

\$ 405 Million

From these savings, CWLA is calling for a significant increase in funding for programs to families and children.

## Problems in our State

### *Poverty, Homelessness, and Hunger*

- An estimated 12.7 % children live in families with incomes below the poverty line.
- 20.1 % live in single-parent families.
- The monthly welfare benefit for a family of three is \$ 779; the average fair market rent is \$ 576.

### *Child Protective Services*

- Between 1981 and 1985, the number of child abuse reports increased by 72.1 %.

### *Maternal and Child Health*

- In 1984, 22.8 % of our babies were born to mothers who did not receive early prenatal care.
- 4.6 % of these babies were at risk due to low birthweight.
- 58.4 % of teenage mothers received early prenatal care.
- In 1984, the infant mortality rate was 10.9 % per thousand.
- 72.4 % of financially eligible pregnant women, infants, and children do not get nutritional supplements through WIC.

### *Child Care and Head Start*

- An estimated 47.37 % of mothers with children under age 6 work outside the home.

### *Adolescent Services*

- 13.2 % of students entering the 9th grade will not graduate from high school.
- 8.7 % of all births in 1986 were to teens.
- 16.7 % of youth age 16-19 were unemployed in 1988.

Source data: Children's Defense Fund

## HOW LONG CAN WE CONTINUE TO SHORTCHANGE OUR CHILDREN?

Federal Programs that Provide  
Money to our State

Cumulative Change In Federal Aid,  
1982-1988  
(in Millions of Dollars)

AFDC and Child Support Enforcement .....	\$ -18.27			
McKinney Homeless Act .....	\$ .87			
Food Stamps .....	\$ -13.51			
Section 8 Housing Program .....	\$ -7.20			
Community Development Block Grant .....	\$ -8.33			
		Subtotal	\$ -46.44	M

Child Welfare Services .....	\$ 1.43			
Social Services Block Grant .....	\$ -4.48			
* Child Abuse Prevention and Treatment Program .....	NA			
		Subtotal	\$ -3.05	M

Health Planning .....	\$ -2.99			
Maternal & Child, Community Health .....	\$ -2.94			
Medicaid .....	\$ -24.07			
Preventive Health Services Block Grant .....	\$ -.97			
Child Nutrition .....	\$ -.06			
WIC .....	\$ 5.87			
Special Milk .....	-1.22			
		Subtotal	\$ -26.38	M

Head Start .....	\$ .60			
** The Act For Better Child Care .....	NA			
		Subtotal	\$ .60	M

Vocational and Adult Education .....	\$ -3.56			
* Family Planning .....	NA			
** Adolescent Pregnancy Prevention Care and Research Act .....	NA			
Job Training .....	\$ -146.45			
Juvenile Justice Assistance .....	\$ -.91			
Drug Education .....	\$ 1.74			
Alcohol, Drug Abuse and Mental Health .....	\$ -6.13			
** Young Americans Act .....	NA			
		Subtotal	\$ -155.31	M

<b>TOTAL</b> .....			<b>\$ -230.58</b>	<b>M</b>
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\* Data not available on a state level.

\*\* To be Enacted in the 2nd Session of the 101st Congress.

Source data: The American Federation of State,  
County, and Municipal Employees.

HOW LONG CAN WE CONTINUE TO SHORTCHANGE OUR CHILDREN?

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Child Nutrition .....	\$ -.06		
WIC .....	\$ 5.87		
Special Milk .....	-1.22	Subtotal	\$ -26.38 M

Head Start .....	\$ .60		
** The Act For Better Child Care .....	NA	Subtotal	\$ .60 M

Vocational and Adult Education .....	\$ -3.56		
* Family Planning .....	NA		
** Adolescent Pregnancy Prevention Care and Research Act .....	NA		
Job Training .....	\$ -146.45		
Juvenile Justice Assistance .....	\$ -.91		
Drug Education .....	\$ 1.74		
Alcohol, Drug Abuse and Mental Health .....	\$ -6.13		
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TOTAL .....			\$ -230.58 M
-------------	--	--	--------------

\* Data not available on a state level.  
 \*\* To be Enacted in the 2nd Session of the 101st Congress.

Source data: The American Federation of State, County, and Municipal Employees.

## HOW DOES THE U.S. COMPARE TO OTHER COUNTRIES?

### Poverty

67 industrialized nations, excepting the U.S., provide a monthly or weekly cash benefit to families for every child. Single mothers often receive additional assistance.

Of 8 industrial democracies studied by the Urban League, the U.S. had the highest child poverty rate. Programs for the poor in the U.S. gave assistance to fewer people and provided lower benefits.

### Maternal and Child Health

The percentage of babies born at low birth-weight in European democracies is approximately 4% compared with 6.8% in the U.S. Each year, 555,000 American women give birth without health insurance protection.

Nearly 1/4 of all U.S. women do not receive early prenatal care. Many European nations provide maternity grants at the time of child-bearing. Some 15 other countries provide universal access to health care.

### Child Care

In studying the status of child care workers in various countries, it appears that child care workers have greater prestige, higher pay and higher morale in those countries whose governments support child care. Child care workers are the second lowest paid professionals in the United States.

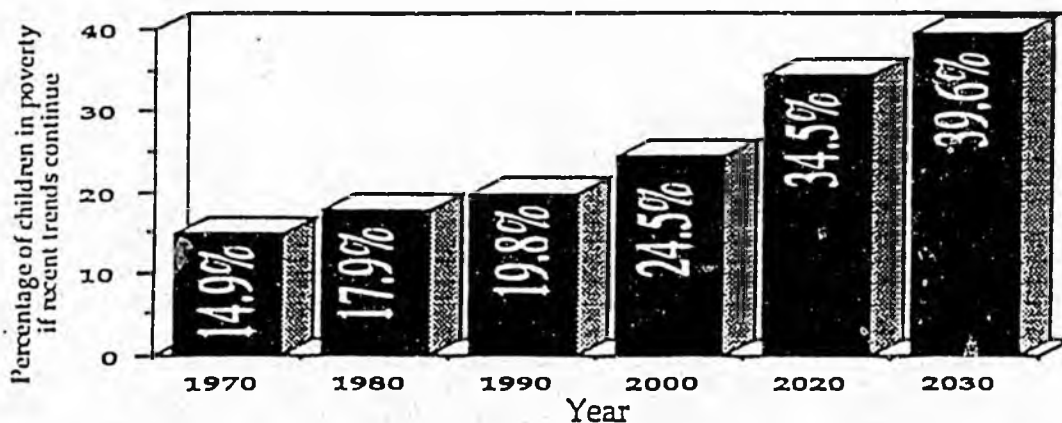
The U.S. and South Africa are the only major industrialized nations that do not guarantee some form of job-protected maternity leave. Of 135 nations providing leave, 125 mandate paid leave.

### Teen Pregnancy

U.S. teenage pregnancy rates were higher than those for teenage women in Canada,

England, Wales, France, the Netherlands and Sweden.

## THE FUTURE IS IN OUR HANDS Child Poverty in the U.S. 1970-2030



- In the year 2000, if recent trends continue, there will be 16 million poor children in the United States, 3 million more than in 1987. One in every four children will be poor.
  - By the year 2030, there will be 25 million poor children. One in every three children will be poor.
- Source: Children's Defense Fund, computations based on Census Bureau data.



# THE DEFENSE MONITOR

Order CDI's videos, "Arms for the Future" and "Military Spending After the War with Iraq". VHS, \$25 each.

The Center for Defense Information supports an effective defense. It opposes excessive expenditures for weapons and policies that increase the danger of nuclear war. CDI believes that strong social, economic, political, and military components contribute equally to the nation's security.

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I.S.S.N. #0195-6450

Vol. XX, Number 2

1991

## A New Military Budget for A New World

### *Defense Monitor in Brief*

- The Administration's proposed 1992 Pentagon budget of \$291 Billion is \$5 Billion higher than last year's and does not include the cost of the war against Iraq.
- To date, the U.S. has paid \$17 Billion for the war against Iraq, but may end up paying Billions of dollars more if other countries fall short of their pledges of \$54 Billion.
- Adding veterans' benefits, plus the military's share of interest on the federal debt and other often overlooked expenses generated by the Pentagon, brings actual annual U.S. military spending to about \$415 Billion.
- The U.S. was able to defeat Iraq rapidly and decisively using only 17 percent of U.S. active and reserve personnel and approximately one-third of its major combat units.
- Over half of U.S. military spending is devoted to preparing for a war in Europe--the prospect of which has essentially disappeared with the collapse of the Warsaw Pact.

For 45 years the threat posed to Western Europe by the Soviet Union and its Warsaw Pact allies was used to justify high levels of U.S. military spending. The collapse of the Warsaw Pact and the signing of the Conventional Forces in Europe (CFE) Treaty have essentially eliminated this threat. The end of the Cold War confrontation in Europe and the prospective Strategic Arms Reduction Treaty (START) have similarly diminished the threat of nuclear war.

These dramatically changed circumstances should allow the U.S. to reduce its military budget deeply. Whether the war against Iraq is a prelude to a new era of future wars in the Third World, the U.S. must need prevent the U.S. from making these cuts.

As large and as costly as the U.S. deployment to the Persian Gulf has been, it does not approach the level of investment the U.S. has made over the past 45 years preparing for a possible war in Europe.

U.S. planners have traditionally assumed that a war in Europe would require 70 percent or more of U.S. conventional army, navy, and air forces. By comparison only about one-third of U.S. forces were sent to the Persian Gulf. Even this may have been considerably more than was necessary. It is clearly more than the U.S. would need to fight any other likely Third World adversary.

Thus, maintaining forces capable of fighting in the Third World need not

prevent the U.S. from reaping substantial savings due to the Cold War's end. This is especially true since the Cold War military budget always included funds and forces for fighting wars in the Third World--to be fought, if necessary, at the same time as a larger war in Europe. Indeed, since 1979 the U.S. has specifically planned and budgeted for a possible war in the Persian Gulf.

The U.S. has been given a much needed opportunity to begin addressing the economic, social, and environmental problems that now pose the most serious threats to America's security. We cannot afford to squander this opportunity by continuing to pay for an enormous unneeded Cold War military establishment in a post-Cold War world.

### Administration Plans

The Bush administration is asking for \$291 Billion for the Pentagon in 1992, compared to \$286 Billion for 1991. The Pentagon claims that when the effects of inflation are taken into account, next year's budget will actually represent a one percent decline from this year. In fact, when the Administration's \$15 Billion "supplemental" request to cover part of the cost of the war against Iraq is added, the latest budget request clearly represents an increase in military spending.

According to the Administration's latest five-year plan, spending will reach \$298 Billion by 1996. Again, it argues that when inflation is taken into account this will actually represent a 14 percent decline. Such a reduction, even if real, falls far short of the level of cuts the U.S. can now safely afford to make.

Worse yet, there is good reason to believe that the Administration will exceed the spending levels it has projected for the coming five years. The Administration claims that these plans assume a "good-news scenario." Defense Secretary Cheney recently testified that "I would like to reserve the right to come back at some future time and say we can't go down as fast or as far as this program would take us."

In addition, the Pentagon may not be able to maintain the level of forces called for in its plans without exceeding projected spending levels. Under these plans the size of the U.S. military will decline. For example, between now and 1995 the number of warships will decline from 535 to 451, the number of Army divisions will drop from 28 to 18, and the number of tactical fighter wings will fall from 36 to 26.

Unfortunately, Administration plans also call for replacing existing weapons with newer and far more costly weapons. Thus the smaller forces proposed by the Pentagon could actually cost more than existing forces.

The Pentagon is formally constrained to live within its projected budget levels through 1993. This is be-

cause for the first three years of the five-year budget agreement reached between Congress and the Administration in 1990, the Administration is precluded from using cuts in domestic spending to finance increases in military spending. However, in fiscal years 1994 and 1995 it will be free to propose such "adjustments" so long as overall federal spending is kept within the budget agreement's spending cap.

In reality, by making larger cuts in force structure and reducing the rate at which existing weapons are replaced by more expensive ones, the U.S. could safely reduce annual military spending to some \$200 Billion within the next five to ten years.

### Nuclear Forces

Spending on nuclear forces is perhaps the clearest area where cuts can and should be made to reflect the demise of the U.S.-Soviet military competition. The Soviet Union has already agreed to large cuts in nuclear forces as part of the upcoming Strategic Arms Reduction Treaty. It has also stopped or begun to slow the production of new nuclear weapon systems such as the Typhoon-class missile submarine, the Blackjack bomber, and the SS-24 intercontinental ballistic missile (ICBM).

Preparing for possible future wars in the Third World provides no justification for the enormous U.S. nuclear arsenal. Some Third World countries may develop and build small nuclear forces within the next five to ten years. But the U.S. could completely destroy any such country with a tiny fraction of the 12,000 long-range nuclear weapons it has today.

Moreover, a prerequisite for slowing nuclear proliferation is for the U.S. and the Soviet Union to acknowledge the unusable nature of nuclear weapons. This requires that they abide by the promise they made at the signing of the Nuclear Non-Proliferation Treaty in 1968 to work towards the cessation of their own nuclear weapons testing and production

programs. In addition, the U.S. could work to strengthen treaty-mandated safeguards intended to, for example, prevent the diversion of nuclear materials from civilian reactors to weapons manufacture in signatory countries.

Presently the U.S. spends about \$65 Billion a year on nuclear forces. This includes the costs of developing, producing, and operating the weapons and delivery systems plus costs associated with the communications, logistics, and other facilities needed to support these weapon systems. Given recent changes, the U.S. could reduce annual spending on nuclear forces to perhaps \$25 Billion by 1995.

### End of the Soviet Challenge

A 1984 Pentagon report showed that when all of the direct and indirect costs of European-based U.S. forces and U.S.-based reinforcements were added together, the U.S. spent \$177 Billion a year, or about 60 percent of its military budget, on the defense of Western Europe. The dramatic reduction in Soviet capabilities means that this mission can now be carried out entirely with forces from the prosperous countries of Western Europe.

Under the Conventional Forces in Europe (CFE) treaty and a series of bilateral agreements and unilateral statements, the Soviet Union has agreed to remove all of its forces from Eastern Europe and cut its forces

#### The Cold War is Dead

"The Cold War is dead. I don't see any possibility for resurrecting the Warsaw Pact. It's my belief, and I think that of most of us in the administration, that the Soviets will continue to withdraw from Eastern Europe, that that perhaps is the most significant change we can count upon affecting our military strategy."

Dick Cheney  
Secretary of Defense  
March 7, 1991

### No More Iraqs

No other Third World country that the U.S. might plausibly face in coming years is as strong as Iraq was at the start of the Persian Gulf War. None of these countries is capable of successfully challenging the far larger and more effective forces that the U.S. has today and will have tomorrow.

	Pre-War Iraq	Libya	Syria	Cuba	N. Korea	Iran	USA
Manpower*	1,000	85	404	181	1,111	504	2,050
Tanks	5,500	2,300	4,000	1,100	3,500	500	16,150
Aircraft	800	513	558	185	716	185	7,150

\* Manpower in thousands. Sources: CIDI, IJSS, CRS.  
Chart prepared by Center for Defense Information.

remaining in the European portion of the Soviet Union by some 25 percent by 1995.

The CFE treaty requires the Warsaw Pact to destroy some 35,000 tanks, artillery, and other conventional weapons, while NATO will have to destroy only about 2,800 such weapons. On paper, this will leave the two alliances with equal numbers of weapons. In fact, NATO will then enjoy a numerical superiority. This is because approximately 30 percent of the Warsaw Pact's force total will belong to Poland, Hungary, Czechoslovakia, Romania, and Bulgaria--countries that remain allies of the Soviet Union in name only.

These "allies" formally dissolved the military command structure of the Warsaw Pact as of April 1991. It is likely that the alliance will cease to exist even in name by the end of the year.

In reality, the de facto dissolution of the Warsaw Pact alliance, combined with unilateral withdrawals of Soviet troops, has already eliminated any plausible prospect of a Soviet invasion of Western Europe. A crackdown or change of government in the Soviet Union cannot reverse these changes.

As Defense Secretary Cheney testified in February 1991, "The Soviet ability to project power beyond their borders will continue to decline, at least where a conventional force is a concern. And that decline will continue whether it's done for policy reasons...or whether it's done because of the simple continued economic collapse of the Soviet Union."

### Quality Improvements Slowed

Some Pentagon officials argue that cuts in Soviet weapons numbers are being offset by improvements in the quality of individual Soviet weapons. The notion, however, that Soviet improvements in quality are likely to be substantial enough to offset the collapse of the Warsaw Pact and CFE treaty-imposed reductions in forces is farfetched.

The Soviet military appears not only to be cutting the size of its forces, but slowing the rate at which it is developing new generations of weapons. According to the Pentagon's 1990 edition of *Soviet Military Power*, "the direction of change planned for the [Soviet] budget appears to indicate a real decline of military R&D spending," a critical component of new weapons development. A specific example of this slowdown can be seen in the case of Soviet fighter development.

In the 1988 edition of *Soviet Military Power*, the Pentagon stated that "the Soviets are expected to produce two new fighters in the mid-1990s.... Initial operational capability for both aircraft is expected in the late 1990s." In contrast, the 1990 edition of this report stated only that the prospect that the Soviets will develop two new fighters "remains a concern," and pushed back the earliest date they would expect to see these new aircraft to "sometime after the turn of the century."

### The Persian Gulf War

The countries of the Third World do not pose a military challenge to the U.S. that is even remotely comparable to that posed in the past by the Warsaw Pact. The U.S. enjoys close economic and positive political relations with the vast majority of countries in the Third World.

Of the handful of Third World countries that have had mixed or hostile relations with the U.S. in the past, pre-war Iraq--with some 800 combat aircraft and 5,500 tanks--was probably the strongest. Nevertheless, using only about one-third of its ground and air forces, the U.S. was able to defeat Iraq in a six-week war.

Nor can U.S. success against Iraq be explained by the presence of allied support. U.S. Air Force, Navy, and Marine Corps aircraft delivered over 80 percent of the bombs dropped on targets in Kuwait and Iraq. U.S. forces played a similarly dominant role in the brief ground war.

### No More Iraqs

If the war with Iraq cannot justify a Cold War-sized military budget, certainly no other Third World threat can plausibly do so.

The only Third World country with military forces clearly larger than those of pre-war Iraq is China. U.S. planners have not considered the possibility of war with China a serious prospect since the 1970s. Indeed, the U.S. has cultivated economic, political, and even limited military ties to China for more than a decade.

In any case China is bordered by several powerful countries, including the Soviet Union and India, and, unlike Iraq, is not located immediately adjacent to any areas comparable to the Persian Gulf in terms of their importance to the economic health of the U.S. and other industrialized countries.

Only a handful of other Third World countries even approach the military capabilities possessed by Iraq

at the start of the war. This observation is illustrated by the fact that only three Third World countries--Syria, North Korea, and India--have more than 2,500 tanks.

The likelihood of the U.S. becoming involved in a major war with any of these countries, especially India, is extremely low. In any case, if such a war did occur, the U.S. would certainly not need to send in as large a force as it sent to fight Iraq. This is especially true in the cases of Syria and North Korea.

Both of these countries border very strong U.S. allies which would inevitably become involved in any conflict. Israel has already demonstrated its ability to defeat Syria. With twice the population and a military budget three times larger, there is every reason to believe that South Korea would be capable of defeating any North Korean aggression.

That leaves only India. While nothing is impossible, a U.S. war with India seems farfetched indeed. India has one of the longest-standing democratic traditions in the Third World and followed an essentially neutral foreign policy even during the Cold War. India has close economic relations with the Western industrialized world and buys much of its military equipment from U.S. allies such as Britain.

In any event, the potential threat posed to the U.S. by India's military is constrained by two of the same factors that constrain the threat posed by China. First, India is bordered by two strong countries, China and Pakistan, both of which have fought India in the past and both of which have largely cooperative relations with the U.S. Second, like China, India is not located adjacent any countries or regions that can be compared to the Persian Gulf in terms of their importance to the U.S.

In sum, it is likely that any Third World military threat faced by the U.S. in the foreseeable future will be substantially less challenging than that recently posed by Iraq.

## Peacemaking and Keeping

More importantly, the need for even small-scale military intervention by the U.S. is becoming increasingly questionable. Notwithstanding the war against Iraq, initiatives to solve Third World conflicts peacefully have proven increasingly successful in recent years. In 1990, negotiated settlements led to elections and an end to fighting in Namibia and Nicaragua. Significant progress has also been made toward the resolution of ongoing conflicts in Angola and South Africa.

In those few instances when military force may be required in the future, the United Nations could offer an attractive alternative to U.S. intervention. U.N.-sponsored forces from various countries have carried out peacekeeping duties in many regions, including the Sinai, Cyprus, and Namibia.

The U.S. clearly played the dominant role in the Persian Gulf war. But the President did seek and achieve U.N. approval for U.S. military action. Likewise, while small in comparison to the U.S. commitment, many other countries also sent forces to the Gulf. Rather than simply approving military action, a strengthened U.N. might be able to organize and command a truly multinational effort if and when military intervention is required in the future.

## Gulf War Costs

Estimates for the cost of the war against Iraq range from about \$45 Billion to \$70 Billion. This year the Administration has asked for \$15 Billion, on top of the \$2 Billion it received last year, to begin paying these costs. This "supplemental" appropriation is over and above its \$291 Billion request for the 1992 military budget. Although U.S. allies pledged some \$54 Billion to cover the cost of the war, as of early April 1991 they had made only about \$31 Billion in payments. If these other payments fail to materialize, the Administration will need to request additional funds.

## Cut Military Spending

"With the Cold War ending, the American and other Western European publics and their elected officials are rightfully expecting reductions in defense spending."

General Colin Powell  
Chairman, Joint Chiefs of Staff  
March 7, 1991

It is not difficult to see how the war could cost \$45 Billion or more. Modern military forces can consume vast amounts of costly ammunition and other supplies. It is not, however, clear that a \$15 Billion supplemental appropriation is justified or necessary even if the allies fall short of their pledges.

For the past 30 years the U.S. built up huge stockpiles of weapons in preparation for a possible war against the Soviet Union. During the last 10 years the U.S. has also acquired supplies for a possible war in the Persian Gulf.

Because the prospect of a NATO-Warsaw Pact war has now essentially been eliminated, it may be that only a modest portion of the ammunition and other supplies consumed during the Persian Gulf War need be replaced.

## Second Rate Weapons

In arguing that the U.S. should continue to invest heavily in developing and building newer, more modern, and more costly weapons, Pentagon officials frequently point out that some Third World countries now also possess advanced weapons. Two factors, however, greatly limit the significance of this fact.

First, few Third World countries can afford to buy significant quantities of sophisticated weapons. The limits imposed by the high cost of these weapons can be seen in the example of tactical combat aircraft.

Modern combat aircraft are very expensive both to build and to operate.

The U.S. F-15E fighter, for example, costs some \$43 million to buy and \$12,000 an hour to fly. Despite their high costs, however, the U.S. has about 3,200 top-of-the-line combat aircraft--F-14s, F-16s, F/A-18s, and F-15s.

In contrast, Third World countries can afford only small numbers of high quality aircraft. The Pentagon has cited the possession by a number of countries of the Soviets' latest fighter, the MiG-29, as evidence of the Third World's advanced capabilities. But the largest buyer to date has been India, which has only 50 of these aircraft.

The other problem is that Third World militaries have not proven to be very effective at using complex high-technology weaponry. Clearly Iraq did not make effective use of its modern weapons, including the MiG-29.

### Reducing Arms Sales

One way to limit the military danger posed by Third World countries is to limit arms sales. Each year the U.S., the Soviet Union and other industrialized countries sell Billions of dollars worth of weapons to the Third World.

It was because of the willingness of the industrialized world to make such sales that the Persian Gulf region, and Iraq in particular, became so heavily armed in the 1970s and 1980s. During the Cold War, the U.S. and the Soviet Union often sold weapons to regional rivals. In the 1970s, for example, the U.S. was Iran's main arms supplier, while the Soviet Union was the main arms supplier to Iraq. In the end, this competition served neither U.S. nor Soviet interests.

By agreement, either tacit or explicit, the industrialized countries could limit arms sales to the Third World. Although the support of the major powers would be necessary for success, such an effort might be usefully organized and monitored by the U.N.

### Other Challenges

If the U.S. faced no pressing economic, social, and environmental problems, then excessive military spending might not be a problem. But in fact the U.S. faces enormous challenges in these areas.

The U.S. economy is increasingly losing ground to foreign competition. One reason for this is the U.S. federal deficit, which is expected to reach nearly \$300 Billion in 1991. Cuts in military spending could contribute significantly to the reduction of the federal deficit. Reducing the size of the deficit would in turn free up money that could then be spent improving U.S. industry to make it more competitive.

There is also no shortage of social or environmental problems which need to be addressed. Cuts in wasteful military spending could allow the U.S. to make needed increases in spending on education, for example, or help pay the \$300 Billion it is expected to cost to clean up U.S. military bases and nuclear weapons facilities.

The five-year budget agreement reached in 1990 stipulates that any savings from cutting military spending must go first toward reducing the federal deficit. However, the budget agreement's separate caps on domestic and military spending are replaced with a single overall cap in fiscal years 1994 and 1995. It would then be possible to shift savings from the military directly into needed social and environmental programs without breaking the budget agreement.

Finally, money saved by cutting military spending could be used to reduce U.S. dependence on foreign oil. If the U.S. spent as much money on conservation and developing alternative energy resources as it does on maintaining forces for fighting in the Persian Gulf, it might well be able to eliminate any dependence on foreign oil.

Budget savings can be made both by cutting the size of U.S. forces and slowing the rate at which U.S. forces are equipped with new weapons. By making such cuts the U.S. should be able to reduce annual military spending from \$286 Billion in 1991 to approximately \$200 Billion in 1995. A positive and manageable step in this direction would be to reduce the 1992 military budget from the \$291 Billion requested to \$266 Billion. Done wisely,

### Options for Savings in the 1992 Military Budget

The U.S. could cut \$25 Billion from the proposed 1992 military budget of \$291 Billion through the cancellation of unnecessary weapons alone. This would represent a positive step toward a more reasonable level of military spending.

Possible Fiscal Year 1992 Savings (in millions):

	Budget Authority
B-2 bomber	\$4,821.5
C-17 cargo plane	\$2,830.7
Trident II missile	\$1,270.6
DDG-51 destroyer	\$4,541.1
SSN-21 attack submarine	\$2,382.1
Advanced Tactical Fighter	\$1,637.2
Star Wars*	\$5,307.6
AMRAAM missile	\$1,030.7
Light Helicopter	\$549.5
MX ICBM rail-garrison	\$260.1
Midgetman ICBM	\$548.8
Total	\$25,179.9

\* Includes the cost of the Tactical Missile Defense Initiative.

Sources: CDI, DOD.

Chart prepared by Center for Defense Information.

this first "peace dividend" would pave the way for more significant reductions in future years.

### Nuclear Forces

The end of the Cold War, the prospective START treaty, and the irrelevance of nuclear weapons for fighting in the Third World should allow the U.S. to make deep cuts in its nuclear weapons budget.

**B-2 Bomber:** The most costly new U.S. nuclear weapon system is the B-2 "Stealth" bomber. The Air Force wants \$4.8 Billion for the program in 1992. Ultimately, it plans to buy 75 bombers for a total cost of at least \$65 Billion.

The fact that the U.S. already has over 12,000 nuclear weapons on land-based intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles (SLBMs), and existing U.S. bombers should alone be enough to justify cancellation of the B-2.

If not, the Persian Gulf War provides enough additional evidence. The war undermined two key claims for the B-2. The Air Force argues that the B-2 might some day be capable of finding and destroying Soviet mobile ICBMs.

The inability of the U.S. to find and destroy many of Iraq's mobile SCUD missiles, despite flying thousands of aircraft missions over a 42-day period, suggests that this B-2 mission--which would have to be accomplished in a matter of hours and in a nuclear environment--would be impossible.

Similarly, it is difficult to believe that the B-2 would be used to fight in a future Third World conflict when the Air Force never even suggested that its newest existing bomber, the B-1B, be used in the Persian Gulf war.

The Administration wants Billions more for other unnecessary nuclear weapons programs in 1992. These programs include: \$548.8 million to continue development of the new Midgetman ICBM, \$260.1 million for development of the MX rail-garrison

system, \$177 million for the new SRAM II bomber-launched missile, \$627 million for the bomber-launched advanced cruise missile, \$1.3 Billion for additional Trident II submarine-launched missiles, and \$5.3 Billion to continue R&D on Star Wars weaponry.

### Army

The collapse of the Warsaw Pact and ongoing cuts in Soviet forces in Europe have directly and dramatically reduced the need for U.S. ground forces. After reductions mandated by the Conventional Forces in Europe (CFE) treaty are implemented, the forces of the European members of NATO will outnumber Soviet forces in Europe in all of the major weapons in which the Warsaw Pact used to lead NATO.

The CFE treaty covers Soviet forces stationed as far east as the Ural mountains and involves the destruction rather than the withdrawal of weapons. This means that the Soviets will not be able to fundamentally alter the European balance by either bringing in reinforcements or mobilizing reserves.

Thus changed circumstances in the post-Cold War world should allow the U.S. not only to remove U.S. troops currently stationed in Europe, but also to demobilize U.S.-based ground forces which are primarily intended to reinforce Europe in the event of war.

The U.S. sent about 10 divisions of Army and Marine Corps troops to fight in the Persian Gulf. This may have been far more than was necessary. It is certainly more than the U.S. would need to fight in any plausible future war in the Third World, since no other such country has ground forces as strong as those possessed by Iraq.

By the year 2000 a force consisting of 10 active and 4 reserve Army divisions and 2 active Marine divisions--down from 18 active and 10 reserve Army divisions and 3 active and 1 reserve Marine divisions--should be more than adequate to meet U.S. needs.

**Light Helicopter:** One of the most expensive new weapons which the Army wants is the new Light Helicopter (LH). This year the Administration wants \$550 million to continue research and development of the LH. Eventually, the Army plans to build about 1,300 Light Helicopters at a cost that could exceed \$34 Billion.

The existing Apache helicopter is still relatively new, having been first deployed five years ago. It also reportedly worked well in the war against Iraq. There is simply no need to begin work on a replacement at this time.

The Black Hawk utility helicopter and the new ATACMS conventionally-armed ballistic missile are two other unnecessary Army weapons. The Army is requesting \$508 million and \$180 million, respectively, for these two programs in 1992.

### Navy

The end of the Cold War confrontation in Europe and cuts in Soviet forces have also substantially reduced the need for U.S. naval forces. The potential threat posed by Third World naval forces is probably even less significant than the minimal danger posed by Third World ground forces.

U.S. and allied navies far exceed, both in quantity and quality, the naval forces of the Soviet Union.

While cuts in Soviet shipbuilding are not yet apparent, this may simply reflect the time lag inherent in ship construction. As the Defense Intelligence Agency acknowledged in 1989, "most of [the Soviet Union's] impressive naval shipbuilding program was well underway by the time Gorbachev came to power."

In any case, the disappearance of the Soviet ground threat to Western Europe has greatly diminished the potential threat posed by the Soviet Navy. In the past, the main concern of Western analysts was that Soviet attack submarines might be able to prevent vital U.S. supplies and reinforcements from reaching Europe in the

## Forces for the 1990s

	Today	Pentagon Plan 1995	CDI Plan 1995
Army Divisions	28	18	14
Marine Divisions	4	3.5	2
Tactical Air Wings	36	26	16
Aircraft Carriers*	13	11	6
Personnel	2,050,000	1,650,000	1,200,000
<b>Nuclear Forces</b>			
Ballistic Missile Submarines	34	21	18
Strategic Bombers	293	207	0
ICBMs (land-based)	1,000	700	0
Military Spending	\$286 Bil.	\$295 Bil.	\$200 Bil.

All figures include active and reserve elements, except personnel which are active duty only.  
\* In addition the U.S. currently has two carriers undergoing extensive overhaul and another used for training. Future force levels assume one carrier in overhaul and one used for training.  
Sources: CDI, DOD, IJSS. Chart prepared by Center for Defense Information.

event of a Soviet ground offensive. With the Soviets' capability to invade Western Europe eliminated, the mission of protecting the sea lanes thus becomes far less of a concern.

No Third World navy is remotely comparable to the U.S. Navy. The tonnage of the combatant fleets of the three largest such navies are 325,000 (China), 170,000 (India) and 121,000 (Taiwan). By comparison the U.S. combatant fleet displaces some 3 million tons.

Today the U.S. Navy includes 13 readily deployable aircraft carriers (plus one used for training and two undergoing extensive overhaul) and about 90 attack submarines. By 1995 a navy less than half this size, organized around 6 aircraft carriers and 40 attack submarines, should be more than adequate to meet U.S. needs.

**Seawolf Submarine:** Perhaps the clearest example of a new weapon that has been rendered obsolete by the end of the Cold War and would be of little value in a war in the Third World is the new SSN-21 Seawolf attack submarine.

The Seawolf is designed to hunt Soviet submarines and is far more sophisticated than need be to fight the small and generally old submarine forces found in the Third World.

Originally the Navy wanted to buy at least 29 SSN-21s, at a total cost of \$44 Billion. While reportedly it now plans to buy fewer, no new figures have been released. Canceling the Seawolf would save \$2.4 Billion in 1992.

The 1992 budget also includes other unneeded Navy weapons: \$4,541 Billion for 5 new DDG-51 destroyers, \$251 million for the LSD-41 amphibious ship, and \$300 million for 12 new landing craft.

### Air Force Cuts

Its success in the Persian Gulf war leaves no doubt that the U.S. Air Force is the strongest and most effective air force in the world. It also strengthens the conclusion that the U.S. can well afford to reduce the overall size of the Air Force and cancel the proposed Advanced Technology Fighter (ATF).

The Air Force currently has about 3,900 tactical combat aircraft organized around 36 active and reserve fighter wings. The equivalent of perhaps 10 of these wings was sent to the Persian Gulf. Given the lopsided nature of the Air Force's success, fewer aircraft might have been sufficient.

The U.S. should be able to reduce its Air Force to some 1,750 combat aircraft organized around 16 tactical fighter wings by 1995. Along with about 1,250

Navy and Marine Corps aircraft associated with six carrier battle groups and two Marine divisions, such an Air Force would be more than adequate to meet U.S. requirements.

**Advanced Tactical Fighter (ATF):** Current plans call for buying 750 ATFs at a total cost of \$102 Billion. At \$136 million each, the ATF will be by far the most expensive tactical fighter ever built. This year the Air Force wants \$1.6 Billion for the program.

The ATF was originally proposed to counter future Soviet aircraft. But, according to the Pentagon, the Soviets have apparently slowed development of a new generation of fighter aircraft. Given that slowdown and the fact that the Soviets have agreed to cuts in their air force as part of the CFE treaty, the U.S. can safely cancel the ATF.

The ATF represents only the most costly example of unnecessary Air Force spending. Other examples in the 1992 Air Force budget include \$2.8 Billion to buy new C-17 transport aircraft, \$813 million for the AMRAAM air-to-air missile, and \$397 million for the Joint Surveillance Target Attack Radar System aircraft.

### Future Military Spending

The world has changed dramatically over the past few years. The recent war against Iraq and continuing unrest in the Soviet Union and Eastern Europe have obscured a central reality of this changed world. The reality is that the new world is, in military terms, a far safer place for the U.S. than the world it replaced.

The Soviet threat has greatly diminished and, fortunately, there is no Third World challenge either in existence or on the horizon to replace it.

At the same time, the U.S. faces growing economic, social, and environmental challenges. If the U.S. restructures its military forces to reflect the safer world that exists today, it will have the resources it needs to begin to solve these more serious threats to America's security.

# Professionals' Coalition Education Fund



David Cohen  
President

Robert K. Musil, Ph.D.  
Executive Director

## CAN WE CUT DEFENSE?

### 1. How big is the federal budget and what are its main parts?

The overall federal budget for the year beginning October 1, 1991 (FY92) is about \$1.59 trillion. Its largest parts are Health and Medicare costing about \$202 billion; Social Security payments which are about \$350 billion; National Defense which is just under \$300 billion; and interest payments on the national debt which currently cost another \$300 billion. When these are offset by some interest income from trust funds the net debt payment is about \$210 billion. All other federal programs, domestic and international, cost about \$225 billion.

Revenues for the budget come from federal income tax, both personal and corporate, from interest on trust funds, and Social Security and Medicare taxes on wages and employers. The remainder, or deficit, is borrowed by the government from citizens in the form of government bonds.

### 2. How much does the current budget plan call for in the coming year and over the next few years?

The National Defense function of the budget (the 050 account), which includes spending for the Department of Defense and for nuclear weapons programs, conducted by the Department of Energy, calls for \$291 billion in FY93. The details will be announced by the Administration in the early part of 1992 (with some highly touted but token cuts in defense likely) and debated and voted on by the Congress until final passage before the start of FY93 in October, 1992. The current plan also calls for \$295 billion in FY94 and \$298 billion in FY95. In other words, for the three year period from FY93 through FY95 -- after the collapse of the Berlin Wall and the reversal of the Soviet coup -- the Administration is still planning to spend \$884 billion on defense.

### 3. Just how big a part of federal spending is defense spending? I see different percentages from different sources.

Defense spending makes up about 18-20% of total federal government spending. This is the figure stressed by those who wish to make military spending seem small and manageable. However, critics of military spending usually stress the percent of controllable federal spending allocated for defense. The controllable part of the federal budget, commonly referred to as discretionary spending, is made up of defense, domestic, and international programs. Discretionary spending totals about \$510 billion annually and is paid for by federal

income taxes and deficit spending. These programs are authorized and appropriated annually by the Congress.

Entitlements constitute the other major part of the federal budget. They include Social Security, Medicare and some other items which are financed by separate taxes that can only be spent for these purposes. Entitlements are not annually appropriated by the Congress. Spending for entitlements rises and falls with the number of persons entitled to these benefits by law. Congress can only change expenditures for these programs by legislating new eligibility requirements.

Taken as a portion of discretionary or controllable spending, defense makes up nearly 60%. You have probably also seen pie charts from various peace groups that count defense spending as a portion of all non-entitlement spending -- discretionary spending plus interest payments on the debt -- which is about \$800 billion. Critics of the military then add other military-related items not listed under the defense budget function such as veterans payments, Selective Service, portions of the space budget devoted to defense (satellite launches, etc.) and interest on the debt attributable to past wars. This leads to a calculation of total military spending of some \$400 billion or about 50% of the amount that you pay in personal income taxes on your wages.

#### **4. What are current and constant dollars and what are baseline dollars?**

Current dollars are like those in which you count your own salary. If your salary stays at \$40,000 for the next few years, you will complain to your boss that you are stuck at the same salary and need a raise to keep up with the cost of living. But each year, in current dollars, your salary will be \$40,000.

Constant dollars, on the other hand, are those that have been statistically adjusted to count for inflation, either forward or backward in time. In current dollars, the defense budget will be about the same in FY92 and FY93 -- \$291 billion. In constant 1992 dollars, the defense budget will drop from \$291 to \$278 billion. In short, the Pentagon's \$291 billion in FY93 will only be able to purchase \$278 billion worth of FY92 programs.

Baseline dollars are the amount calculated in current dollars that would be needed to keep the same level (or baseline) of programs and operations after counting for inflation during the coming year. Thus the baseline defense budget for FY93, based on the FY91 level of \$285.5 billion, is \$307 billion (FY91 plus 7% for two year's inflation.) Those wishing to emphasize the shrinkage of defense programs and spending will refer to the FY93 budget of \$291 billion (in current dollars) as a \$16 billion or 5.4% cut from baseline. To go back to your \$40,000 salary for a minute, your baseline for the coming year (at 3.5% inflation) is \$41,400. In constant FY92 dollars, your \$40,000 salary would only be worth \$38,600. You could claim that you are taking a cut in pay. It's a strategy that works for the Pentagon, why not for you?

**5. Aren't nuclear weapons the biggest part of military spending, and what are other big areas of defense spending?**

No. At \$70.3 billion or 24%, conventional Army units account for the largest part of military expenditures. In the jargon of the military, nuclear weapons and their delivery systems (missiles, bombers, submarines) are called strategic nuclear systems. These account for \$45.2 billion of the FY92 budget or about 16% of the military budget. Navy aircraft carrier battle groups, which include 14 aircraft carriers and their attendant sailors, planes and escort ships, account for \$53.5 billion, or 18%. Air Force fighter wings account for another \$48.5 billion, or 17%.

**6. I've heard that at least half of the defense budget or around \$150 billion goes to defend NATO. If that's true and the Warsaw Pact is gone, why can't we cut defense in half almost immediately?**

Several reliable sources estimate that about one-half of our military forces are designated for use in NATO contingencies ranging from nuclear war to amphibious landings. It is also true that the traditional threat of a conventional Soviet invasion of Western Europe has all but evaporated and that nuclear war with the Soviets is less likely than it has ever been in the past. The problem with the "cut the defense of Western Europe and save \$150 billion" argument is that it is important to understand that most of the forces designated for NATO are also designated for other uses as well. Whether it is the 82nd Airborne Division, a Marine Corps brigade, portions of the Atlantic fleet or missiles in the silos of North Dakota, forces with multiple roles cannot simply be eliminated. There are significant savings to be had in removing substantial US forces from Europe, but some of these forces are designated for other contingencies such as the Middle East. You'll need other arguments to get rid of them.

**7. The Administration keeps talking about major defense cuts, yet the amount spent on the military continues to be about the same. Which is true?**

Both are true. The amount of spending planned for the US military over the next several years is a relatively steady \$290-295 billion. These levels are slight cuts in constant dollars of some 2-3% annually. They also represent slightly larger cuts from baseline or the amounts DoD would have gotten each year if you keep adding inflation to the previous year. Under the Budget Enforcement Act of 1990 and the Pentagon's Future Years Defense Plan (FYDP), US forces (division, carriers, wings, troops) will actually shrink about 25%. But US military spending will only drop about 10% between 1990-1995. For there to be a "peace dividend," as is commonly understood, military spending will have to be cut even further.

**8. My representative says military spending has shrunk both in real terms and as a percent of GNP. How can this be after the massive military buildup under President Reagan?**

Your representative is right depending on when you start counting. Military spending went up around 40% during the first Reagan Administration. Then, thanks in part to massive protests and lobbying by the peace movement, military spending slowly shrank some 16% during the second Reagan and early Bush Administrations. Obviously, military spending, even after a 16% cut since its peak in 1985, still stands much higher than it did at the beginning of 1981.

Military spending has also shrunk as a percentage of GNP from 7.8% in 1970 and 5.6% in 1975 to 5.4% in 1990. It was 6.2% in 1985 compared to 9.1% after Korea and 38% in WWII. But this is a relatively meaningless figure since the overall American economy has continued to grow throughout the post-war period with the exception of several recessions. Thus military spending as a percent of GNP would have shrunk even if military spending stayed the same.

Similarly, the old argument that the former Soviet Union spent a far greater proportion of GNP on their military than the US was misleading. It was primarily because their overall economy (GNP) has been much smaller, they have had to defend a giant land mass bordered by adversaries such as NATO and China, their military is highly inefficient, and their military budget has been filled with many other categories such as internal security.

**9. Translated into constant 1992 dollars, how does the current military budget compare to those of previous periods?**

Constant dollars, remember, are adjusted for inflation. Measured this way, your steady salary in current terms, will decrease as it is projected into the future. Similarly, your \$40,000 salary would, in constant terms, appear much larger back in 1950. The height of spending during the Vietnam War (1969) was about \$79 billion in current dollars. Keep in mind that people were spending \$.29 a gallon for gas in those days. To pay for the US military of 1969 in constant FY92 dollars would cost about \$325 billion. These are sometimes called real costs or real dollars.

So, shown in constant 1992 dollars, the peaks of US military spending in the post-war period were about \$440 billion during the Korean War, \$325 billion at the height of Vietnam, and \$370 billion at the height of the peacetime Reagan buildup in 1985. Constant dollar military spending is now about the same as in the Vietnam War years of 1966 and 1970, and higher than at any time from 1954-1966, the height of the Cold War when the US considered both the Soviets and China as enemies and planned for a possible 2 1/2 wars worldwide. When the current Pentagon FYDP is completed in FY95, military spending in real terms will stand at about 1956 levels.

**10. Isn't it nearly impossible to cut military spending given the enormous influence of what President Dwight D. Eisenhower called the "military-industrial complex"?**

No, it is just very difficult. Military spending fluctuated throughout the Cold War, though at very high levels. Substantial drops occurred after the Korean and Vietnam Wars and from the record peacetime levels of the first Reagan Administration. Citizens' movements and world public opinion have been successful to a degree in influencing the amount and kinds of military spending in the US.

Defense-dependent states (California, Texas, Georgia, Connecticut) have argued forcefully for many weapons systems. But particularly expensive ones that lack convincing rationales such as the MX missile or B-2 bomber have been cut nevertheless. Recent complaints from the Pentagon about drastic cuts, though exaggerated, are proof of changing political and budget realities.

**11. How much will we have to cut from defense spending in the next three years to keep domestic programs like Head Start or Food Stamps even with inflation or possibly increase them?**

Under the Budget Enforcement Act of 1990 (BEA), military spending is planned to cost \$884 billion in current dollars over the next three years. Domestic spending is slated to cost \$600 billion and international spending about \$75 billion. That comes to a three-year total of \$1.55 trillion. At the same time, in order to reduce the federal deficit, caps have been established on all three kinds of spending, and the three categories will compete for the same pool of funds under a single cap in FY94 and FY95. The total cap for all three kinds of spending in the next three years is \$1.51 trillion; \$40 billion under the current levels. Therefore, at least \$40 billion in defense spending has to be cut in order for domestic programs to just stay even.

**12. Can we cut defense spending more than this and what are some realistic goals?**

Yes, we can cut defense spending more than the multiple-year plan (FYDP) presented by Secretary of Defense Richard Cheney. That plan was costed out and presented to Congress before the collapse of the Soviet Union and before the defeat of Iraq, the fourth largest military force in the world and previously the leading and most serious Third World military threat. As Gen. Colin Powell, Chairman of the Joint Chiefs of Staff, said after the Persian Gulf War, "I'm running out of bad guys. I'm down to Castro and Kim Il Sung."

How much can be realistically cut is clearly a political judgement and depends upon the occupant of the White House in 1993, the mood of Congress, public opinion, and the actions of concerned citizens.

Credible defense analysts at the moderate-to-liberal Brookings Institution and elsewhere have suggested that military spending can be safely cut by a total of nearly \$300 billion to an annual level about one half of current spending within the next ten years. Other analysts suggest similar levels could be safely and effectively reached in shorter periods such as five years. For the coming year, FY93, estimates of possible cuts range from about seven billion dollars being considered by liberal Budget Committee chairs Sen. Jim Sasser (D-TN) and Rep. Leon Panetta (D-CA) to the roughly 8-12% reductions (\$25-35 billion) proposed by the Professionals' Coalition for Nuclear Arms Control and the Monday Lobby Group, to some \$55 billion being talked about by Rep. Ron Dellums (D-CA), Chairman of the House Armed Services Committee Subcommittee on R&D.

### 13. What are the best targets for elimination in the FY93 defense budget?

The best targets are big ticket weapons systems that were designed primarily for all-out conventional or nuclear war with the former Soviet Union and its allies in the defunct Warsaw Pact. These include the B-2 bomber, the submarine-launched Trident nuclear missile, new Seawolf attack submarines, the Advanced Tactical Fighter or F-22, the C-17 cargo plane, and a colossal nuclear-powered aircraft carrier. Troop cuts and reductions in operations and maintenance should follow.

Items that will be much harder to cut include R&D for future weapons systems, and the multi-billion dollar "Star Wars" system (\$5 billion for FY93 and \$100 billion overall according to estimates from the Federation of American Scientists). Congress will also be reluctant to make further cuts in troop levels too soon, believing that large layoffs and serious morale problems in the All-Volunteer Force could be politically disastrous.

### 14. What, then, are realistic cuts?

A likely scenario is that activists will demand \$100 billion in cuts beyond the Cheney Future Years Defense Plan over the next three years, starting with \$25-35 billion in FY93. This year peace groups are likely to slowly negotiate down toward \$15-20 billion, settle for \$8-12 billion, and be prepared to come back to fight again in FY94. Keep in mind that the Congressional Budget Resolution must pass both houses of Congress, thus it needs bi-partisan support. Swing votes from moderate Democrats and moderate to liberal Republicans will be critical.

It is important to build coalitions with those organizations who could use the extra billions from defense in their part of the budget. It is also important to understand that many groups and individuals are interested in seeing defense savings used to reduce the deficit and cut taxes.

Robert K. Musil, December 1991

# Military cuts aid Alaska, report says

By BRIGID SCHULTE  
States News Service

WASHINGTON — As the nation begins beating swords into plowshares, Alaska should fare well through defense cutbacks, despite the high-level of military presence, because of its unique geography, according to a national report released Thursday.

The report, "Building a Peace Economy," by the non-profit Council on Economic Priorities, predicts the Southwest and Northeast will be hardest hit as the "Evil Empire" has been replaced by the less threatening Commonwealth of Independent States and the United States begins converting from a military to a civilian economy.

Idaho, Nebraska, South Dakota and Wyoming will be least affected by current 25 percent across-the-board defense cuts and future cuts, the authors predict.

The report ranks Alaska seventh in the nation for being vulnerable to defense-related cuts. That ranking comes from the fact that one in every 26 people in the state is an active-duty military employee — the second-highest ratio in the nation.

Most defense dollars in Alaska are thus spent on personnel — \$1.3 billion in fiscal 1990 — and not on the weapons systems that are being so severely cut in other areas of the country. In Alaska, the oil and construction industries receive 73 percent of all Pentagon procurement contracts, which amounted to \$400 million in fiscal 1990. No weapons systems are produced in the state.

Please see Page B-2, DEFENSE

B2 Anchorage Daily News Monday, January 27, 1992

## DEFENSE: Cuts help

Continued from Page B-1

According to the report, "the key for most financially hard-hit states to stay afloat in the current conversion climate is to diversify defense-dependent economies — plans for which only Washington, Maryland, Connecticut and some cities have made.

"We used to talk about doves and hawks, but the issue now is, who is the eagle and who is the ostrich," said report author John Tepper Marlin. "The ostriches are saying we can't cut and the eagles are saying, the Cold War's over, we've got to plan ahead and diversify."

But in Alaska, where the military is one of the leading industries, accounting for 13 percent of the state's total output, the answer is not in diversifying, but in staying put.

Because of Alaska's location near the former Soviet Union and the booming Pacific region, Marlin predicts



that the military presence in the state will actually increase.

"Alaska benefits from troop transferrals from closed bases in other states and Europe," Marlin said in the report. "Alaska remains a key strategic location for troop reassignment because forces are easily deployable both to the Pacific — Tokyo is eight hours away — and to Europe — Frankfurt can be reached in eight hours by plane."

Marlin is lobbying for the federal government to either pay for or help provide job retraining programs primarily in the Lower 48.

"The federal government, which created the defense establishment, is morally obliged to be an active partner in the transition to peace," he said.

# Morale project shows USAF's champagne taste

WASHINGTON (AP) — The Air Force has spent hundreds of millions of dollars on gold-plated chandeliers, golf course projects and other luxuries to boost morale, internal Pentagon documents showed Sunday.

Back in 1985, the Air Force decided to refurbish its officers' club at the Mildenhall base in Britain at a cost of \$75,000. The service's champagne taste, however, hardly matched the appropriated amount.

Gold-plated chandeliers valued at \$145,000 were installed, solid oak paneling lined the walls and fireplaces with marble fixtures completed the decor. The final tally was more than \$2 million with U.S. taxpayers picking up the tab.

The internal Air Force audits, conducted in April and May of this year, reveal widespread waste and abuse in the Air Force management of its Morale, Welfare and Recreation Activities.

Golf course projects at Myrtle Beach Air Force Base cost nearly \$600,000, while parties for a departing officer at Ramstein Air Base in Germany totaled \$26,000.

In a letter to Defense Secretary Dick Cheney, Rep. Barbara Boxer, D-Calif., called for leadership from the highest levels of the Pentagon to crack down on these abuses.

According to the documents, strict restrictions on excessive spending on renovation projects have been either ignored or circumvented. Projects valued at more than \$500,000 must be reported to Congress. In some instances, however, major projects were split into smaller projects to avoid seeking congressional approval.

Even the Air Force auditors expressed dismay at the renovation projects.

In the documents, Air Force management at the base in England argued that the chandeliers couldn't be standard-issue.

"Low quality chandeliers

Gold-plated chandeliers valued at \$145,000 were installed, solid oak paneling lined the walls and fireplaces with marble fixtures completed the decor.

could not act as the main architectural highlight of a room as the existing chandeliers do. The crystal used would not have the capability to break apart the available light in a room into its primary colors (prism effect)," the Air Force said.

In response, the auditors said "spending an additional \$15,900 in appropriated funds to purchase chandeliers that have the correct 'prism effect' is not appropriate."

Other instances of abuse include relocation of a skeet shooting club at Tinker Air Force Base in Oklahoma. The estimated cost of the project was \$722,000 and it was included in the cost of a construction project for basing of the B-2 stealth bomber.

But when it was discovered that the project was \$1 million over budget, the Air Force proposed eliminating the work stations at the facility rather than the Skeet Club.

"I find it appalling that the weaknesses in the management and oversight of Morale, Welfare and Recreation operations have been repeatedly documented by Defense Department auditors, whistleblowers and Congress, that hundreds of millions of dollars are being illegally spent on parties, golf courses and officers clubs, yet internal recommendations to remedy the problems have been ignored," Boxer said.

ANCHORAGE TIMES 8-6-90

HJR

70



**REPRESENTATIVE LOREN LEMAN** West Anchorage

3111 C Street Anchorage, AK 99503 561-7614 During Session: P.O. Box V Juneau, AK 99811 465-2095

**SPONSOR STATEMENT**

DATE: February 17, 1992  
BY: Representative Loren Leman *Loren*  
SUBJECT: HJR 70: Resolution Urging Congress to Amend the Tax Code

=====

The tax burden for working and middle class families, especially young families, has grown heavier over the past 40 years. Although they disagree on methodology for change, President Bush and Congress agree that something needs to be done. Families with children are overtaxed and need a break from the inflation-driven tax increases that have fallen disproportionately on them.

HJR 70 urges Congress to promote parental child care and increase the personal exemption by amending the Tax Code. This is a pro-family proposal that has bipartisan support in our Legislature and in Congress.

One element of this resolution is a parental child care exemption for the services of a parent who stays at home to care for at least one child under the age of 13. The increase in spendable income would be a big help to many families.

Current tax law allows for a credit of up to \$4,800 to offset expenses for child care services provided by others. However, no deduction or credit is allowed for parents who surrender opportunities for a second income outside the home by staying at home to care for their own children.

According to the U.S. Census Bureau, 47 percent of American children under the age of five are primarily cared for by their mothers at home. Eight percent of children under five are cared for by both parents who work shifts and share the care responsibilities. Another five percent of children have mothers working for pay at home and caring for them.

During the last thirty years, we have seen tremendous changes in the composition of our families. These changes have certainly influenced juvenile crime, suicide, welfare payments and educational failures. Although some of these developments may be largely a result of a changing culture, many recent studies demonstrate the close relationship they have with the absence of parents from the home.

*Sponsor Statement*

A second element of this resolution is an increased personal exemption for children. President Bush proposed an increase of \$500 in this exemption during his State of the Union address. Other proponents of tax reform have suggested even more significant changes.

Helping parents give their children a better life by allowing them to keep more of their earnings is one of the best things we can do to strengthen families. Families, after all, are the most basic structure of society and their protection should be the highest objective of social policy.

Passage of HJR 70 will show the Legislature's support for this protection.

THE FOLLOWING DOCUMENT MAY NOT FILM  
LEGIBLY BECAUSE OF THE POOR QUALITY OF  
THE ORIGINAL

*From Department of Treasury*  
**FAMILY TAX ALLOWANCE**

Current Law

In general, a taxpayer is allowed a personal exemption for himself, his spouse, and for each dependent. Personal exemptions are allowed as deductions in computing taxable income. The amount of each personal exemption is \$2,300 for taxable years beginning in 1992.

In general, a child age 18 or under qualifies as a dependent if the taxpayer furnishes over half the child's support. A "child" includes a child by blood, an adopted child, a stepchild, and a child placed with the taxpayer by an authorized placement agency for legal adoption. In addition, a child who is a member of the taxpayer's household and lives with the taxpayer during the entire taxable year may be considered the taxpayer's "child." The amount of the personal exemption is indexed for inflation. Personal exemptions are phased out for high-income taxpayers.

Reasons for Change

Taxpayers incur significant costs in rearing children. An increase in the personal exemption for dependent children is a simple and effective way to decrease the financial burden on families.

Proposal

The proposal increases the personal exemption for dependent children age 18 and under at the end of the taxable year by \$500 per child. This amount would be indexed for inflation. The proposal is effective October 1, 1992.

Effects of Proposal

Under the proposal, the personal exemption for dependent children age 18 or under at the end of the taxable year will increase by \$500 per child. For taxable years beginning in 1992, the increase will be prorated.

Revenue Estimate

	Fiscal Years						
	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1992-97</u>
	(Billions of dollars)						
Family tax allowance:	0	-4.4	-4.6	-4.7	-5.0	-5.2	-23.8

**FISCAL NOTE**

**STATE OF ALASKA  
1991 LEGISLATIVE SESSION**

BILL NO. HJR 70

Revision Date: \_\_\_\_\_ Department Affected: LEGISLATURE  
 Title: AMEND INTERNAL REVENUE BRU: \_\_\_\_\_  
 CODE \_\_\_\_\_ Component: \_\_\_\_\_  
 Sponsor: LEMAN  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

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**Expenditures/Revenues: (Thousands of Dollars)**

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>					

<b>CAPITAL</b>	<b>-0-</b>					
----------------	------------	--	--	--	--	--

<b>REVENUE</b>	<b>-0-</b>					
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	-0-					
FEDERAL FUNDS	-0-					
OTHER	-0-					
<b>TOTAL</b>	<b>-0-</b>					

**POSITIONS:**

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

Estimate of current year impact: \_\_\_\_\_

**ANALYSIS: (Attach a separate page if necessary.)**

Prepared By: *Angela...* Phone: 465-3732  
 Division: HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE Date: 1/21/92  
 Approved by Commissioner: \_\_\_\_\_ Date: 1/21/92  
 Agency: \_\_\_\_\_

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

# HOUSE COMMITTEE REPORT

(7)

Date Referred: February 12, 1992

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/25/92

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HJR 70

HOUSE JOINT RESOLUTION NO. 70

FEDERAL TAX EXEMPTION FOR CHILD CARE

Urging the United States Congress to amend the Internal Revenue Code to increase the personal exemption and to provide a parental child care exemption.

**RECOMMENDATIONS:**

be replaced with CS HJR 70 (HES)  the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(s): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
Betty Davis	✓				
J. E. Boyles	✓				
Cheri Davis	—				
Mark Hanley	X				

*[Signature]*  
CHAIRMAN'S SIGNATURE



# POLICY INSIGHTS

## The Tax Cut Families Need

During his long tenure on Capitol Hill, Rep. Dan Rostenkowski (D-IL), chairman of the House Ways and Means Committee, has been fairly consistent in favoring high taxes. It is therefore not without significance that during the past holiday season, the door to Mr. Rostenkowski's congressional office was decorated with Christmas greetings and wishes for a happy new year and "a tax cut in 1992."

When even Dan Rostenkowski is campaigning for a tax cut, it is obvious that sentiment for tax reduction is strong. It is equally clear, given Mr. Rostenkowski's powerful position as head of the Ways and Means Committee, that tax reduction is a real possibility in this session of Congress.

Rostenkowski is one of at least a half dozen major Democratic congressional figures with tax relief plans to offer. They are joined by just as many Republican tax cut proposals. Remarkably, there is a common thread among the many plans that have been proposed. Democrats and Republicans alike seem to agree that families with children are over-taxed and need a break from the inflation-driven tax increases which have fallen disproportionately on their shoulders over the past generation.

The tax climate that enabled families to prosper in the 1950s was so favorable to child rearing that most families with children in that era were virtually exempt from federal income tax. The value of the personal exemption was so high, relative to wage levels, that the exemptions alone eliminated tax liability for families with two or more children and incomes near the national median. Moreover, payroll taxes in those days were so low that most ordinary workers who had growing families were able to take home virtually all of the money they earned.

Real wage levels rose through the fifties and sixties, and their higher incomes pushed many families into tax-paying brackets. But still, the effective tax rates paid by families with children were quite

low until the rapid inflation of the late sixties and the seventies artificially eroded the value of the personal exemption. By the mid eighties, most of the real-dollar increase in federal taxation had been concentrated on those wage earners who were trying to raise children.

In the tax reform of 1986, this problem received some attention with the doubling of the personal exemption. It was evident that the exemption had by then lost most of its significance. At a pre-inflation level of just \$1050 per person, it simply failed to shelter a sufficient amount of earned income from taxation to provide for the basic subsistence of families. By doubling the personal exemption, Congress took a step towards repairing this inequity. But the bigger exemption was not enough to solve the financial squeeze imposed on families by excessive taxation.

Working class and middle class families feel that they are simply falling behind, and not without reason. Real wage levels for men under forty, especially for men with no more than a high school education, are actually lower than they were in the early seventies. Thus, the fathers of young families are actually earning less than their own fathers did. But this is just the beginning of the problem. The cost of housing and health care — elements which tend to loom much larger in the budgets of families with children than among those without children — have far outstripped inflation. As a consequence, home ownership seems out of the financial reach of a growing segment of the population, while the rapidly rising cost of health insurance — or worse yet, the threat of an uninsured illness — further erodes the purchasing power of an ordinary worker's earnings.

Yet even as the cost of living has been rising for young families, their tax burden has grown heavier. Not only are the effective income tax rates higher than a generation ago, but the payroll tax rate, which

Number 402  
January 1992

...tax reduction is a real possibility in this session of Congress."

With a national election looming, widespread discontent within his own party over his failure to keep the now-infamous 'no new taxes' campaign pledge, and a faltering national economy, the President has come to recognize tax relief for families as a pressing national priority."

This issue of **POLICY INSIGHTS** was written by Michael Schwartz, Director of the Free Congress Foundation Center for Social Policy.

falls most heavily on lower-income workers because not one cent of earned income is exempt from it, has more than doubled since the mid-sixties. Most families with children now pay more in payroll taxes than in federal income taxes.

This financial squeeze is one of the main reasons why more mothers have been forced into the workforce. Married women with children are more likely to hold a job outside the home than are either unmarried women or married women without children, even though almost everyone would agree that the responsibility of raising children is such that a lower rate of employment would be expected among this group. Obviously, perceived financial necessity is a significant factor in driving up employment rates among married mothers. Yet much of the additional gross family income generated by second jobs is dissipated in high taxes and the additional expenses entailed in having both parents in the labor force.

The public debate over child care in the late 1980s helped to focus public attention on the issue of overtaxation of families, and members of Congress in both Houses and both parties have gotten the message.

### Plans Now on the Table

Among the many tax reduction proposals offered in Congress in 1991, nearly all include some provisions for easing the tax burden on middle-income families. Several of them are specifically targeted to aiding families in meeting the financial cost of raising children. For example, Sen. Lloyd Bentsen (D-TX) has proposed a non-refundable tax credit of \$300 per child. He was outbid by Sen. Bill Bradley (D-NJ), who proposes a refundable \$350 per child credit. Sen. Bob Kasten (R-WI), whose bill is co-sponsored by Rep. Vin Weber (R-MN) in the House, matches Bentsen's \$300 per child credit, but raises it to \$1000 per child for children under six years of age. Sen. Dan Coats (R-IN) recommends, instead of a tax credit, an increase in the personal exemption for dependent children from \$2150 to \$3500, which translates into a tax savings of about \$200 to \$400 per child. In addition, the Coats bill calls for a tax credit of \$500 for preschool children. The Coats bill is sponsored by Rep. Frank Wolf (R-VA) in the House, where it has gained the co-sponsorship of an absolute majority of the entire House membership. Other tax cutting proposals, including some aimed at reducing payroll tax rates, are not specifically targeted to families with children, but would produce similar effects in assuring more take-home pay for working parents.

This immense burst of tax-cutting initiatives in Congress indicates that a consensus is emerging, a consensus which crosses party lines and which is gaining in force. Standing against that consensus has been a cadre of key Bush Administration figures, led

by budget director Richard Darman and Treasury Secretary Nicholas Brady, who have resisted tax reduction proposals.

But in his State of the Union address, President Bush finally broke with his advisors on this point. On January 28 he added the weight of his office to the emerging congressional majority in favor of tax relief for families. With a national election looming, widespread discontent within his own party over his failure to keep the now-infamous "no new taxes" campaign pledge, and a faltering national economy, the President has come to recognize tax relief for families as a pressing national priority.

### Fundamental Criteria

Clearly, however, this is just the beginning rather than the end of the debate. Congress and the President must reach an agreement on the specific tax revision which will be of greatest benefit to families and which will contribute to economic recovery. It seems that four principles should guide them in their efforts to reach a solution.

- 1. The tax cut should be targeted directly to families with children. A more general tax cut would dilute the benefits to families with children. Fiscal responsibility places a limit on the amount of revenue which the Treasury can forego, and as far as possible the tax reductions should go to families with children. Such families, frankly, got short shrift in the 1986 tax reform and the inequities that have gradually crept into the tax code over the past generation are far from remedied. Moreover, strengthening the financial position of families with children will marginally ease the burden on the nation's social service structures, and, in general, families are far more effective in caring for the needs of children than even the best of social service programs.

This is a point on which President Bush and most congressional leaders appear to be in general agreement. Those who favor more general tax relief have a certain political advantage, since there would be no immediate gain for the majority of taxpayers in tax relief targeted to children. Nonetheless, maximizing tax relief for families will produce the greatest social benefits, both in the short run and in the long run

- 2. The tax cut should be non-refundable. This is a point on which President Bush is at odds with at least some of the Democratic advocates of tax reduction, although Senator Bentsen favors a non-refundable credit. A refundable per-child tax credit would amount, in effect, to a welfare supplement and create a greater disincentive to work for poor families, as well as exorbitant marginal taxation for those families who increase their earnings. This problem is

already the one major difficulty with the earned income tax credit, which is the only refundable credit against personal income taxes.

- 3. The tax cut must be large. A cut which adds an insignificant amount to the disposable income of families is simply wasted effort. Here President Bush's proposed increase of \$500 in the personal exemption for dependent children is weak in comparison with most of the proposals offered in Congress. Under the President's plan, the actual per-child tax advantage to families would be in the range of just \$75 to \$140 — far below the amounts envisioned in the congressional plans. Tax breaks so small will not be enough to give hard-pressed families a sense of greater security. Under most of the congressional plans, which provide per-child tax breaks ranging from \$300 to \$1000, it is possible to foresee parents reducing their work hours in order to spend more time with their children or having the confidence to make major purchases. The President's proposal is not large enough to offer such incentives.
- 4. The tax cut should not be limited to the poor. While the working poor are obviously in need of assistance, middle class families are also suffering a serious financial squeeze. The old definitions of material comfort no longer apply. A household income of \$50,000, in a two-earner family with children and a mortgage, is simply not a definition of affluence. Many families in these circumstances are just getting by, with no ability to set aside savings. Fortunately, despite the potential for election year demagoguery, there appears to be a reasonable level of consensus between the President and congressional leaders of both parties, so there is a possibility for real tax reduction and not simply income redistribution.

While there is a good chance that whatever emerges from the deliberations between Congress and the White House will embody these four principles, there is not yet agreement on the means by which the tax cut can be implemented. One distinction is that some proposals call for tax credits, while others offer deductions or increases in the personal exemption for dependent children. The credit mechanism is more egalitarian, in that the same dollar amount of tax savings is offered per child, regardless of family income. This is, in fact, nothing other than a family allowance, which has been popular in many European countries through most of this century.

An increase in the personal exemption for dependent children has the conceptual advantage of protecting a certain minimum level of earnings from taxation. These tax-exempt earnings are supposed to be roughly approximate to bare subsistence. This embodies the principle that citizens will be taxed

only on that portion of their earnings which exceeds the essentials of survival. This is a sound principle and, as long as the personal exemption is indexed for inflation, it offers a systemic assurance that families will not be taxed into utter dependency.

Another question that could be explored is the possibility of combining some reform of the personal income tax with tax reductions channelled through the payroll tax. As noted, this tax is regressive and, for most families, more burdensome than the income tax. A per-child reduction in the payroll tax rate would not only give workers with dependent children more take-home pay, but would also provide such workers with a slight marginal advantage in the labor market, thereby tending to reduce unemployment among the heads of families. Moreover, since the Social Security trust fund, which is currently running an enormous surplus in revenues over outlays, is off-budget, this might be a convenient mechanism for keeping the tax cut within budgetary guidelines.

Some other tax reforms outlined by President Bush deserve comment. His proposal that withdrawals be permitted without penalty from IRAs for home purchases, education and medical expenses is one which will help families. It is also a feature of the tax reform package proposed by Senator Bentsen, so there is reason to believe that it could form part of a bi-partisan tax relief program.

The President's proposed tax credit of \$5000 for the purchase of a first home would be beneficial in many ways, and could play a key role in economic recovery. It is worth noting, however, that currently first-time home buyers are less likely to be married couples than are second-time purchasers of homes. Home ownership is vital to family stability, and this tax credit might help reverse the recent trend towards lower level of home ownership. This tax credit, however, is not family-specific, but one which will be of benefit to large numbers of single persons who have not yet formed families.

Helping parents give their children a better life by allowing those parents to keep more of what they earn may be the single best thing Congress and the Administration can do this year to strengthen families now and to invest in the future. Families, after all, are what societies are made of, and the protection of families should be the highest objective of social policy. □

### For More Information:

*For more information on this topic, contact Michael Schwartz at the Free Congress Foundation, at (202) 546-3000. For more information on receiving POLICY INSIGHTS, contact Paul Gannon at (202) 546-3000.*

"Helping parents give their children a better life by allowing those parents to keep more of what they earn may be the single best thing Congress and the Administration can do this year to strengthen families now and to invest in the future."

HJR

73

# Maniilaq Association

P.O. Box 256  
Kotzebue, Alaska 99752  
(907) 442-3311

March 6, 1992

Representative Eileen MacLean  
Alaska House of Representatives  
P.O. Box V  
Juneau, AK 99811


RE: Support for HJR 73

Dear Eileen,

Thanks for this opportunity to comment and support HJR 73, which urges a federal review of the implementation of ICWA in Alaska. As part of the review, we also recommend specific consideration be given to the State-Tribal Model Agreements adopted during the Cowper administration. The momentum generated by that effort to instill local relevance into ICWA's implementation in Alaska seems to be lost.

We fully support HJR 73 and are grateful for your efforts and those of Representative Lincoln in bringing this need to light.

Sincerely,



Marie W. Greene  
President

cc: Representative Georgianne Lincoln  
Senator Al Adams

BKSPTHJR/TXIMONA

## MEMBER VILLAGES

Ivisaappaat, Nunatchiaq, Ipnatchiaq, Katyaak, Kivalinia, Laugviik, Qikiqtaruk, Nautaaq, Nuurvik, Akuligaq, Isinnuq  
Ambler, Buckland, Deering, Kiana, Kivalina, Kobuk Kotzebue, Noatak, Noorvik, Selawik, Shungnak

**SPONSOR STATEMENT**  
**HJR 73**  
**REP. EILEEN P. MACLEAN**

HJR 73 recommends that the Bureau of Indian Affairs, the General Accounting Office of the Congress and - with incorporation of the offered amendment - the Joint Federal-State Commission on the Policies and Programs Affecting Alaska Natives conduct a comprehensive review of the 1978 Indian Child Welfare Act (ICWA), with the full participation of Native organizations. The resolution urges that the review examine the strengths and weaknesses of the ICWA as they relate to the protection of Alaska Native children.

The study will pay particular attention to aspects of the ICWA which have made its implementation in Alaska problematic, such as jurisdictional disputes between the tribes and the state and the funding mechanism in the Act that has not kept pace with the needs in the area of child protection. The review will also examine the successful experiences of some Native organizations that have established a cooperative effort with the state for child protection.

Because there has been no comprehensive, empirical study ever done of the ICWA, especially one which focuses on its implementation in Alaska, it is important to examine our experience with this Act based on the observations of the people involved in its implementation. Such an examination will help us enhance its effectiveness in Alaska. The review is especially important in light of the signing of state-tribal agreements authorized by Alaska Statute AS 47.10.230 (g), which establishes the powers and responsibilities of tribes and the state when a Native child is taken into state custody.

Concerns have been raised that the review is an attempt to significantly alter the Act; however, this is not the intent of HJR 73. The resolution was introduced based on concerns raised about the state's system of child protection. Because the federal Act supersedes the state's law, examination of the ICWA is warranted. But within the context of examination of the ICWA, the state's role will be scrutinized.

*Sponsor Statement*

The underlying principle of the ICWA is to protect the best interests of Native children and to promote the stability and security of Native tribes and families. From this examination will emerge a complete package of recommendations for how this effort can be more successful.

NATIVES, JOINT FEDERAL-STATE COMMISSION

MEMBER	APPT	REAPPT	REAPPT	TERM
Johne Binkley P.O. Box 80610 Fairbanks 99708 Public (by President)	91/08/02	0/00/00	0/00/00	0/00/00
Edgar Paul Boyko 1300 West 7th Avenue, #302 Anchorage 99501 Public Member/State Official/or Native (by Governor)	91/04/17	0/00/00	0/00/00	0/00/00
✓ Perry R Eaton 1577 C Street, Suite 304 Anchorage 99503 Alaska Native (by President) Co-Chair	91/08/02	0/00/00	0/00/00	0/00/00
Perry Eaton Co-Chair Term Dates Only/ President Designation	91/10/17	0/00/00	0/00/00	0/00/00
Father Norman Elliott 2401 Galewood Anchorage 99510 Public member/state official/or Native (by Governor)	91/04/17	0/00/00	0/00/00	0/00/00
Mary Jane Fate Co-Chair Term Date Only/ Governor Designation	91/04/17	0/00/00	0/00/00	0/00/00
✓ Mary Jane Fate 750 Farmers Loop Road Fairbanks 99712-1412 Public member/state official/or Native (by Governor) Co-Chair	91/04/17	0/00/00	0/00/00	0/00/00
Frances E Hamilton Ketchikan Public Member or Federal Official (by President)	91/10/17	0/00/00	0/00/00	0/00/00
Beverly Masek HC89, Box 251 Willow 99688 Alaska Native (by Governor)	91/04/17	0/00/00	0/00/00	0/00/00

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. HJR 73

Revision Date: \_\_\_\_\_ Department Affected: LEGISLATURE

Title: REVIEW OF INDIAN CHILD BRU: \_\_\_\_\_

WELFARE ACT Component: \_\_\_\_\_

Sponsor: REP. MACLEAN

Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	-0-					
TRAVEL	-0-					
CONTRACTUAL	-0-					
SUPPLIES	-0-					
EQUIPMENT	-0-					
LAND & STRUCTURES	-0-					
GRANTS, CLAIMS	-0-					
MISCELLANEOUS	-0-					
TOTAL OPERATING	-0-					

CAPITAL	-0-					
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REVENUE	-0-					
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-					
FEDERAL FUNDS	-0-					
OTHER	-0-					
FUND SOURCE:						
TOTAL	-0-					

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: *Deoniana L...* Phone: 465-3732

Division: HOUSE HEALTH EDUCATION & SOCIAL SERVICE Date: 3/9/92

Approved by Commissioner: \_\_\_\_\_

Agency: \_\_\_\_\_ Date: \_\_\_\_\_

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE MACLEAN

TO: HJR 73

Page 1, line 1:

Delete "federal"

Page 1, line 15:

After "Affairs":

Delete "and"

Insert ","

After "Congress":

Insert ", and the Joint Federal-State Commission on Policies and Programs Affecting  
Alaska Natives"

**UNITED STATES  
CODE SERVICE**

*Lawyers Edition*

Issued in

June, 1991

**CUMULATIVE SUPPLEMENT**

By The Publisher's Editorial Staff

**25 USCS**

**Indians**

**§§ 371-3400**



**Lawyers Cooperative Publishing**

Aqueduct Building, Rochester, New York 14694

**IT-71**

conform to the probable intent of Congress.

**Other provisions:**

October 1991 Prospective amendment of subsec. (a), Act Oct. 30, 1990, P. L. 101-477, § 1(d)(1)(F), 104 Stat. 1153, effective Oct. 1, 1991, as provided by § 1(d)(2) of such Act, which appears as 25 USCS § 1832 note, provides that Title III of the Tribally Controlled Community College Assistance Act of 1978 (25 USCS §§ 1831 et seq.) is amended

"(F) by striking out 'and 1990' in section 306(a) [subsec. (a) of this section] and inserting in lieu thereof '1990 and 1991, and for fiscal year 1992, \$10,000,000'."

**TRIBAL ECONOMIC DEVELOPMENT**

**§ 1851. Grants authorized**

(a) General authority. The Secretary is authorized, subject to the availability of appropriations, to make grants to tribally controlled community colleges which receive grants under either this Act [25 USCS §§ 1801 et seq.] or the Navajo Community College Act [25 USCS § 450a et seq.] for the establishment and support of tribal economic development and education institutes. Each program conducted with assistance under a grant under this subsection shall include at least the following activities:

- (1) Determination of the economic development needs and potential of the Indian tribes involved in the program, including agriculture and natural resources needs.
- (2) Development of consistent courses of instruction to prepare postsecondary students, tribal officials and others to meet the needs defined under paragraph (1). The development of such courses may be coordinated with secondary institutions to the extent practicable.
- (3) The conduct of vocational courses, including administrative expenses and student support services.
- (4) Technical assistance and training to Federal, tribal and community officials and business managers and planners deemed necessary by the institution to enable full implementation of, and benefits to be derived from, the program developed under paragraph (1).
- (5) Clearinghouse activities encouraging the coordination of, and providing a point for the coordination of, all vocational activities (and academically related training) serving all students of the Indian tribe involved in the grant.
- (6) The evaluation of such grants and their effect on the needs developed under paragraph (1) and tribal economic self-sufficiency.

(b) Amount and duration. The grants shall be of such amount and duration as to afford the greatest opportunity for success and the generation of relevant data.

(c) Applications. Institutions which receive funds under other titles of this Act [25 USCS §§ 1801 et seq.] or the Navajo Community College Act [25 USCS §§ 450a et seq.] may apply for grants under this title either individually or as consortia. Each applicant shall act in cooperation with an Indian tribe or tribes in developing and implementing a grant under this part [25 USCS §§ 1851 et seq.].

(Oct. 17, 1978, P. L. 95-471, Title IV, § 402, as added Sept. 25, 1990, P. L. 101-392, Title III, § 312, 103 Stat. 804.)

**HISTORY; ANCILLARY LAWS AND DIRECTIVES**

**Effective date of section:**

Act Sept. 26, 1990, P. L. 101-392, Title VII, § 702(a), 104 Stat. 843, which appears as 20 USCS § 2301 note, provides that this section is effective July 1, 1991.

**§ 1852. Authorization of appropriations**

There are authorized to be appropriated for grants under this part \$2,000,000 for the fiscal year 1991 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(Oct. 17, 1978, P. L. 95-471, Title IV, § 403, as added Sept. 25, 1990, P. L. 101-392, Title III, § 312, 103 Stat. 805.)

**HISTORY; ANCILLARY LAWS AND DIRECTIVES**

**Effective date of section:**

Act Sept. 26, 1990, P. L. 101-392, Title VII, § 702(a), 104 Stat. 843, which appears as 20 USCS § 2301 note, provides that this section is effective July 1, 1991.

**CHAPTER 21. INDIAN CHILD WELFARE**

**§ 1901. Congressional findings**

**RESEARCH GUIDE**

**Am Jur:**

2 Am Jur 2d, Adoption § 26.

**Law Review Articles:**

Catholic Social Services, Inc v C A A [783 P 2d 1159 (Alaska)]: best interests and statutory construction of the Indian Child Welfare Act. 7 Alaska L Rev 203.

The Indian Child Welfare Act of 1978: Does it Apply to the Adoption of an Illegitimate Indian Child? 38 Cath U L Rev 511.

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**§ 1903. Definition**

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Davies, Implementing the Indian Child Welfare Act. 16 Clearinghouse Rev 179, July, 1982.

The Indian Child Welfare Act of 1978: Protecting Essential Tribal Interests. 60 Colo L Rev 131.

Indian Child Welfare Act—adoptions—domicile defined—the United States Supreme Court has held that in child custody cases involving Indian children whose parents are domiciled on the reservation, the tribal court will have exclusive jurisdiction over the proceedings pursuant to section 1911(a) of the ICWA, despite the fact that the children were born off the reservation, voluntarily given up for adoption by both parents, and under state law the children's domicile was that of their adopted parents giving the state courts jurisdiction over the adoption proceedings. *Mississippi Band of Choctaw Indians v Holyfield*, 109 S Ct 1597, 28 Duq L Rev 589.

Goldsmith, Individual vs collective rights: the Indian Child Welfare Act. 13 Harv Women's L J 1.

Trentadue and DeMontigny, The Indian Child Welfare Act of 1987: A Practitioner's Perspective. 62 ND L Rev 487, 1986.

#### INTERPRETIVE NOTES AND DECISIONS

Doctrine of res judicata precludes Indian Tribe from collaterally attacking state court judgment that allowed non-Indian couple to adopt child that Tribe contends is Indian subject to 25 USCS §§ 1901 et seq., since Tribe was party in original suit and made same contentions as it is now making on collateral attack, and since there was nothing in record to indicate any due process violation in state courts' determination of applicability of §§ 1901 et seq. *Kiowa Tribe of Oklahoma v Lewis* (1985, CA10 Kan) 777 F2d 587.

Indian Child Welfare Act (25 USCS §§ 1901 et seq.) does not divest state courts of their jurisdiction over children of Indian decent living off reservation. *Kiowa Tribe of Oklahoma v Lewis* (1985, CA10 Kan) 777 F2d 587.

Indian tribe is denied summary judgment in challenge to denial of funds under Indian Child Welfare Act (25 USCS §§ 1901 et seq.) since competitive and discretionary Indian Child Welfare Act grant process does not violate ICWA and Snyder Act (25 USCS § 13) which has created trust relationship between government and ICWA fund applicants and which allows consideration of factors extraneous to applications. *Navajo Nation v Hodel* (1986, DC Ariz) 645 F Supp 825.

Indian tribe is granted summary judgment in action challenging lands denial, where failure of Indian Child Welfare Act fund's review committee to meet in quorum as required by its own regulations in guidelines violates Snyder Act (25 USCS § 13) and prejudiced tribe's application. *Navajo Nation v Hodel* (1986, DC Ariz) 645 F Supp 825.

Indian tribe is denied summary judgment in action challenging denial of funds, since whether technical assistance provided to tribe seeking funds and whether \$300,000 grant limit violated equal protection, governmental trust responsibility and Snyder Act (25 USCS § 13) present disputed fact questions to be determined by trier of fact. *Navajo Nation v Hodel* (1986, DC Ariz) 645 F Supp 825.

Indian tribe is denied summary judgment in action challenging denial of funds, because use of minimum 85 score for granting Indian Child Welfare Act funds was proper where regulation provided for such scores and 85 score was specified in guidelines. *Supermarkets General Corp. v Local 919, United Food & Commercial Workers Union* (1986, DC Conn) 645 F Supp 831, 123 BNA LRRM 3181.

If there is no duplication of service population between tribe providing services under Indian Child Welfare Act (25 USCS §§ 1901 et seq.) and independent organization providing same types of services, mere fact that organization is located in area designated "mere reservation" by tribe does not render it ineligible to seek grant funds. *Seattle Indian Center v Acting Deputy Assistant Secretary-Indian Affairs* (1983) 90 ID 515.

When more than one otherwise eligible grant applicant applies for funds under Indian Child Welfare Act (25 USCS §§ 1901 et seq.) to provide services to same Indian population, funding should be given only to organization whose proposal best promotes purposes of Act. *Seattle Indian Center v Acting Deputy Assistant Secretary-Indian Affairs* (1983) 90 ID 515.

In child custody proceeding, if appears that minor may be Indian child, court must notify tribe in question and must seek its determination of child's Indian status, which determination is conclusive for purpose of determining applicability of Indian Child Welfare Act of 1978 (25 USCS §§ 1901 et seq.). *In re Junious M.* (1983, 1st Dist) 144 Cal App 3d 786, 193 Cal Rptr 40.

Jurisdictional hearing is required before entry of order transferring jurisdiction of Indian children to tribal court; further, because request for appointment of counsel is so inextricably connected with asserting rights of one who may object to transfer, trial court must determine whether father of Indian children is entitled to court-appointed counsel before it can proceed with hearing and enter order on transfer question. *Re GLOC* (1983, Mont) 668 P2d 235.

#### § 1902. Congressional declaration of policy

##### RESEARCH GUIDE

###### Law Review Articles:

Davies, Implementing the Indian Child Welfare Act. 16 Clearinghouse Rev 179, July, 1982.

Trentadue and DeMontigny, The Indian Child Welfare Act of 1987: A Practitioner's Perspective. 62 ND L Rev 487, 1986.

#### INTERPRETIVE NOTES AND DECISIONS

Policy expressed in 25 USCS § 1902 is implemented by minimum federal standards for child custody and termination proceedings; considering best interests of Indian child and applying minimum federal standards of Indian

Child Welfare Act are consistent obligations. *State ex rel. Juvenile Dept. of Lane County v Tucker* (1985) 76 Or App 673, 710 P2d 793.

#### § 1903. Definitions

##### RESEARCH GUIDE

###### Federal Procedure L Ed:

19 Fed Proc, L Ed §§ 46:445, 457, 459, 478.

#### INTERPRETIVE NOTES AND DECISIONS

State court may lawfully award custody of Indian child to non-Indian parent in divorce proceeding, and Act does

not confer exclusive jurisdiction on either tribal court or state court to award custody of children in divorce

proceeding, rather, there is to be concurrent jurisdiction in state and tribal courts. *Larch v Larch* (1989, CA4 NC) 872 F2d 66.

Voluntary placement agreement between mother of Indian child and state which allowed state to provide temporary foster care for child is not subject to requirements of Indian Child Welfare Act (25 USCS §§ 1901 et seq.) and agreement was not improper because it was neither executed nor certified according to § 1913(a); agreement could not furnish basis for court to decline jurisdiction under § 1920 and return child to mother. *D.E.D. v State* (1985, Alaska) 704 P2d 774.

Child of unwed Indian father and non-Indian mother, who had lived with mother and with foster parents, had never had "Indian custodian" as defined in 25 USCS

§ 1903, even assuming father had acknowledged paternity and thus was "parent" under § 1903, since he had never had custody of child, it would be impossible for his custody to continue under § 1912; it was arguable that non-Indian mother also was not "parent," either because her relationship with child had previously been terminated, or because the relationship of the mother and child did not constitute "Indian family" envisioned in Act. In *Interest of S.A.M.* (1986, Mo App) 703 SW2d 603.

Testimony of president of native village council is sufficient to prove that child is eligible for membership in Indian tribe and that, therefore, she is Indian child. *State ex rel. Juvenile Dept. of Lane County v Tucker* (1985) 76 Or App 673, 710 P2d 793.

or physical damaging evidence" state under state law will that child needed was likely to continue under state law preempted by Act; discretion in dispute with Act's objective 1170.

Failure of court Child Welfare Act to terminate parent's claim of ineffective record suggested counsel knew or had. *Blake C.* (1986, 1 Rptr 763).

Substantial evidence of Indian child's Child Welfare Act evidence was uneducation, placement constant attention life style", along with instructions regarding emotional or physical custody. *People in* 709 P2d 604.

Indian mother's absent evidence of custody of child is physical damage to efforts to prevent it; since sole alleged actively exercise power or by visiting him would be remanded not to retry case or burden or proof, if family is to be provided services and rehabilitation of Indian. *App 594, 364 NW2*

In proceedings to Indian children, undid not abuse its duty who testified at page § 1912(f), where born in Indian culture, experienced in world. *T.J.J.* (1985, Minn)

Indian Child Welfare does not require that the rights are to be terminated is *W.R.* (1985, Minn)

§ 1913. Parental

## § 1911. Indian tribe jurisdiction over Indian child custody proceedings

### RESEARCH GUIDE

#### Federal Procedure L Ed:

19 Fed Proc, L Ed §§ 46:445, 452, 454, 456, 458, 460.

#### Am Jur:

2 Am Jur 2d, Adoption § 26.

#### Law Review Articles:

Davies, Implementing the Indian Child Welfare Act. 16 Clearinghouse Rev 179, July, 1982.

Trentadue and DeMontigny, The Indian Child Welfare Act of 1987: A Practitioner's Perspective. 62 ND L Rev 487, 1986.

### INTERPRETIVE NOTES AND DECISIONS

Under general common law principles, domicile of illegitimate children follows that of their mother, therefore, children born to unmarried Indian mother who was domiciled on reservation were also domiciled on reservation within meaning of statute, even though they were not born on reservation and had never lived there, and thus tribal court had jurisdiction over adoption of children. *Mississippi Band of Choctaw Indians v Holyfield* (1989, US) 104 L Ed 2d 29, 109 S Ct 1597.

Tribal counsel decision that it would be in minor child's best interests to remove child from his home and place child under tribal custody must be given full faith and credit by state under 25 USCS § 1911(d), and thus, for purposes of tribe's eligibility for federal foster care payments under 42 USCS § 672(a), child's removal was result of judicial determination. *Native Village of Stevens v Smith* (1985, CA9 Alaska) 770 F2d 1486.

25 USCS § 1911(d), does not require that public acts, records, and judicial proceedings of any Indian tribe be accorded greater weight than public acts, records, and judicial proceedings of state and state court acting within scope of its judicial capacity to determine personal jurisdiction, would not be required to relinquish jurisdiction based upon court order of sister state or Tribal Court issued more than one year later. *Navajo Nation v District*

*Court for Utah County, Fourth Judicial Dist.* (1985, DC Utah) 624 F Supp 130.

Indian Child Welfare Act (25 USCS §§ 1901 et seq.) does not confer tribal jurisdiction over adoption proceedings in Alaskan Indian tribe where tribe members sued to compel state to recognize such proceedings, because jurisdiction was vested in state of Alaska by 28 USCS § 1360 and members' theory of implied residual concurrent jurisdiction could not stand in light of specific reassertion of jurisdiction procedures in 25 USCS § 1918, with which tribe failed to comply. *Native Village of Venetie I.R.A. Council v Alaska* (1988, DC Alaska) 687 F Supp 1380.

Distinction is made between adoptive placement and termination of parent rights, and only in latter case does § 1911 support intervention. *Re J.R.S.* (1984, Alaska) 690 P2d 10.

Indiana law must defer to Indian Child Welfare Act, 25 USCS § 1901 et seq.; tribal court of tribe which had intervened in adoption proceeding of Indian child in state court had exclusive jurisdiction. *Re Adoption of T.R.M. v D.R.L.* (1986, Ind App) 489 NE2d 156.

25 USCS § 1911(a) is inapplicable to paternity determination and child support enforcement when state is party and other party is Indian. *State ex rel. Department of Human Services v Jojola* (1983, NM) 660 P2d 590.

## § 1912. Pending court proceedings

### INTERPRETIVE NOTES AND DECISIONS

State court has right and need to determine its own jurisdiction in Indian child adoption cases before it, and judge making such determination clearly would be acting within scope of judicial capacity, regardless of propriety of ruling on jurisdictional question, in cases brought under Indian Child Welfare Act, 25 USCS §§ 1901 et seq. *Navajo Nation v District Court for Utah County, Fourth Judicial Dist.* (1985, DC Utah) 624 F Supp 130.

Neither language nor purpose of 25 USCS § 1912(d) requires that more than one qualified expert testify in child custody-foster care placement proceedings involving Indian children. *D.A.W. v State* (1985, Alaska) 699 P2d 340.

State Superior Court's decision to terminate Indian Child's mother's parental rights on basis of her abandonment of child is supported by substantial evidence, where total amount of time mother spent with child between October 27, 1983 and June 25, 1984 hearing was little over 2 hours, and where mother was unable to provide

Superior Court with explanation of why she failed to visit her son. *D.E.D. v State* (1985, Alaska) 704 P2d 774.

State was not required under 25 USCS § 1912(a) to give statutory 10-day notice prior to emergency custody proceedings involving Indian child where mother had abandoned child, and where foster parents with whom child had been placed under voluntary agreement were no longer obligated to care for him; such proceedings fall within § 1922's exception for emergency removal of Indian child. *D.E.D. v State* (1985, Alaska) 704 P2d 774.

25 USCS § 1912c's requirement that qualified expert witness testify that parent's continued custody of child is likely to result in serious emotional or physical damage to child was not satisfied by expert's testimony that child had been sexually abused, without making any prediction as to future care. *Re D.C.* (1986, Alaska) 715 P2d 1.

Indian Child Welfare Act, 25 USCS § 1912(c), mandated "beyond a reasonable doubt" standard to finding that continued custody would produce serious emotional

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Order terminating is entered into in court where counsel and court expressly found § 1913 does not preclude relinquishment after rights has been entered 10.

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or physical damage to child, but only "clear and convincing evidence" standard applied to additional findings, under state law which was not pre-empted by federal law, that child needed aid because of parental conduct which was likely to continue; admissibility of hearsay evidence under state law did not violate due process and was not pre-empted by Act, silent on the matter, and, given court discretion in dispositive case, such evidence harmonized with Act's objectives. *Re J.R.B.* (1986, Alaska) 715 P2d 1170.

Failure of counsel to consider applicability of Indian Child Welfare Act (25 USCS §§ 1901 et seq.) in proceeding to terminate parental rights could not be ground for claim of ineffective assistance of counsel, where nothing in record suggested that child was Indian child, or that counsel knew or had reason to know that he was. *In re Blake C.* (1986, 1st Dist) 177 Cal App 3d 15, 222 Cal Rptr 763.

Substantial evidence supports trial court's termination of Indian child's father's parental rights under Indian Child Welfare Act (42 USCS §§ 1901 et seq.) where evidence was uncontroverted that child needs special education, placement in developmental pre-school, and constant attention at home, and where father's "nomadic life style", along with his failure to follow court-appointed instructions regarding child could lead to serious emotional or physical damage to child if he were given custody. *People in Interest of C.A.J.* (1985, Colo App) 709 P2d 604.

Indian mother's parental rights may not be terminated absent evidence beyond reasonable doubt that continued custody of child is likely to result in serious emotional or physical damage to child; showing is also required that efforts to prevent breakup of family have been unsuccessful; since sole alleged "neglect" of parents was failure to actively exercise parental role by keeping child with them or by visiting him while he lived in foster home, case would be remanded for retrial; in event that state chooses not to retry case or is unable to meet federally mandated burden or proof, child is to be returned to his parents and family is to be provided with federal mandated remedial services and rehabilitative programs designed to prevent breakup of Indian family. *Re Morgan* (1985) 140 Mich App 594, 364 NW2d 754.

In proceedings to terminate parental rights of mother of Indian children, under 25 USCS § 1912, state trial court did not abuse its discretion in deciding that psychologists who testified at proceedings qualified as experts under § 1912(f), where both psychologists have had course work in Indian culture, and one psychologist particularly is experienced in working with Indian youth. *Re Welfare of T.J.J.* (1985, Minn App) 366 NW2d 651.

Indian Child Welfare Act (25 USCS §§ 1901 et seq.) does not require that child be in custody of parent whose rights are to be terminated before there can be finding that termination is appropriate. *Matter of Welfare of W.R.* (1985, Minn App) 379 NW2d 544.

### § 1913. Parental rights; voluntary termination

#### RESEARCH GUIDE

Federal Procedure L Ed:

19 Fed Proc, L Ed §§ 46:449, 450, 451, 454.

Law Review Articles:

Trentadue and DeMontigny, *The Indian Child Welfare Act of 1987: A Practitioner's Perspective.* 62 ND L Rev 487, 1986.

#### INTERPRETIVE NOTES AND DECISIONS

Order terminating parental rights is voluntary where it is entered into in order to avoid adversary proceeding, where counsel and court explained papers to parent, and court expressly found that relinquishment was voluntary; § 1913 does not permit parent to withdraw voluntary relinquishment after final order terminating parental rights has been entered. *Re J.R.S.* (1984, Alaska) 690 P2d 10.

Voluntary placement agreement between mother of Indian child and state which allowed state to provide temporary foster care for child is not subject to require-

Even if trial court erred in its ruling that Indian Child Welfare Act did not apply, such error did not divest trial court of jurisdiction; time during which tribe and unwed Indian father had opportunity to prepare for hearing on termination of his parental rights exceeded the time required by 25 USCS § 1912. *In Interest of S.A.M.* (1986, Mo App) 703 SW2d 603.

Indian Child Welfare Act did not apply to termination of parental rights proceeding of unwed Indian father who had never had custody of his child with non-Indian mother, even assuming he had acknowledged paternity and thus was "parent;" relationship of child and non-Indian mother did not constitute "Indian family" mentioned in 25 USCS § 1912. *In Interest of S.A.M.* (1986, Mo App) 703 SW2d 603.

Trial court erred in appointing non-Indian successor guardians for 3 Indian children, where court failed to give notice of pending successor guardian appointment to children's paternal grandparents. *Duncan v Wiley* (1982, Okla App) 657 P2d 1212.

Mother's parental rights are properly terminated, in that state notified village council of mother's ancestral tribe, but tribe chose not to intervene in termination proceedings; remedial services designed to prevent breakup of family were unsuccessful; testimony by state's expert witnesses provided proof beyond reasonable doubt that continued custody of child by mother would inflict severe emotional damage on child, even though expert witnesses did not possess special knowledge of Indian life, since this case was exception to general rule, and cultural bias was clearly not implicated. *State ex rel. Juvenile Dept. of Lane County v Tucker* (1985) 76 Or App 673, 710 P2d 793.

Because there was no determination that child was Indian child within the meaning of Indian Child Welfare Act (25 USCS § 1901 et seq.) until approximately 2 years after dispositional order of foster care placement, proceeding underlying placement cannot be invalidated for failure to comply with ICWA, unless court had a reason to know during those proceedings that child was Indian child. *State ex rel. Juvenile Dept. of Lane County v Tucker* (1985) 76 Or App 673, 710 P2d 793.

Sufficient evidence supports trial court's termination of parental rights of mother of Indian child, in light of mother's chronic use of alcohol and inhalants, coupled with her severe borderline personality disorder, since such conditions make danger of serious emotional or physical harm to child not only likely but inevitable. *People in interest of P.B.* (1985, SD) 371 NW2d 366.

Some evidence must show that child is Indian child and that Indian Child Welfare Act (25 USCS §§ 1901 et seq.) applies, before trial court applies standard of proof mandated by Act, namely, that decision to terminate parental rights must be supported by evidence beyond a reasonable doubt that continued custody of child is likely to result in serious emotional or physical damage to child. *Re B.R.B.* (1986, SD) 381 NW2d 283.

Termination of parental rights under Indian Child Welfare Act (25 USCS §§ 1901 et seq.) and agreement was not improper because it was neither executed nor certified according to § 1913(a); agreement could not furnish basis for court to decline jurisdiction under § 1920 and return child to mother. *D.E.D. v State* (1985, Alaska) 704 P2d 774.

Trial court erred in appointing non-Indian successor guardians for 3 Indian children, where court failed to give notice of pending successor guardian appointment to children's paternal grandparents. *Duncan v Wiley* (1982, Okla App) 657 P2d 1212.