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FOIA ID: F00-140 [Critchlow]
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9/14/25/08

DOCUMENT NO. & TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. letter	Judie Brown to Peter Houk, 1p.	2/23/83	B6
2. mailgram	Judie Brown to William French Smith, 1p.	n.d.	B6
3. letter	Kim Warren Eddie to Judie Brown, 1p.	2/1/83	B6

RESTRICTIONS

- B-1 National security classified information [(b)(1) of the FOIA].
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Mrs. Heckler's First Test: Response to Infanticide?

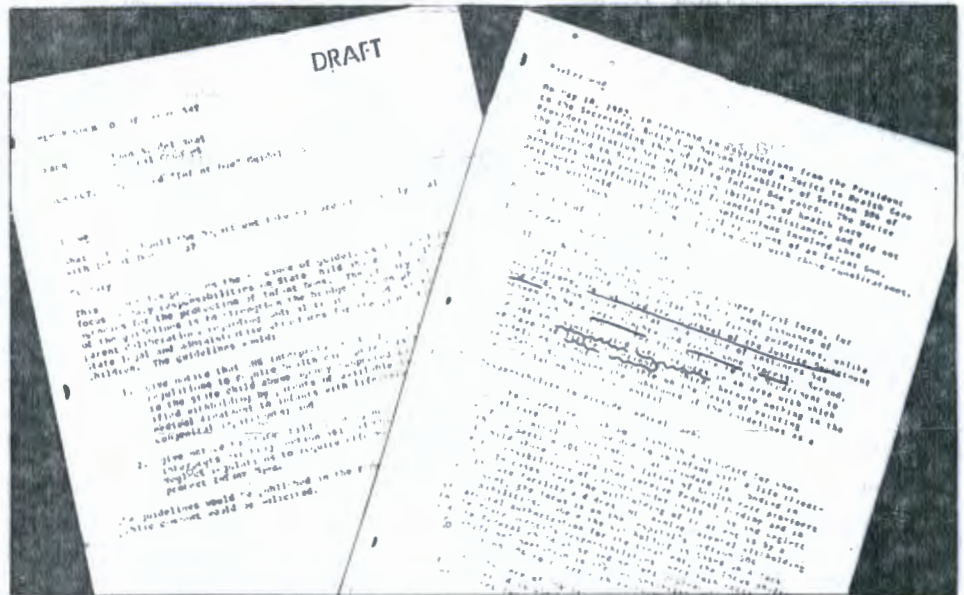
The general counsel of DHHS proposes that state agencies, not the Justice Department, should pursue cases like Infant Doe.

Reproduced here are the actual pages of a memorandum written for Richard S. Schweiker, Secretary of the Department of Health and Human Services, by Juan A. del Real, general counsel for the department on the subject of infanticide and federal regulation. We realize that this memorandum is difficult to read, and thus we quote the following pertinent paragraph from its second page:

"Guidelines versus regulation."

"Although a regulation would have stronger legal force, for several reasons, this memorandum recommends issuance of guidelines rather than regulations. First, guidelines, unlike regulations, do not need approval of the Justice Department and OMB, thus avoiding what in a number of instances has proven to be a very lengthy and cumbersome process. Second, guidelines provide greater flexibility to the Department to adjust to unanticipated circumstances in an area with which we have had little experience. Third, because nothing in the guidelines is not supportable on the basis of existing regulations, issuing the substance of the guidelines as a new regulation is not essential."

Please note that the general counsel for DHHS does not desire involvement of the Justice Department and OMB because of so-called "lengthy and cumbersome" processes.



Remember! It was the Justice Department that intervened in the Robinson, Illinois, baby case last May and made it possible for the baby to be moved to a better facility, treated and subsequently adopted.

Question: Why would the counsel of DHHS not want Justice involved? Because he wants to drag his feet? Because he really does not want to become involved with infanticide cases? And, if not, why not?

Also note his use of the phrase "unanticipated circumstances"—what can that possibly mean when one is dealing with the taking of the life of a child already born? What possible circumstances can result in a complaint regarding this murder of little babies that would not require the immediate action of the DHHS officials as well as those of any other department of the federal government?

American Life Lobby president Mrs. Judie Brown brought this entire memorandum to the attention of President Ronald Reagan at a White House meeting January 21. She also brought

this memorandum to the attention of Secretary Designate Margaret Heckler (DHHS) and requested that the President as well as Mrs. Heckler look into this matter of the memorandum on the subject of infanticide and try to determine why this curious language is being used in a memorandum that deals with the taking of the life of a newborn infant.

Mrs. Heckler, when first approached on this matter, and later in the presence of the President and Vice President Bush commented that the memorandum, in form, probably became public without the knowledge of General Counsel del Real. Mrs. Brown requested that the entire matter be investigated anyway, as the memorandum was in direct conflict with the philosophy of President Reagan and his position on the protection which each and every human life must receive.

Will Mrs. Heckler be asked questions about this memorandum at her confirmation hearings in February?

Will she, once officially installed as secretary of DHHS, move to correct the language of this memorandum which suggests that DHHS has no interest in acting swiftly when complaints regarding possible infanticide are filed with her department?

Finally, on January 24, Mrs. Judie Brown sent the following telegram to U.S. Attorney General William French Smith and present Secretary of DHHS Richard S. Schweiker:

"The Detroit Free Press, Jan. 21, 1983, reports that there has been an attempt to withhold treatment of a handicapped newborn at Lansing General Hospital, Lansing, Michigan.

"Please consider this an official request for an investigation by your Civil Rights Division for violation of this baby's civil rights under Section 504 of the Rehabilitation Act and other applicable statutes."

Action for A.L.L. Readers:

American Life Lobby urges the readers of this item, as well as those with whom this item is

shared, to write at once to the President and to congressmen and senators alike, in order to make certain that any reported case of possible infanticide is acted upon at once by the various departments of the government, and further, that the del Real memorandum as printed above, be studied and corrected so that the public can be totally assured of the DHHS's complete willingness to do everything possible, in conjunction with Justice and OMB, to act on every single complaint of possible infanticide reported to the various departments.

President Ronald Reagan
1600 Pennsylvania Ave.
Washington, DC 20500

Congressman _____
U.S. House Office Bldg.
Washington, DC 20515

Senator _____
U.S. Senate Office Bldg.
Washington, DC 20510

We intend, at American Life Lobby, to track this question of infanticide and pursue every available action known to us in order to assure the total protection of the rights of all children born and preborn.

Support These Regs— They Defund the PP Lobby

Office of Management and Budget (OMB) has proposed in the Jan. 24, 1983, *Federal Register* (pages 3348-3351) changes in the OMB Circular A122 which will limit the direct and indirect support of lobbying and other advocacy activities by federal grantees and contractors such as Planned Parenthood Federation of America and its affiliates.

It is extremely important that all pro-life people support adoption of these proposed regulations. For further detailed information, including the entire proposed changes, printed in the *Federal Register*, send a self-addressed, stamped envelope to: American Life Lobby, PO Box 490, Stafford, VA 22554.

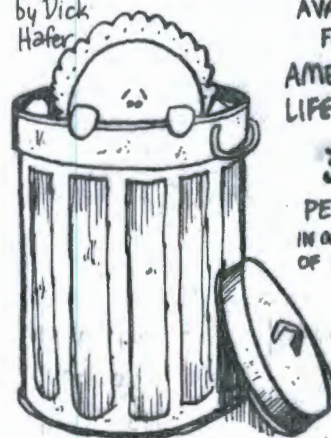
We will in turn send you our complete action alert on this subject. Time is of the essence—act now!



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by Dick
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THAT EATS
BUSINESS."

dick hafer
THE COMICS COMMANDO

301/577-7036

9530 ELVIS LANE, LANHAM, MD. 20706

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PRESS RELEASE ... PRESS RELEASE ... PRESS RELEASE ... PRESS RELEASE

For Immediate Release
February 4, 1983

CONTACT: Judie Brown
202-546-5550

REAGAN OFFICIAL ABORTS PRESIDENT'S ANTI-INFANTICIDE EFFORT

DATELINE: Washington, DC ... The February edition of ALL ABOUT ISSUES, the monthly magazine of the American Life Lobby, the largest pro-life organization in America, reveals an internal memorandum from Juan del Real, U. S. D. H. H. S. General Counsel, that prevents implementation of a Presidential order to protect handicapped babies from infanticide.

Juan del Real, an Assistant General Counsel at DHHS under President Carter and promoted to General Counsel by President Reagan, in a draft memorandum to DHHS Secretary Schweiker, proposed weaker "guidelines" instead of regulations which have the force of law to protect handicapped newborns.

The ALL ABOUT ISSUES edition to be mailed to subscribers this week quotes the del Real memo as saying:

Although a regulation would have stronger legal force, for several reasons, this memorandum recommends issuance of guidelines rather than regulations. First, guidelines unlike regulations, do not need the approval of the Justice Department and OMB, thus avoiding what in a number of instances has proven to be a very lengthy and cumbersome process. Second, guidelines provide greater flexibility to the Department to adjust to unanticipated circumstances in an area with which we have had little experience. Third, because nothing in the guidelines is not supportable on the basis of existing regulations, issuing the substance of the guidelines as a new regulation is not essential.

This language has emasculated President Regan's directive to HHS entitled: "Enforcement of Federal Laws Prohibiting Discrimination Against the

(more)



A.L.L. "... for God, for Life, for the Family, for the Nation"

Handicapped..." Issued after the infanticide of Baby Doe in Bloomington, Indiana in April, 1982.

Mrs. Judie Brown, President of American Life Lobby, publisher of the magazine, said: "The effort of the Carter holdover General Counsel of DHHS to emasculate the President's intention to vigorously enforce protection of handicapped babies has succeeded because even though the guidelines proposed by General Counsel del Real have not been issued, nothing has been done to implement the anti-discrimination law."

"It is outrageous that President Reagan who professes to lead a pro-life administration allows a Carter holdover to remain in his administration when he says of infanticide, which is baby murder, that the Department ought to have 'greater flexibility... to adjust to unanticipated circumstances.'", said Mrs. Brown.

"That is compromise with murder and is totally unacceptable from any administration let alone a Pro-Life Reagan Administration", Mrs. Brown concluded.

-30-

Editors Please Note: Enclosed are proof copies of the article from February A.L.L. About Issues. A copy of the entire del Real memo is available on request from 202/546-5550.

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PRESS RELEASE

January 29, 1983

FOR IMMEDIATE RELEASE

Mrs. Judie Brown, President of the American Life Lobby, Inc., the largest pro-life organization (108,000 members) in the country, today attacked President Reagan's FY1984 budget as "raising a white flag of surrender to government waste and abuse because the proposed budget does not reduce funding for the U.S. Department of Health and Human Services (DHHS) Title X (of the Public Health Service Act) family planning program."

Mrs. Brown continued, "An almost two year old Government Accounting Office (GAO) Report identified waste and abuse totalling \$48 million per year in the Title X program. I have repeatedly brought this GAO Report to the attention of officials at the White House, the Office of Management and Budget (OMB) and DHHS, but the Reagan Administration's FY1984 budget request ignores this documented waste.", Mrs. Brown said.

"By so doing, the Reagan Administration discredits its own budget the day it appears. Acceptance of such waste means the budget as a plan to reduced deficits is a fraud. If you don't cut waste you will never stop the budget hemorrhage.", said Mrs. Brown.

Mrs. Brown concluded, "By continued funding of the Title X program at the usual levels, the Reagan Administration has joined the social pork barrel mentality that you can't cut even documented waste if it is considered a 'people program'. Unfortunately, the President's budget raises the white flag of surrender to waste and abuse."

-30-



A.L.L. "... for God, for Life, for the Family, for the Nation"

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GOVERNMENT LIAISON OFFICE PHILIP R. BY COURT SE (CAPITOL HILL) WASHINGTON DC 20001 • (202) 546 5550

January 27, 1983

Honorable Charles A. Bowsher
Comptroller General of the United States
General Accounting Office
441 G St., N.W.
Washington, D. C. 20548

Dear Mr. Bowsher:

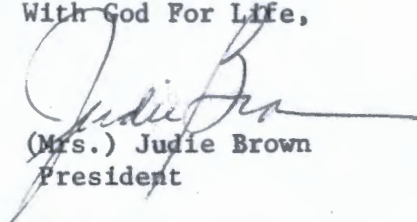
This will follow up the letter dated November 10, 1981 that you received from Ms. Faye Wattleton, President of Planned Parenthood of America, in which she told you "no Planned Parenthood affiliate or clinic promotes abortion with or without public funds."

In light of that statement to you I believe you will be interested in the enclosed "alert" from the National Family Planning and Reproductive Health Association Inc. dated December 10, 1982 which states in part "... only 1.4% (74 out of 5,200) of Title X clinic sites operating in 1981 were abortion where abortion services were also provided." "Of the remainder, 21 were operated by Planned Parenthood affiliates..."

In other words during the same year Ms. Wattleton told you "No Planned Parenthood affiliate or clinic promotes abortion", 21 clinics operated by Planned Parenthood affiliates provided abortions.

I thin this will set the record straight with regard to the veracity of the President of Planned Parenthood.

With God For Life,


(Mrs.) Judie Brown
President

cc: Senator Orrin Hatch
Senator Don Nickles
Senator Jeremiah Denton

JB/sm



A.L.L. "... for God, for Life, for the Family, for the Nation"

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October 6, 1982

Hand Delivered

Mr. Morton Blackwell
Special Assistant to the President
191 Old Executive Office Building
Washington, D. C. 20500

Dear Morton:

Judie Brown and I would like to meet with Don Moran, Kenneth Clarkson and probably David Kleinberg of OMB and Steve Galesbach or whoever has cognizance over DHHS on the Domestic Policy Staff.

The purpose of the meeting would be to follow up on the meeting you arranged last Spring to see what incremental actions the Administration could take to provide some incremental gains for the pro-life movement.

We would like to discuss with these officials who have responsibility for the Department of Health & Human Services certain actions that can be included in the FY 1984 Budget Request for DHHS. Among other DHHS issues we would like to discuss:

1. Cuts in the Title X Public Health Service Act based on two critical GAO reports, testimony before the Appropriations Committees of Congress and the September 1981 budget amendments submitted to the Congress by the Administration.
2. Appropriations language for the Title X program.
3. Appropriations language for the FY 1984 bill relative to the National Institutes of Health.
4. Discussion of actions by the Administration to prevent the re-occurrence of the improper handling of the 17,000 aborted babies that were found in the shipping container in California. (Some specimen in that container were from Indian Health Service Clinics.)

Because the FY 1984 DHHS budget is now under review we would appreciate a meeting as soon as possible this week or next except Monday, October 11.

Sincerely,

Gary L. Curran

Gary L. Curran
Legislative Consultant

Mike McConnell
6610

Dave Newhall

*Dr. John Marshall - Public Health
(Careerist)*

A.L.L. "... for God, for Life, for the Family, for the Nation"



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AMERICAN LIFE LOBBY INC.

NATIONAL MAILING ADDRESS
P.O. BOX 111
WASHINGTON, D.C. 20503

NOV 10 REC'D MB

November 9, 1982

Mr. Joseph R. Wright, Jr.
Deputy Director
OMB
252 Old Executive Office Building
Washington, D. C. 20503

Dear Mr. Wright:

I am the person who this afternoon asked you about the inconsistent OMB regulations concerning use by grantees of Federal grant funds for payment of dues to organizations that lobby.

Enclosed please find a copy of pages of GAO Report HRD 82-106 dated September 24, 1982 that I mentioned. I specifically call your attention to the last sentence on page 24 and the first two sentences on page 25. I hope that you will immediately act to amend these rules so that there will be a consistent prohibition on use of Federal grant funds for dues to lobbying organizations. Such action will, I am confident, save millions of dollars each year or at least make them available for use for the program goal for which they were authorized and appropriated.

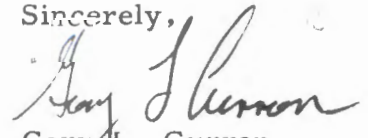
I also call your attention to GAO Report HRD 81-68 and the American Life Lobby testimony (both enclosed) before Congress in which, on the basis of GAO Report HRD 81-68, we requested a \$48 million cut in FY 1983 in the Title X Public Health Service Act program. I hope after reading the GAO Report and our testimony you will act to insure that the waste and abuse documented by GAO is eliminated by cutting the Title X program by at least \$48 million in the Administration's FY 1984 budget.

I would welcome the opportunity to discuss these matters with you in further detail. I look forward with anticipation to your response.

With kind regards.

cc: Mrs. Elizabeth Dole
Diana Lozano
Morton Blackwell
Ken Duberstein
Edwin Harper
Steve Galesbach
Kenneth Clarkson

Sincerely,


Gary L. Curran
Legislative Consultant



A.L.L. "... for

Life, for

the Nation

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GOVERNMENT LIAISON OFFICE 6B LIBRARY COURT SE (CAPITOL HILL) WASHINGTON, DC 20003 • (202) 548-5550

February 17, 1983

Miss Betty Lou Dotson
Director
Office of Civil Rights
DHHS Building - Room 5250
330 Independence Ave., S.W.
Washington, D. C. 20201

Dear Miss Dotson:

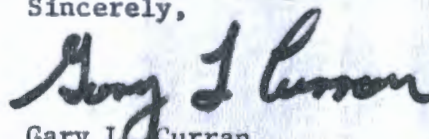
Enclosed please find a list of six reports/complaints made to your office or to that of various DHHS Regional Civil Rights Offices concerning attempted infanticide during the past nine months.

This is not an inclusive list of such complaints. We have reason to believe that other complaints have been made or referred to DHHS including some about hospitals in the Boston, Massachusetts area.

Please send me a copy of all complaints of possible infanticide received by your office since January 1, 1981 annotated with the current status of the DHHS investigation of each of these complaints and a copy of the final report on each complaint.

With kind regards.

Sincerely,



Gary L. Curran
Legislative Consultant

GLC/sm



A.L.L. "... for God, for Life, for the Family, for the Nation"

KNOWN RECENT REPORTS/COMPLAINTS TO U.S. DHHS OF ATTEMPTED INFANTICIDE

<u>DATE</u>	<u>HOSPITAL</u>	<u>CITY & STATE</u>	<u>DHHS OFFICE WHERE INFANTICIDE COM- PLAINT WAS FILED</u>
May 82	Crawford Memorial	Robinson, IL	Chicago/Washington
May/June 82	Yale-New Haven	New Haven, CT	Washington
July 82	Ketterlin	Dayton, OH	Chicago
Sept. 82	Good Shepherd	Barrington, IL	Chicago
Nov. 82	St. Francis	Tulsa, OK	Washington/Dallas
Feb. 24, 1983	Lansing General	Lansing, MI	Washington

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GOVERNMENT LIAISON OFFICE 6B LIBRARY COURT SE (CAPITOL HILL) WASHINGTON, DC 20003 • (202) 546-5550

November 19, 1982

Honorable Richard S. Schweiker
Secretary
Department of Health and Human Services
200 Independence Ave., S.W.
Washington, D. C. 20201

Dear Mr. Secretary:

On June 19, 1981, seventeen months ago, the Government Accounting Office issued Report HRD 81-68 entitled "Family Planning Clinics Can Provide Services At Less Cost But Clearer Federal Policies Are Needed" that was critical of the Title X Public Health Service Act family planning program.

The American Life Lobby based on this GAO Report has estimated that \$48 million in waste and abuse in this program could be saved if action were taken as recommended by GAO.

To date nothing has been done by your Department to "clean up the act" of the Title X program. For example John H. Kelso, then acting Administrator of the Health Services Administration, submitted a report to the House Appropriations Committee responding to the criticisms of GAO Report 81-68 and to that Committee's Report 97-251 which on page 17 called on DHHS to make "any recommendations it can make to improve the operations of the program relative to the issues raised in the General Accounting Office Report."

The DHHS report by John Kelso said DHHS is "closely monitoring...", "guidelines are currently under revision...", "regional office staff will conduct random program review..." is bureaucratic gobbledygook. I pointed this out in my testimony to the House Appropriations Subcommittee on April 28, 1982 nine months after GAO Report HRD 81-68 was released.

It is now exactly seventeen months since the GAO Report and HHS has done nothing. No change in guidelines to reflect anything contained in the GAO Report; no new regulations have even been proposed let alone been promulgated.

Unfortunately I must conclude that HHS is sweeping this whole question of waste and abuse totaling as much as \$48 million dollars under the rug.

Now another GAO Report HRD 82-106 dated September 24, 1982 has been issued which is critical of the lobbying and abortion related services carried

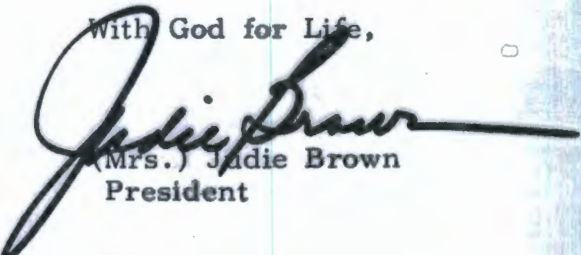


out by grantees of this program.

In light of the inaction of your Department concerning the first GAO Report and now with a second critical report I call on you to personally involve yourself in order that the mess in the Title X program gets cleaned up immediately.

Anything short of your personal involvement will signify your acquiescence in what amounts to a bureaucratic cover-up of millions of dollars of waste and abuse.

With God for Life,



(Mrs.) Jodie Brown
President

cc: Senator Orrin Hatch
Senator Jeremiah Denton
Senator Harrison (Jack) Schmitt
Congressman William Natcher
Congressman Henry Waxman
Congressman John Dingell

JB/sm

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PRESS RELEASE

Hold For Release:
March 29, 1983 10:00 a.m.

For More Information Contact:
Gary Curran - 202/546-5550
after 3/29 - 617/485-8484

AMERICAN LIFE LOBBY REQUESTS FEDERAL INVESTIGATION OF 20 INFANTICIDE CASES AT CONNECTICUT HOSPITALS

The American Life Lobby today released a letter to U. S. Department of Health & Human Services (DHHS) Secretary Heckler requesting an investigation of 20 cases of possible infanticide of handicapped babies at Connecticut hospitals reported in an October 1982 Connecticut Department of Human Services study citing an instance of a 19 day long starvation of a handicapped baby and five cases where death occurred due to withdrawal of care because "poor quality lives" might result if they were allowed to live.

Gary Curran, Legislative Consultant to American Life Lobby, released the letter this morning during an appearance on the Sherye Henry Show on WOR Radio in New York City.

This is the fifth instance of infanticide that the American Life Lobby has requested U.S. DHHS to investigate in the last ten months. The federal agency has investigated over 12 complaints of infanticide in the same period.

Curran, in the letter to Secretary Heckler, pointed to five cases reported in the Connecticut study where "decisions were made to withdraw respiration 'from these infants apparently based on prognosis of poor quality lives'" and asked if this was "the Bloomington Baby Doe five times over." In the Bloomington, Indiana infanticide in April 1982, a retarded child was starved to death by parents, doctors and hospital with state court approval causing a national outcry.

MORE....



A.L.L. "... for God, for Life, for the Family, for the Nation"

INFANTICIDE con't.

PAGE TWO

The American Life Lobby, the nation's largest (108,000 member) pro-life/pro-family organization, led the fight to establish new federal regulations, which went into effect March 22, 1983, to protect the lives of handicapped newborn babies. The new regulations require a notice be posted in hospitals warning that withholding treatment or nutrition to a handicapped person is a violation of federal law and provides a hot-line 800 phone number to report such cases.

-30-

Editor's Note:

Gary Curran will meet the press at a press conference at 2:00 p.m. on Tuesday, March 29 at:

Highland Heights
651 Prospect St.
New Haven, CT

Secretary Heckler's phone number: 202/245-7000

The DHHS Press Office phone number: 202/245-1850

The U.S. DHHS investigative office is the Office for Civil Rights:
202/245-6403



American Life Lobby, Inc.

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September 13, 1983

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Mary Winter

Morton Blackwell

Special Assistant to the President

The White House

Washington, DC 20500

Dear Mr. Blackwell:

Would you agree to lend your name to our Committee of Special Friends for American Life Lobby?

As President, I would be proud to count you as a friend of America's largest pro-life activist organization.

American Life Lobby (A.L.L.) has led the fight nationwide to stop the killing of innocent pre-born human lives by abortion.

We at A.L.L. have rallied over 130,000 pro-life Americans to fight for the Paramount Human Life Amendment to the U.S. Constitution, to ban the evil of abortion.

We also fight for legislation in Congress to protect the right to life of pre-born babies and handicapped children, and to offer alternatives to abortion like adoption.

This year and next, A.L.L. plans to launch an all-out push to pass the Paramount Human Life Constitutional Amendment in Congress.

With the recent pro-abortion Supreme Court decisions, this Constitutional Amendment is our best hope to stop abortion.

But much depends on your help.

Your endorsement, as a member of our Committee of Special Friends, is critically needed to help build our public support and enlist more Americans in our fight against abortion.

Please sign the enclosed Acceptance Form, enclose a photo of yourself if possible, and return it to me today in the enclosed postage-free envelope.

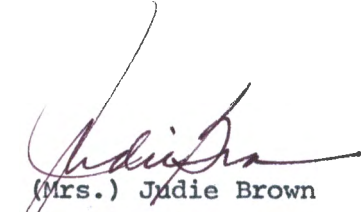
A.L.L. . . . for God, for Life, for the Family, for the Nation

"But because thou art lukewarm, and neither cold, nor hot, I will begin to vomit thee out of my mouth" (Rev. 3:16)

Page 2

Thank you on behalf of America's pre-born children.

Sincerely,



(Mrs.) Judie Brown
President

P.S. If you have time, I would also appreciate a short statement from you on the need for Americans to fight abortion through American Life Lobby. Thank you.

AMERICAN LIFE LOBBY INC.

NATIONAL HEADQUARTERS: MAILING ADDRESS: P.O. BOX 490, STAFFORD, VA 22554
OFFICES: ROUTE #6, BOX 162-F, STAFFORD, VA 22554
(703) 659-4171 METRO DC 690-2049

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PRESS RELEASE

March 9, 1983
For Immediate Release

PRO-LIFE GROUP COMMENDS AND WARNS DHHS ON ANTI-INFANTICIDE REGULATIONS

Mrs. Judie Brown, President of American Life Lobby Inc. the largest pro-life, pro-family organization in the country in commending the administration for new regulations to enforce prohibitions against infanticide of handicapped newborns, warned the administration and the U. S. Department of Health & Human Services (DHHS) saying, "These are very good regulations but they will not save a single baby's life without vigorous investigation and prosecution of violators by a heretofore lethargic bureaucracy at DHHS."

Mrs. Brown today released a letter received by her organization from the Office of Civil Rights at DHHS saying, "This letter is proof positive that the Office of Civil Rights cares very little about infanticide."

Mrs. Brown said, "The March 2 letter acknowledges receipt of six infanticide complaints but admits it doesn't know the current status of the investigations or have copies of any of the reports on them."

"This letter shows an appalling lack of concern about the killing of little handicapped babies on the part of the DHHS Office of Civil Rights," Mrs. Brown said.

Mrs. Brown warned incoming DHHS Secretary Margaret Heckler, "It is imperative that Mrs. Heckler personally oversee the operation of the Office of Civil Rights to insure that the complaints, made through the Hot Line "800" number set up under the regulations issued March 7, 1983, are swiftly investigated. The Department's lethargic track record on investigating six infanticide complaints gives reason for concern that there is potential for scandalous lack of action on future complaints."

Mrs. Brown concluded, "I hope Mrs. Heckler, particularly with her strong endorsement of these new regulations at her confirmation hearings, will keep a very close watch on this program."



A.L.L. "... for God, for Life, for the Family, for the Nation"

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

RECEIVED 3/4/83

Mr. Gary L. Curran
Legislative Consultant
American Life Lobby, Inc.
6B Library Court, S.E.
Washington, D.C. 20003

Dear Mr. Curran:

This is to acknowledge your request for a copy of all complaints of possible infanticide received by the Office for Civil Rights since January 1, 1981, and the current status of our investigation of each complaint. The list of six complaints, which you submitted, have been filed with our office.

Our regional offices have the responsibility for investigating complaints of discrimination and enforcing departmental regulations within the geographical areas under their jurisdiction. They have been informed of your request and instructed to forward to my office the information you have requested. It will be mailed to you as soon as possible.

Sincerely yours,

Nathan D. Dick

Nathan D. Dick
Deputy Director
Office of Program Operations
Office for Civil Rights

GEORGE K. BERNSTEIN
ATTORNEY AT LAW
1730 K STREET, N. W.
WASHINGTON, D. C. 20006
(202) 452-8010

NEW YORK OFFICE
70 PINE STREET
NEW YORK, N.Y. 10005
(212) 344-9292

April 7, 1983

Honorable Faith Whittlesey
Assistant to the President
for Public Liaison
The White House
Washington, D. C. 20500

Dear Ambassador Whittlesey:

Jack Moseley, Mark Bloomfield and I very much appreciate your taking the time to see us on H.R. 100 and S. 372. We are actively pursuing the areas we discussed.

I enclose a copy of the telegram testimony submitted at the Florio hearings on February 22 by the American Life Lobby.

Sincerely,

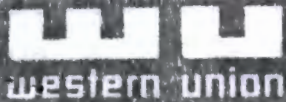
/s/

George K. Bernstein

Enclosure

cc: Dee A. Jepsen /
Special Assistant to the President

Nancy Risque
Deputy Assistant to the President



Telegram

NO. WDS. - CL. OF SVC.	PD. OR COLL.	CASH NO.	CHARGE TO THE ACCOUNT OF	THIS MESSAGE WILL BE SENT AS A TELEGRAM UNLESS IT IS OTHERWISE INDICATED.	PRESS DPR NPR	OVER NIGHT TELEGRAM

Send the following message, subject to the Telegraph Company's conditions, rules and regulations, which are on file with regulatory authorities.

TELEGRAM

February 24, 1983

Honorable James J. Florio, Chairman
Subcommittee on Commerce Transportation & Tourism
Committee on Energy and Commerce
2125 Rayburn Office Building
Washington, D. C. 20515

It has just come to our attention that Section 3(8) of H.R. 100 is identical to S2204 of the 97th Congress and will require that all health insurance include mandatory maternity coverage which will vastly increase the cost of health insurance to senior citizens, single people and others such as Catholic priests and nuns who will never have need for maternity benefits.

We respectfully request time to appear to testify against this mandatory benefit which will also require everyone to pay for coverage of abortion on demand.

(Mrs.) Judie Brown
President
American Life Lobby
6 Library Court S.E.
Washington, D. C. 20003
(202)546-5550

cc: Archbishop John R. Roach, D.D.
President; National Conference of Catholic
Bishops/U.S. Catholic Conference
1312 Massachusetts Ave., N.W.
Washington, D. C. 20005

Mr. Arthur Bouton, President
American Assn. of Retired Persons
1909 K St., N.W.
Washington, D. C. 20049

AMERICAN LIFE LOBBY INC.

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PRESS RELEASE ... PRESS RELEASE ... PRESS RELEASE ... PRESS RELEASE

For Immediate Release
February 4, 1983

CONTACT: Judie Brown
202-546-5550

REAGAN OFFICIAL ABORTS PRESIDENT'S ANTI-INFANTICIDE EFFORT

DATELINE: Washington, DC ... The February edition of ALL ABOUT ISSUES, the monthly magazine of the American Life Lobby, the largest pro-life organization in America, reveals an internal memorandum from Juan del Real, U. S. D. H. H. S. General Counsel, that prevents implementation of a Presidential order to protect handicapped babies from infanticide.

Juan del Real, an Assistant General Counsel at DHHS under President Carter and promoted to General Counsel by President Reagan, in a draft memorandum to DHHS Secretary Schweiker, proposed weaker "guidelines" instead of regulations which have the force of law to protect handicapped newborns.

The ALL ABOUT ISSUES edition to be mailed to subscribers this week quotes the del Real memo as saying:

Although a regulation would have stronger legal force, for several reasons, this memorandum recommends issuance of guidelines rather than regulations. First, guidelines unlike regulations, do not need the approval of the Justice Department and OMB, thus avoiding what in a number of instances has proven to be a very lengthy and cumbersome process. Second, guidelines provide greater flexibility to the Department to adjust to unanticipated circumstances in an area with which we have had little experience. Third, because nothing in the guidelines is not supportable on the basis of existing regulations, issuing the substance of the guidelines as a new regulation is not essential.

This language has emasculated President Regan's directive to HHS entitled:

"Enforcement of Federal Laws Prohibiting Discrimination Against the

(more)



A.L.L. "... for God, for Life, for the Family, for the Nation"

Page Two
February 4, 1983

Hnadicated..." Issued after the infanticide of Baby Doe in Bloomington, Indiana in April, 1982.

Mrs. Judie Brown, President of American Life Lobby, publisher of the magazine, said: "The effort of the Carter holdover General Counsel of DHHS to emasculate the President's intention to vigorously enforce protection of handicapped babies has succeeded because even though the guidelines proposed by General Counsel del Real have not been issued, nothing has been done to implement the anti-discrimination law."

"It is outrageous that President Reagan who professes to lead a pro-life administration allows a Carter holdover to remain in his administration when he says of infanticide, which is baby murder, that the Department ought to have 'greater flexibility... to adjust to unanticipated circumstances.'", said Mrs. Brown.

"That is comprmise with murder and is totally unacceptable from any administration let alone a Pro-Life Reagan Administration", Mrs. Brown concluded.

-30-

Editors Please Note: Enclosed are proof copies of the article from February A.L.L. About Issues. A copy of the entire del Real memo is available on request from 202/546-5550.



Mrs. Heckler's First Test: Response to Infanticide?

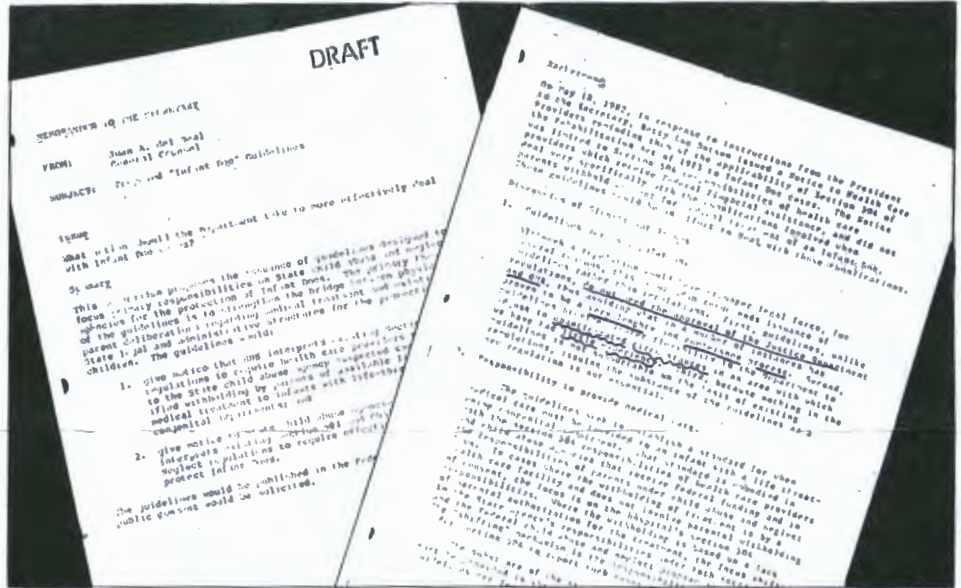
The general counsel of DHHS proposes that state agencies, not the Justice Department, should pursue cases like Infant Doe.

Reproduced here are the actual pages of a memorandum written for Richard S. Schweiker, Secretary of the Department of Health and Human Services, by Juan A. del Real, general counsel for the department on the subject of infanticide and federal regulation. We realize that this memorandum is difficult to read, and thus we quote the following pertinent paragraph from its second page:

"Guidelines versus regulation."

"Although a regulation would have stronger legal force, for several reasons, this memorandum recommends issuance of guidelines rather than regulations. First, guidelines, unlike regulations, do not need approval of the Justice Department and OMB, thus avoiding what in a number of instances has proven to be a very lengthy and cumbersome process. Second, guidelines provide greater flexibility to the Department to adjust to unanticipated circumstances in an area with which we have had little experience. Third, because nothing in the guidelines is not supportable on the basis of existing regulations, issuing the substance of the guidelines as a new regulation is not essential."

Please note that the general counsel for DHHS does not desire involvement of the Justice Department and OMB because of so-called "lengthy and cumbersome" processes.



Remember! It was the Justice Department that intervened in the Robinson, Illinois, baby case last May and made it possible for the baby to be moved to a better facility, treated and subsequently adopted.

Question: Why would the counsel of DHHS not want Justice involved? Because he wants to drag his feet? Because he really does not want to become involved with infanticide cases? And, if not, why not?

Also note his use of the phrase "unanticipated circumstances"—what can that possibly mean when one is dealing with the taking of the life of a child already born? What possible circumstances can result in a complaint regarding this murder of little babies that would not require the immediate action of the DHHS officials as well as those of any other department of the federal government?

American Life Lobby president Mrs. Judie Brown brought this entire memorandum to the attention of President Ronald Reagan at a White House meeting January 21. She also brought

this memorandum to the attention of Secretary Designate Margaret Heckler (DHHS) and requested that the President as well as Mrs. Heckler look into this matter of the memorandum on the subject of infanticide and try to determine why this curious language is being used in a memorandum that deals with the taking of the life of a newborn infant.

Mrs. Heckler, when first approached on this matter, and later in the presence of the President and Vice President Bush commented that the memorandum, in form, probably became public without the knowledge of General Counsel del Real. Mrs. Brown requested that the entire matter be investigated anyway, as the memorandum was in direct conflict with the philosophy of President Reagan and his position on the protection which each and every human life must receive.

Will Mrs. Heckler be asked questions about this memorandum at her confirmation hearings in February?

Will she, once officially installed as secretary of DHHS, move to correct the language of this memorandum which suggests that DHHS has no interest in acting swiftly when complaints regarding possible infanticide are filed with her department?

Finally, on January 24, Mrs. Judie Brown sent the following telegram to U.S. Attorney General William French Smith and present Secretary of DHHS Richard S. Schweiker:

"The *Detroit Free Press*, Jan. 21, 1983, reports that there has been an attempt to withhold treatment of a handicapped newborn at Lansing General Hospital, Lansing, Michigan.

"Please consider this an official request for an investigation by your Civil Rights Division for violation of this baby's civil rights under Section 504 of the Rehabilitation Act and other applicable statutes."

Action for A.L.L. Readers:

American Life Lobby urges the readers of this item, as well as those with whom this item is

shared, to write at once to the President and to congressmen and senators alike, in order to make certain that any reported case of possible infanticide is acted upon at once by the various departments of the government, and further, that the del Real memorandum as printed above, be studied and corrected so that the public can be totally assured of the DHHS's complete willingness to do everything possible, in conjunction with Justice and OMB, to act on every single complaint of possible infanticide reported to the various departments.

President Ronald Reagan
1600 Pennsylvania Ave.
Washington, DC 20500

Congressman _____
U.S. House Office Bldg.
Washington, DC 20515

Senator _____
U.S. Senate Office Bldg.
Washington, DC 20510

We intend, at American Life Lobby, to track this question of infanticide and pursue every available action known to us in order to assure the total protection of the rights of all children born and preborn.

Support These Regs— They Defund the PP Lobby

Office of Management and Budget (OMB) has proposed in the Jan. 24, 1983, *Federal Register* (pages 3348-3351) changes in the OMB Circular A122 which will limit the direct and indirect support of lobbying and other advocacy activities by federal grantees and contractors such as Planned Parenthood Federation of America and its affiliates.

It is extremely important that all pro-life people support adoption of these proposed regulations. For further detailed information, including the entire proposed changes, printed in the *Federal Register*, send a self-addressed, stamped envelope to: American Life Lobby, PO Box 490, Stafford, VA 22554.

We will in turn send you our complete action alert on this subject. **Time is of the essence—act now!**



You'll laugh until you cry.
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TRAGEDY OF ABORTION.
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THROW-AWAY SOCIETY
... BUT THIS IS RIDICULOUS!"

by Dick
Hafer



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dick hafer
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9530 ELVIS LANE, LANHAM, MD. 20706

author of...

"YOU'RE NOT
SUPPOSED TO
GET MUGGED
BY YOUR
OWN ARMY"

"WHERE WERE
YOU DURING
THE COUP?"

"THE MONSTER
THAT EATS
BUSINESS."

NO. WDS.—CL. OF SVC.	PD. OR COLL.	CASH NO.	CHARGE TO THE ACCOUNT OF	THIS MESSAGE WILL BE SENT AS A TELEGRAM UNLESS IT IS OTHERWISE INDICATED.	PRESS DPR NPR	OVER NIGHT TELEGRAM

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TELEGRAM

May 25, 1983

John S. Herrington
Assistant to the President and
Director, Presidential Personnel
The White House
Washington, D.C. 20500

Press reports indicate Morris B. Abram of New York is under consideration for nomination by the President to the U.S. Civil Rights Commission.

The American Life Lobby vigorously opposes Morris Abram for nomination by President Reagan because he chaired the President's (Carter) Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research which publicly opposed (N.Y. Times March 13, 1983) The "Baby Doe" anti-infanticide regulations that President Reagan personally endorsed in his March 8, 1983 Orlando, Florida speech.

Abram also opposed legislative efforts to protect handicapped newborns in a June 16, 1982 article in the Wall Street Journal.

Opposition to protections for handicapped newborn babies should not be rewarded with a nomination by a "Pro-Life" President.

Do not nominate or recess appoint Morris Abram.

Judie Brown, President
American Life Lobby
6 Library Court, S.E.
Washington, D.C. 20003
202/546-5550

Medicine, Morality and Life and Death

By MORRIS B. ABRAM

The Indiana Supreme Court recently allowed parents to decide to forgo surgery essential for the life of their Down's syndrome newborn. The infant died, principally from starvation. This incident raised starkly the question of when and on whose say it is right to withdraw medical treatment. The "Bloomington baby" died as lawyers boarded a plane for Washington to seek a federal stay of the Indiana Supreme Court's decision.

The moral question in the case cannot be buried with the child; it will recur increasingly as medical science and technology extend the potential for preserving the life of extremely ill patients.

In the Bloomington case, public response to the decision to forgo treatment has been overwhelmingly negative because of the widespread feeling that a Down's syndrome defect is not a sufficient basis for withholding care. The case is perceived as a big step down the "slippery slope," an instance of parents and courts playing God by rejecting life deemed not of sufficient "quality."

The quality of life is an elusive concept. Whose quality, that of patient or those who take care of him, or of the society that frequently foots the bill?

I have come to question whether a Down's syndrome person — who feels, tastes and bestows and seeks affection — enjoys life less than some who are burdened by cares and worries. Surely the parents of an otherwise healthy Down's child would be guilty of a crime were they intentionally to kill him.

But how much medical intervention is morally required or justified in those cases where survival depends on medical techniques unknown to the previous generation?

The therapy of severely ill newborns is a marvel of medical technology; a 1.5-pound baby can sometimes be saved today by heroic means and at huge cost. At the other end of life, some terminally ill people are inappropriately in intensive-care units, which artificially breathe for them, or feed them or excrete wastes while prolonging suffering. It has been said that some 15% of America's huge health bill is spent on the last year of life. Much of this money is spent appropriately. But some of it reflects the increasing ability of medical technology to stave off death after the meaning of

further life for the patient has become questionable.

The moral dilemmas in the nursery and geriatric units arise in other hospital wards as well. Karen Ann Quinlan, removed from a respirator by the concurrent decision of parents, clergy and the New Jersey courts, is — years later — alive but irreversibly unconscious. It was thought that Miss Quinlan might die when cut off from artificial respiration. One may ponder whether it is morally different to deny her the protection of antibiotics or artificial feeding.

Since Miss Quinlan's "quality of life" certainly offers her less satisfaction than does that of a Down's syndrome child and the burden of maintaining her is greater, how can we reconcile the withdrawal of support from the Bloomington boy and the long-term care of the unconscious New Jersey woman? These are but samples of

the cases and circumstances with which the President's Commission is wrestling as it prepares its report on the ethical principles involved in decisions to forgo medical treatment. The report is expected to be completed by the end of this year.

Few dogmatic positions withstand rigorous examination. Two come close: respect for personal autonomy as expressed in the wishes of a competent patient, and the duty of health-care professionals to heal and relieve suffering. But these principles are sometimes ambiguous or in conflict. Death by nature's hand before the age of medical miracles relieved us of some moral choices that now grow more perplexing in cases where the patient is incompetent by reason of age or condition.

Yet decisions to omit treatment are made daily, usually near the bedside by the medical team, the family, clergy and, in some hospitals, ethics committees. Few such decisions are contested or brought into court because they are probably as morally correct as humans can accomplish.

These decisions respond to the tensions of the competing demands on the physician to sustain life and to relieve suffering; the family's preference for life but aversion to pain; and the fear and trembling of all — fear of the ambiguities of the situation and trembling at the awesome finality of the judgment.

While I recognize some decisions on forgoing treatment must and will end up in the courts, I am opposed to general legislation on the subject or taking these questions routinely to judges for these reasons:

First, decisions taken as they are now may be as good or better than those handed down by courts.

Second, decisions at bedside conferences do not constitute judicial precedents tying the hands of future decision-makers and are not invested by state authority with an imprimatur of public policy.

I would be loath to see decisions to forgo treatment made by the book-statutory laws interpreted by reported cases and refined by rules and regulations. A complex society must have its statutes and rule makers, but I hope we shall be spared batteries of lawyers in intensive-care units flipping through loose-leaf books to determine what is permissible. It is better to have the present system by which those most closely involved decide what seems to be right, despite all the shortcomings of such an approach.

Mr. Abram, an attorney, is chairman of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research.

THE WALL STREET JOURNAL

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Telephone (212) 233-2000

JUNE 16, 1982

Alert

Once again we
are pitted against
the family planners,
the population
controllers - Planned
Parenthood et al.

This time,
however, we have
a good start
but we need
your help.

Regulations
like those proposed
are paraded as
being "good" and
"better than
nothing" - but
they can and
must be
strengthened.

Parents, please -
let Secretary
Schweiker know
how you feel.

Jedie Brown

FAMILY PLANNING REGS

2-18-82

American Life Lobby P.O. Box 10000, Arlington VA 22254

703 659-4193

FAMILY PLANNING REGULATIONS

Riddled with problems

The Department of Health and Human Services has "floated" suggested regulations which are, as of this writing, still with the White House - Cabinet Council on Human Resources - waiting for promulgation through the Federal Register. Once these regulations are published, the public will have sixty days to comment directly to the Department.

However, American Life Lobby is already working with the Administration and elsewhere because we do not like the tone of what we have learned is contained in these regs (regulations).

Allow me to summarize:

- 
- 1) The regulations as proposed will require that in providing prescription drugs and devices to a child 17 or younger, the family planning center would, within ten (working) days, provide notification to the child's parents. An exemption to the notification requirement is provided if the director of the family planning clinic determines that the notification would have adverse physical health consequences for the minor.
 - 2) The regulations require family planning centers to obey state laws that provide for parental consent for family planning services to minors (Utah has such a law)

The proposed rule does not:

- 1) apply to any other family planning service other than prescription drugs and devices
- 2) require parental consent to the child receiving prescription drugs and devices (unless the requirement is already a part of state law). It only requires after the fact notification, and then only with the exemption noted above.
- 3) The treatment of children with prescription

drugs for the treatment of Venereal Disease is not covered under this regulation.

In light of these facts with regard to the proposed regulations that, by the way, no one with whom we have spoken has seen (!), we sent the following message to Secretary Schweiker and others in cooperation with several other groups:

"The Cabinet Council on Human Resources has under consideration changes in Department of Health and Human Services regulations concerning family planning services, particularly with respect to services to minor children (unemancipated teenagers).

"As reported in the press, notification of parents after a prescription has been given to a minor child is useless. It does not allow parents to exercise their parental rights and responsibilities.

- "1) It is much more important that the regulations address the question of using federal funds to counsel (in favor of) or refer minors for abortions. The new regulations should restrict taxpayer funds only to those organizations which refuse to provide counseling or "education" and referral of minors for abortion without prior written parental consent.
- "2) The new regulations should prohibit prescriptions for or distribution of free samples of birth control materials to minors without prior written consent of the parents.
- "3) The new regulations should require written parental consent before sex education is given to any minor child. "

The above message was sent in telegram form to President Reagan, Secretary Schweiker, Edwin Meese and James Baker.

Further, American Life Lobby is subsequently communicated with each member of the Cabinet Council on Human Resources, and we have been in constant touch with those directly related to these proposed regs. We have, in addition, requested time for Dr. James H. Ford of our National Advisory Board to testify before the hearings on these Regulations which Congressman Henry Waxman (D-CA) scheduled for February 9, 1982.

We were not, however, asked to testify, at which point the following press release was issued at the hearings, and distributed to all those in attendance:

PRESS RELEASE TEXT - 2/9/82

Mrs. Judie Brown, President of American Life Lobby Inc, the largest grass roots pro-life, pro-family organization in the United States, said today that Congressman Henry Waxman's refusal of her organization's timely request, by both telegram and letter, to testify on Title X Family Planning regulations has turned the hearings into a "...Kangaroo Court, staged solely to create a pro-abortion media event."

Congressman Henry Waxman, Chairman of the House Subcommittee on Health and the Environment, has stacked the deck, according to Mrs. Brown. "Waxman has made sure that only those sharing his pro-abortion point of view are heard. The only outgroups scheduled to testify are the American College

of Obstetrics and Gynecology whose members make a great deal of money from performing abortions on patients from the Title X program. This is a conflict of interest and should be recognized as such. If testimony from a group with a vested, monetary interest is allowed, the opposing testimony should also be heard.

"The American Life Lobby accepts no federal funds," said Mrs. Brown, "and we represent millions of Americans who don't want their Federal tax dollars used to refer minor children to abortionists without prior parental consent. This is happening now. We know it and Congressman Waxman knows it, but he doesn't want the American public to know it."

Mrs. Brown stated that Congressman Waxman is trying to avoid dealing with the revelations of massive mismanagement, waste and abuse in the Title X program. "Congressman Waxman and his committee have oversight responsibility for the Title X program, but for eight months they have ignored GAO Report 81-68 which identified more than six areas of waste, with a conservative estimate that over \$40 million annually is being wasted."

END OF RELEASE

During the hearings, excellent testimony was given by Secretary Richard S. Schweiker on the damaging effects of the pill and the IUD on minor children. Our office is publishing excerpts of this testimony, and will have the entire text available (see page four.)

Further, Senator Jeremiah Denton testified, eloquently, on the reasons why the government should not be in the bedrooms of young people, which Congressman Waxman defends simply by accusing those of us who desire stronger regulations to be the ones who are trying to invade the bedrooms of young people between the ages of 12 and 17.

A.L.L. has sent, on behalf of our entire membership, telegrams of gratitude to Secretary Schweiker and Senator Denton for testimony which we feel was both necessary and timely.

We cannot, however, allow these regulations to be promulgated without placing our strong objections right up front. The scenario is being painted in such a way that the average adolescent, who discovers that she needs to notify her parents if she obtains a prescription, will certainly be told by the "loving and caring" (??) family planning counselor, that abortion without any parental notice of any kind is always an option.

Why? Because, as you all know, the ultimate goal of our opponents is population control at any price. And one of the main targets of family planners has always been the youth of our nation; tearing down their moral underpinnings, inviting them to any sort of sexual activity imagined, and thus practically destroying their every sense of self respect, is a very easy way of turning out an entire generation of Americans who will have no respect for the unborn, the elderly, themselves or anyone else.

Result: moral decay and weakening of the family - ultimately
minus zero population growth.

Secretary Schweiker's Department has given us a signal in these regulations, a point from which we must work to attain the strongest regulation legally and morally possible. It is our responsibility to let him know exactly what

we want the government to do and what we simply feel as parents we cannot tolerate.

With this update you will find a copy of a letter written to Secretary Schweiker by one of the most prestigious pro-life medical associations in America today - the CALIFORNIA PRO LIFE MEDICAL ASSOCIATION.

Please, review this material and their letter, and then begin a letter writing campaign in your own community in order to inform Secretary Schweiker about your own concerns with regard to federal involvement in the sexuality of your children.

SECRETARY RICHARD S. SCHWEIKER
DEPARTMENT OF HEALTH AND HUMAN SERVICES
HHH Building; 200 Independence Avenue SW
Washington, DC 20201

RE: Proposed Family Planning Regulations
Title X

Available for your files on this subject, American Life Lobby has compiled an excellent briefing packet which we will send to you for the low cost of only \$7.50. This packet includes:

- 1) History of Title X and Section 1008 prepared by Douglas Badger of the Christian Action Council
- 2) Title X and the Minnesota experience (written by Donna Steichen)
- 3) RICHARD S. SCHWEIKER'S testimony of February 9, 1982
- 4) Senator Jeremiah Denton's testimony of February 9, 1982
- 5) amicus curiae (friend of the Court) brief filed in October, 1980 by DHHS in the case of Valley Family Planning v. the State of North Dakota (the family planners won this case with the help of DHHS)

TOTAL: over 75 pages for \$7.50 - Complete with index and cover.

In order to understand exactly what we are up against in our efforts to remove the federal government from the wholesale corruption of our children, it is wise to be fully informed and able to argue effectively on the question of government involvement. The above packet will make you an expert.

Every single pro-life and pro-family group should have at least one person, lawyer or physician or parent, totally knowledgeable about the material presented in the packet. \$7.50 per group is not much to pay for briefing material like this.

WRITE YOUR LETTERS TO SCHWEIKER - PRAY FOR THE DELIVERANCE OF OUR CHILDREN FROM THE CLUTCHES OF THE TAX PAYER FUNDED FAMILY PLANNING ADVOCATES.

GOD BLESS YOU!





Please Note:

CALIFORNIA PRO LIFE MEDICAL ASSOCIATION



Executive Director
Albert Lorincz, M.D.
Obstetrics/Gynecology
Los Gatos

President
Nancy T. Mullan, M.D.
Psychiatry
Burbank

Vice-President
Frank Hyatt, M.D.
Family Practice
San Jose

Vice-President
Sheila Berner, M.D.
Internal Medicine
Van Nuys

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Richard Watson, M.D.
San Francisco
Harry Weiss, M.D.
Vista

Honorable Richard Schweiker
Cabinet Council on Human Resources
DHHS RM 615F
200 Independence Ave., S.W.
Washington, D.C. 20201

February 2, 1982

Dear Chairman Schweiker:

We witness the massive exploitation of teenage women in California due to the intense directed counseling for abortion from so-called "family planning" agencies. Young, uninformed, scared girls are being sent for surgical procedures without informed consent or parental consent. The subsequent physical and psychological price is awesome.

We urge you to take immediate action to withhold federal funds from any agency which does not require parental notification/consent or written informed consent prior to the performance of abortion or prior to the distribution of prescription medicines.

In fact, our very best advice is that the federal government get out of the family planning, sex education, abortion promotion business. Our experience with agencies that receive "family planning" money from the government is that they are interested in profiteering and population control. Our minority communities in Los Angeles and San Diego, especially, are attacking family planning as genocidal, a charge that can be readily substantiated by the overwhelming presence of abortion mills/family planning operations located in minority communities.

We depend upon you to exercise your authority with justice for all young women, including the exploited young and the minority women, and the unborn woman.

Sincerely,

Nancy T. Mullan, M.D.
Nancy T. Mullan, M.D.
President

NTM:jd

THE REPUBLICAN STUDY COMMITTEE

UNITED STATES HOUSE OF REPRESENTATIVES

433 HOUSE OFFICE BUILDING

WASHINGTON, D.C. 20515

202/225-0587

October 28, 1982

MEMORANDUM

To: Ed Meese

From: Dick Dingman

RE: REFORM OF FAMILY PLANNING PROGRAM

The White House should know that the conservative movement -- in and out of Congress -- places very high priority on the administrative overhaul of the federal family planning program (Title X).

Specific needs are:

AS OF 9/7/83
NOT DONE (A) Reform of Title X's blatantly proabortion regulations (to exclude abortion-related services, and thereby reconfirm the regulations to the original 1970 law). (See attached memo for details).

DONE (B) Restructuring of the HHS bureaucracy (to bring the Office of Family Planning [OFP] under the Deputy Assistant Secretary for Population Affairs [DASPA], away from the Bureau of Community Health Services [BCHS]. (Note: the GAO recommended this last year)

NOT DONE (C) Filling of the vacancy of Director of BCHS -- and other positions in OFP and BCHS -- with prolife candidates who support the President's philosophy.

Note: All these reforms can be achieved administratively. No new legislation is required.

The White House should know that the Senate oversight Committee (Sen. Hatch's Labor and Human Resources Committee, and Sen. Denton's Aging, Family and Human Services Subcommittee) intends to push hard on this issue. There is even discussion of turning loose the investigations unit of Sen. Hatch's committee on the family planning program.

I have heard that prolife groups are so exasperated by the current state of affairs that they are planning legal action.

Clearly; hostile Senate oversight hearings, and legal action against the Administration by the President's own prolife movement would embarrass the Administration. I would therefore urge the White House to meet with conservative leaders in the near future, to plan an agenda for reform.

AMERICAN LIFE LOBBY INC.

NATIONAL HEADQUARTERS: MAILING ADDRESS: P.O. BOX 490, STAFFORD, VA 22554
OFFICES: ROUTE #6, BOX 162-F, STAFFORD, VA 22554
(703) 659-4171 METRO DC 690-2049

GOVERNMENT LIAISON OFFICE 6B LIBRARY COURT SE (CAPITOL HILL) WASHINGTON, DC 20003 • (202) 546-5550

November 19, 1982

Honorable Richard S. Schweiker
Secretary
Department of Health and Human Services
200 Independence Ave., S.W.
Washington, D. C. 20201

AS OF 3/7/83 NO
SUBSTANTIVE RESPONSE

Dear Mr. Secretary:

On June 19, 1981, seventeen months ago, the Government Accounting Office issued Report HRD 81-68 entitled "Family Planning Clinics Can Provide Services At Less Cost But Clearer Federal Policies Are Needed" that was critical of the Title X Public Health Service Act family planning program.

The American Life Lobby based on this GAO Report has estimated that \$48 million in waste and abuse in this program could be saved if action were taken as recommended by GAO.

To date nothing has been done by your Department to "clean up the act" of the Title X program. For example John H. Kelso, then acting Administrator of the Health Services Administration, submitted a report to the House Appropriations Committee responding to the criticisms of GAO Report 81-68 and to that Committee's Report 97-251 which on page 17 called on DHHS to make "any recommendations it can make to improve the operations of the program relative to the issues raised in the General Accounting Office Report."

The DHHS report by John Kelso said DHHS is "closely monitoring...", "guidelines are currently under revision...", "regional office staff will conduct random program review..." is bureaucratic gobbledygook. I pointed this out in my testimony to the House Appropriations Subcommittee on April 28, 1982 nine months after GAO Report HRD 81-68 was released.

It is now exactly seventeen months since the GAO Report and HHS has done nothing. No change in guidelines to reflect anything contained in the GAO Report; no new regulations have even been proposed let alone been promulgated.

Unfortunately I must conclude that HHS is sweeping this whole question of waste and abuse totaling as much as \$48 million dollars under the rug.

Now another GAO Report HRD 82-106 dated September 24, 1982 has been issued which is critical of the lobbying and abortion related services carried

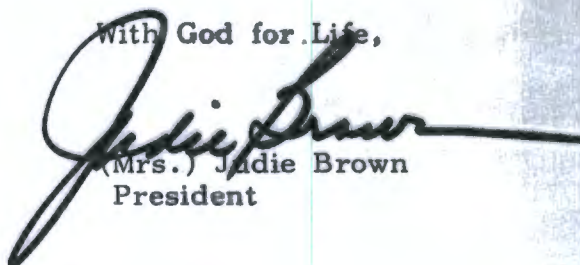


out by grantees of this program.

In light of the inaction of your Department concerning the first GAO Report and now with a second critical report I call on you to personally involve yourself in order that the mess in the Title X program gets cleaned up immediately.

Anything short of your personal involvement will signify your acquiescence in what amounts to a bureaucratic cover-up of millions of dollars of waste and abuse.

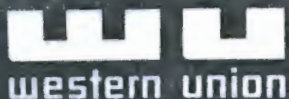
With God for Life,



(Mrs.) Jadie Brown
President

cc: Senator Orrin Hatch
Senator Jeremiah Denton
Senator Harrison (Jack) Schmitt
Congressman William Natcher
Congressman Henry Waxman
Congressman John Dingell

JB/sm



Telegram

NO. WDS.—CL. OF SVC.	PD. OR COLL.	CASH NO.	CHARGE TO THE ACCOUNT OF	THIS MESSAGE WILL BE SENT AS A TELEGRAM UNLESS IT IS OTHERWISE INDICATED.	PRESS DPR NPR	OVER NIGHT TELEGRAM

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TELEGRAM

January 11, 1983

Honorable David A. Stockman
Director
OMB
252 Old Executive Office Building
Washington, D. C. 20503

OMB now has under review proposed changes in regulations for the Title X (Public Health Service Act) family planning programs.

For a pro-life, pro-family Administration the proposed changes are totally inadequate because they perpetuate the intrusion of a Federal program into the family relationship by inserting the government between parent and child.

After the fact notification of parents that minor children have been given perscription drugs or devices is only the appearance of reform. Prior parental consent is required for school trips and for ear piercing, it must be required before a government program gives pre-scription drugs to minor children.

Furthermore, the proposed regulations do not address any of the criticisms of the Title X program contained in GAO Reports HRD 81-68 and HRD 82-106 nor has OMB rectified the inconsistency in its own circulars A-21 and A-122 concerning the use of Federal grant funds for dues to lobbying organizations cited in GAO Report HRD 82-106.

AS OF
3/7/83
DHHS
STILL HAS
DONE NOTHING

It has been almost 20 months since the first GAO Report. Now is the time for OMB to make DHHS clean up the mess in the Title X program.

(Mrs.) Judie Brown
President
American Life Lobby Inc.
6 Library Court S.E.
Washington, D. C. 20003

AMERICAN LIFE LOBBY INC.

NATIONAL HEADQUARTERS: MAILING ADDRESS: P.O. BOX 490, STAFFORD, VA 22554
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PRESS RELEASE

September 27, 1982
For Immediate Release

Judie Brown, President of American Life Lobby, today reacted to the release of a GAO Report critical of the Federal family planning program.

Mrs. Brown said, "It is obvious from the GAO Report on the family planning program released today and the GAO Report, (HRD 31-68) released in June 1981 that reported an estimated \$48 million in annual waste and abuse in this program, that the Department of Health and Human Services has totally neglected the monitoring and/or management of this program.

We find it outrageous that the Department has done nothing by way of management or change in regulations to stop the waste and abuse of \$48 million per year in this program and it is even more outrageous that Congress has not changed one comma of the law authorizing this program nor reduced its funding to eliminate an annual waste of \$48 million in taxpayers' money.

Just remember it was this Title X Public Health Service Act program that paid for the 'National Condom Week' fiasco in Washington, D. C. in April 1982.

We call for a reduction of the FY 1983 appropriation for this program by \$48 million and a full scale Congressional oversight hearing by the relevant Congressional committees."

- 30 -



A.L.L. "... for God, for Life, for the Family, for the Nation"

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ALERT.....ALERT.....ALERT.....ALERT.....

HOUSE VOTES TO STOP FETAL RESEARCH SENATE TO ACT NEXT

H.R. 6457 a bill to revise and extend the authorization for the National Institutes of Health (NIH) passed the House of Representatives on September 30, 1982 it included a Dannemeyer/Siljander amendment to prohibit use of NIH funds for fetal experimentation (see pgs. 6-10 of the September A.L.L. About Issues). The amendment passed by a vote of 260-140 (see enclosed Roll Call to see how your Congressman voted). A "yea" vote was in favor of prohibiting fetal research with your tax dollars.

NIH spends almost \$4 billion for medical research of all kinds each year.

The pro-abortion lobby, the big drug companies, segments of organized medicine and many universities will now begin working overtime to stop this prohibition in the Senate. This prohibition is vital because the Director of the National Institutes of Health was reported by the Washington Post to be "...in favor of considering Federal funding of test tube baby research in humans."

The Senate will take up a similar bill S2311 possibly during the lame duck (i.e. after the election) session of Congress. This bill does not have a prohibition on fetal experimentation.

You must write, wire and telephone both your Senators now and ask them to vote to add an amendment to S2311 to prohibit fetal research. Many Senators will be back in their home states from approximately October 8 until election day - make an appointment and go see them and ask them to vote for such a prohibition. Take the A.L.L. About Issues article with you to give to your Senators.

Call the A.L.L. Washington Office (202) 546-5550 for the address and phone number of your Senators' nearest state office.

Your Senators' address in Washington is:

Honorable _____
United States Senate
Washington, D. C. 20510

The U.S. Capitol Switchboard telephone number is (202) 224-3121 then ask for your Senators by name.



A.L.L. "... for God, for Life, for the Family, for the Nation"

Existing law prevents research on fetuses unless the risk to the fetus is minimal, and the purpose of the activity is the development of important biomedical knowledge which cannot be obtained by other means. A fetus may not be used as a subject for research unless the risk to the fetus is minimal.

The present law says that no fetus ex utero may be involved in a Federally funded research activity unless the fetus has been determined not to be viable. We do not need this amendment. We should fear the results of this amendment because of its potentially damaging impact on very important, worthwhile research.

Do not let your emotions sway you. Look at the proposal. It is poorly drafted. It is not worthy of your support, and it will do a great deal of harm.

Mr. Chairman, I urge a no vote on the Dannemeyer amendment and a no vote on the Broyhill substitute.

The CHAIRMAN. All time has expired.

The question is on the amendments offered en bloc by the gentleman from California (Mr. DANNEMEYER) to the text of the bill, H.R. 6457, and to the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. BROYHILL).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 140, not voting 32, as follows:

(Roll No. 382)

AYES—260

Albosta	Corcoran	Fields
Anderson	Coughlin	Fish
Andrews	Courter	Fithian
Annunzio	Coyne, James	Flippo
Applegate	Coyne, William	Foglietta
Archer	Craig	Foley
Ashbrook	Crane, Daniel	Fountain
Atkinson	Crane, Philip	Frost
Badham	D'Amours	Fuqua
Bailey (MO)	Daniel, R. W.	Gaydos
Bailey (PA)	Dannemeyer	Gephardt
Barnard	Daub	Gingrich
Benedict	Davis	Goldwater
Bennett	de la Garza	Goodling
Bereuter	Deckard	Gore
Bethune	Derrick	Gradison
Bevill	Derwinski	Gramm
Biaggi	Dickinson	Gregg
Bliley	Dingell	Grisham
Boggs	Donnelly	Gunderson
Boland	Dorgan	Hagedorn
Boner	Dornan	Hall, Ralph
Bonior	Dougherty	Hall, Sam
Bonker	Dowdy	Hammerichmidt
Bouquard	Dreier	Hanoe
Breaux	Duncan	Hansen (ID)
Broomfield	Dyson	Hansen (UT)
Brown (CO)	Eckart	Hartnett
Broyhill	Edwards (AL)	Heckler
Burgener	Emerson	Hefner
Byron	Emery	Hendon
Campbell	English	Hertel
Carney	Erdahl	Hightower
Chapple	Erlenborn	Hiler
Cheney	Evans (DE)	Hills
Clausen	Evans (GA)	Holt
Coats	Evans (IN)	Hopkins
Coleman	Fary	Horton
Conte	Fiedler	Hubbard

Huckaby	Mollinari	Shaw
Hunter	Montgomery	Shebby
Hutto	Moore	Shumway
Hyde	Moorhead	Shuster
Ireland	Morrison	Siljander
Jeffries	Mottl	Skeen
Jenkins	Murphy	Skelton
Johnston	Murtha	Smith (AL)
Kasen	Myers	Smith (NE)
Kemp	Napier	Smith (NJ)
Kildee	Natcher	Smith (OR)
Kindness	Neal	Smith (PA)
Kramer	Neilligan	Snyder
Lagomarsino	Nelson	Solomon
Latta	Nichols	Spence
Leach	O'Brien	St Germain
Leath	Oskar	Stangeland
LeBoutillier	Oberstar	Stanton
Lee	Oxley	Staton
Lent	Parris	Stenholm
Lewis	Pashayan	Stratton
Livingston	Patman	Stump
Loeffler	Paul	Tauke
Lott	Perkins	Tauzin
Lowery (CA)	Petri	Taylor
Lujan	Porter	Thomas
Lukens	Price	Traxler
Lungren	Quillen	Trible
Madigan	Regula	Vento
Markey	Rhodes	Volkmer
Marlenee	Rinaldo	Walgren
Marriott	Ritter	Walker
Martin (NC)	Roberts (KS)	Watkins
Martin (NY)	Roberts (SD)	Weber (MN)
Mavroules	Robinson	White
Mazouzi	Roe	Whitley
McClary	Roemer	Whitten
McCollum	Rogers	Williams (OH)
McCurdy	Rostenkowski	Winn
McDade	Roth	Wolf
McDonald	Rousselot	Wortley
McEwen	Rudd	Wylie
McGrath	Russo	Yatron
Michel	Santini	Young (AK)
Miller (OH)	Sawyer	Young (MO)
Minish	Schulze	Zablocki
Mitchell (NY)	Sensenbrenner	Zerfetti
Moakley	Sharp	

NOES—140

Ginn	Panetta
Glickman	Patterson
Gonzalez	Pease
Gray	Pepper
Green	Peyser
Guarini	Pickle
Hamilton	Pritchard
Harkin	Pursell
Hatcher	Rahall
Hawkins	Rangel
Heftel	Ratchford
Holland	Reuss
Hollenbeck	Rodino
Howard	Rose
Hoyer	Rosenthal
Hughes	Roukema
Jacobs	Roybal
Jeffords	Sabo
Jones (NC)	Scheuer
Jones (OK)	Schneider
Jones (TN)	Schroeder
Kastenmeier	Schumer
Kennelly	Selberling
Kogovsek	Shamansky
LaFalce	Shannon
Lantos	Simon
Lehman	Smith (IA)
Leland	Snowe
Levitae	Solarz
Long (LA)	Stark
Long (MD)	Stokes
Lowry (WA)	Studds
Lundine	Swift
Marks	Synar
Martin (IL)	Udall
Martinez	Washington
Matsui	Waxman
McHugh	Weaver
McKinney	Weber (OH)
Mica	Whittaker
Mikulski	Williams (MT)
Miller (CA)	Wilson
Mineta	Wirth
Mitchell (MD)	Wolpe
Mollohan	Wyden
Novak	Yates
Ottlinger	

NOT VOTING—32

Aspin	Coelho	Moffett
Bafalis	Collins (TX)	Obey
Beard	Daniel, Dan	Railsback
Blanchard	Edwards (OK)	Savage
Bolling	Ertel	Vander Jagt
Brodhead	Fascell	Wampler
Brown (OH)	Forsythe	Weiss
Burton, John	Garcia	Whitehurst
Carman	Hall (OH)	Wright
Chappell	Mattox	Young (FL)
Chisholm	McCloskey	

Messrs. YOUNG of Alaska, SHARP, FITHIAN, BOLAND, BONKER, ROSENKOWSKI, and WALGREN changed their votes from "no" to "aye."



AMERICAN LIFE LOBBY INC.

EXECUTIVE OFFICES: 6B LIBRARY COURT SE (CAPITOL HILL) • WASHINGTON, DC 20003 • 202-546-5550

EDUCATION OFFICE: P.O. BOX 490 • STAFFORD, VIRGINIA 22554 • 703-659-4193 OR METRO DC #690-2049

April 26, 1982

Mr. Morton Blackwell
Special Assistant to
the President
191 Old Executive Office Bldg.
Washington, D. C. 20500

Dear Morton:

For your information I thought you ought to have a copy of the enclosed letter that almost 40 pro-life leaders have sent to Senator Jesse Helms urging quick action on S2148.

We understand that your meeting on April 26, 1982 is not to discuss the Helms/Hatch controversy but rather what incremental steps the Administration can take to get the federal government out of the abortion payment, referral, advocacy and promotion business.

With God for Life,

(Mrs.) Judie Brown
President

JB/sm

April 19, 1982

Honorable Jesse Helms
4213 Dirksen Office Building
Washington, D. C. 20510

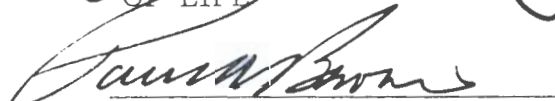
Dear Senator Helms:

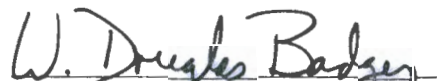
We the undersigned pro-life leaders urge immediate action on the strongest possible version of S2148 so that as President Reagan said in his recent letter to pro-life leaders: "...we will not miss this long delayed opportunity."

We hope that action can be taken prior to May 15th when the budget battle begins and we pledge our total support to your efforts.

God Bless you.

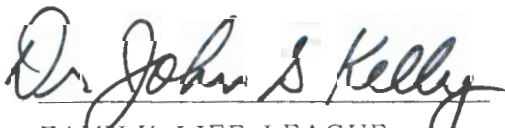
 
AD HOC COMMITTEE IN DEFENSE OF LIFE FAMILY LIFE LEAGUE


LAPAC

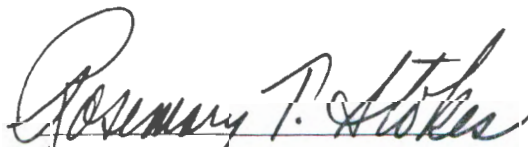

CHRISTIAN ACTION COUNCIL

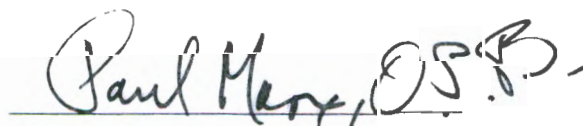

PRO LIFE ACTION LEAGUE


AMERICAN LIFE LOBBY INC


FAMILY LIFE LEAGUE

s/Howard Phillips (per phone conversation)
CONSERVATIVE CAUCUS


CITIZENS AGAINST PLANNED
PARENTHOOD


HUMAN LIFE INTERNATIONAL

Edwin P. Elliott, Jr.

s/Mrs. Yvonne Abercrombie
(per phone conversation)
ALABAMA CITIZENS CONCERNED
FOR LIFE

REFORMATION EDUCATIONAL FOUNDATION

s/Mrs. Jane Muldoon
(per phone conversation)
MICHIGAN RIGHT TO LIFE

s/Dr. Joseph Stanton
(per phone conversation)

s/Ann O'Donnell, R.N.
(per phone conversation)
MISSOURI CITIZENS FOR LIFE
BOARD MEMBER

s/Dr. Ron Godwin
VICE-PRESIDENT
MORAL MAJORITY
(per phone conversation)

s/Mrs. Charlotte Goodwin
(per phone conversation)
NEW MEXICO RIGHT TO LIFE

s/Mrs. Marianne Rea-Luthin
(per phone conversation)
PRESIDENT
MASSACHUSETTS CITIZENS FOR LIFE

s/Mrs. Anna Sullivan
(per phone conversation)
RHODE ISLAND RIGHT TO LIFE

s/Mr. Murray Norris
(per phone conversation)
CHRISTIAN FAMILY RENEWAL

s/Helen DeWitt, R.N.
(per phone conversation)
KANSAS RIGHT TO LIFE

s/Thea Rossi Barron, Esq.
RIGHT TO LIFE CRUSADE
(per phone conversation)

Madeleine Appleby

Mrs. Madeleine Appleby
(per phone conversation)
NEW HAMPSHIRE VOTERS FOR LIFE

Osga Fairfax, Ph.D.

UNITED METHODISTS FOR LIFE

s/Ms. Pam Cira
(per phone conversation)
PRESIDENT
FEMINISTS FOR LIFE OF AMERICA

s/Ms. Eileen Dawson
(per phone conversation)
SOUTH CAROLINA CITIZENS FOR LIFE

s/Dr. Eugene F. Diamond, M.D.
(per phone conversation)
WORLD FEDERATION OF DOCTORS
WHO RESPECTS LIFE

s/Mr. Stan Shelley
(per phone conversation)
BLUE RIDGE (NC)
CHRISTIAN ACTION COUNCIL

s/Dr. Bentin K. Partin, II
(per phone conversation)
COLUMBUS (NC)
CHRISTIAN ACTION COUNCIL

s/Mr. Ed McAteer
(per phone conversation)
ROUND TABLE
ISSUES & ANSWERS

s/Dr. Adrian Rogers
(per phone conversation)
PASTOR
BELLEVILLE BAPTIST CHURCH
MEMPHIS, TENNESSEE
(Immediate past president of
Southern Baptist Convention)

s/Edward C. Smith
(per phone conversation)
ASSISTANT PROFESSOR
AMERICAN UNIVERSITY

s/J. A. Parker
(per phone conversation)
PRESIDENT
LINCOLN INSTITUTE
(for i.d. purposes only)

s/Mrs. Margaret Hotze
(per phone conversation)
EDITOR
LIFE ADVOCATE
Houston, Texas

s/Joseph W. MacPherson, Esq.
MARYLAND RIGHT TO LIFE
(per phone conversation)

s/Paul Haring
CATHOLIC TRUTH SOCIETY OF
AMERICA
(per phone conversation)

s/Nancy T. Mullan, M.D.
PRESIDENT
CALIFORNIA PRO-LIFE MEDICAL
ASSOCIATION
(per phone conversation)

s/Most Rev. Leo A. Pursley, D.D.
(per phone conversation)
Retired Bishop of Fort Wayne-South
Bend, Indiana

THE WHITE HOUSE
WASHINGTON

April 5, 1982

Dear Jesse:

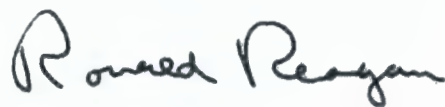
In recent years, sentiment has increased in the Congress to enact legislation that would restore protection of the law to children before birth. It may be possible for the 97th Congress to take that important step. I write simply to express my own hope that we will not miss this long delayed opportunity.

A few weeks back I said that, "We must, with calmness and resolve, help the vast majority of our fellow Americans understand that the more than one-and-one-half million abortions performed in America in 1980 amount to a great moral evil and assault on the sacredness of life." Whether or not our fellow citizens will understand the duty we owe to future citizens depends largely on what action the Congress takes.

I know that on this issue, sad to say, as on many others of great importance, there are sharp differences of opinions as to which action is the best one. Naturally, I hope that these differences will be resolved in favor of the common goal.

But most important, it seems to me, is that the Congress consider one or more of the proposals in the near future. And I want you to know that you have not only my best wishes but also my prayers for success.

Sincerely,

A handwritten signature in dark ink, reading "Ronald Reagan". The signature is written in a cursive, flowing style with a large initial "R".

The Honorable Jesse A. Helms
United States Senate
Washington, D.C. 20510

"Let us go on to maturity."

Hebrews 6:1



New Covenant Church

4161 Maize Road
Columbus, Ohio 43224
(614) 262-3347

Eldon R. Wilson, Pastor
Home Phone: 892-2335
David Sellers, Assistant Pastor

April 13, 1982

Mr. Morton C. Blackwell
Special Assistant to the President
The White House
Washington, D.C.

Dear Mr. Blackwell:

I want to thank you for your honest and patriotic letter of March 29th.

We fully agree that we don't want the government having anything to do with education. I might also add here that I am in full 100% favor of President Reagan doing away with the Department of Education.

I also hope and pray we'll be able to fully convince the State that their guidelines for accreditation is no good and that they will leave church-schools alone. It's a proven fact that graduates of public schools come out of accredited State schools with less than a seventh grade reading level. For this reason, I do not feel they have a right to set accreditation standards. We are writing our Senators and Representatives about this also.

Thank you again for your stand on this issue. May God bless your efforts to keep government out of the Church.

Sincerely,

A handwritten signature in dark ink, reading "David Sellers". The signature is fluid and cursive, with a large, sweeping initial "D".

David Sellers

DFS/km

AMERICAN LIFE LOBBY INC.

NATIONAL HEADQUARTERS: MAILING ADDRESS: P.O. BOX 490, STAFFORD, VA 22554
OFFICES: ROUTE #6, BOX 162-F, STAFFORD, VA 22554
(703) 659-4171 METRO DC 680-2049

GOVERNMENT LIAISON OFFICE: 6B LIBRARY COURT SE (CAPITOL HILL) WASHINGTON, DC 20003 • (202) 546-5550

ACTION ALERT UPDATE....ACTION ALERT UPDATE....September 9, 1982

SENATE VOTES: YES 41 TO NO 47 -- FILIBUSTER CONTINUES

The United States Senate this afternoon voted not to cut off the pro-abortion filibuster against the Helms Modified Super Bill Amendment (see text enclosed) to the Debt Limit Increase Bill (H.J. Res. 520). Check the enclosed Roll Call vote to see how your Senators voted. REMEMBER: BECAUSE WE NEED 60 VOTES, AN ABSENCE IS EQUAL TO A "NO" VOTE!

FIRST CLOTURE VOTE LOSS EXPECTED:

Because we knew several Senators would be out of Washington, and because we knew some Senators never vote for cloture the first time, we expected that we would not get 60 votes on the first attempt to shut off the filibuster.

The second cloture petition will be filed today and another vote to cut off the pro-abortion filibuster will occur on Monday, September 13th!* Again, we must get 60 votes to stop the filibuster.

ACTION NEEDED NOW!

You must call and send mailgrams (no time for letters) to your Senators and urge them to vote for cloture on September 13th and on a subsequent day (if we fail on the 13th, we have one more opportunity).* Everyone must do this now!

We must convince 19 Senators to join the 41 who voted for cloture today so that we can stop the filibuster and vote on the merits of the Helms amendment (Modified Superbill). The filibuster prevents a vote on the merits of the Senator Helms' amendment. Here are some quotes from several Senators who voted to keep the filibuster going; Senators who have in the past said they did not believe a filibuster should prevent the Senate from voting on the merits of any issue:

Senator John Glenn (D-Ohio) "...I do not believe in filibusters, and feel the U.S. Senate should not use the filibuster as a means of avoiding the issue whatever that issue might be. My record since coming to the Senate will show that I have voted for cloture on every occasion."

Senator Lawton Chiles (D-Florida) "I do not feel we should use the process of a filibuster as a means of preventing a vote from ever being taken. At some point in any debate there should and must be a vote if we are to have majority rule."

Senator S. I. Hayakawa (R-California) "I agree that no minority group should have the right to arbitrarily block Senate action indefinitely and the cloture rule was adopted to prevent that from happening."



A.L.L. "... for God, for Life, for the Family, for the Nation"

Senator Robert C. Byrd (D-West VA) "The Senate must be permitted to work in an orderly fashion and not allow one or two members to abuse the Rule, making the Senate a spectacle for the nation."

Senator Dale Bumpers (D-Ark.) "In the past, I have voted for cloture every time I have had the opportunity. I believe that arguments surrounding an issue should be aired, considered carefully, and then decided one way or the other."

CONTACT YOUR SENATORS NOW!! DON'T PUT IT OFF!!

THEY MUST BE PRESENT AND VOTE "YES" TO SHUT OFF THE FILIBUSTER.
BE SURE TO URGE THEM TO VOTE FOR THE HELMS AMENDMENT AFTER THE
FILIBUSTER IS ENDED.

-----TEAR HERE-----

To: Government Liason Office
American Life Lobby Inc.
Attn.: Gary L. Curran
6 Library Court SE
Washington, DC 20003

CALL GARY:
202/546-5550

/or/

I contacted my Senators: _____ (yes/no)

Senator _____ will/will not support cloture

Senator _____ will/will not support cloture

Senator _____ will/will not support Helms Amendment

Senator _____ will/will not support Helms Amendment

The next time there is an alert, Gary, you can call me and I will respond at once with information.

Name

Address

City, State, Zip

Phone

Note: If you are already a member of the American Life Lobby State Advisory Committee, we have all of the above info; simply sign the document and return.

*Date subject to change and additional votes expected.

The PRESIDING OFFICER. The Senator from Oregon has the floor and has yielded to the Senator from Montana.

Mr. PACKWOOD. What was the request of the Senator from North Carolina? I did not hear it.

Mr. HELMS. I wish to insert a Dear Colleague letter in the Record to appear following the presentation of the Senator from Montana.

Mr. PACKWOOD. I have no objection.

Mr. HELMS. Mr. President, in connection with the pending business, I ask unanimous consent to insert a Dear Colleague letter signed by the distinguished Senator from Alabama (Mr. DENTON) and myself and have it printed in the Record, along with an explanation of amendment No. 2038.

The PRESIDING OFFICER. At the conclusion of the remarks of the Senator from Montana?

Mr. HELMS. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Senator from Montana and the Senator from Oregon.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. SENATE,

Washington, D.C., September 7, 1982.

DEAR COLLEAGUE: On August 18 Amendment No. 2038 to the debt ceiling bill, H.J. Res. 520, was called up. This amendment is an amendment in the second degree and deals with abortion. A copy is enclosed. We want to take this opportunity to explain briefly its purposes.

The amendment accomplishes three basic goals. First, it makes permanent law the Hyde Amendment limitations on federal funding of abortion. It also extends this defunding principle so as to remove the federal government from the abortion business.

Second, the amendment gives broad protection against discrimination to medical personnel, working in institutions receiving federal funds, who have conscientious objections to abortion. In this regard, it expands the protection previously afforded in the Health Services Extension Act of 1973 and the Nurse Training Amendments of 1979.

Third, the amendment lays a congressional basis for state anti-abortion laws and provides for an orderly reconsideration of *Roe v. Wade* by the Supreme Court. In its findings, it expresses a congressional understanding of the Constitution and the right to life different from that articulated by the *Roe* majority. Further, it contains a provision for expedited Supreme Court review of any state statutes based on the findings. In this way, the Supreme Court itself will be assured an early opportunity to reconsider the *Roe* decision.

Enclosed is a more detailed explanation of the provisions of the abortion amendment. If you have questions concerning it, please contact us or our staffs.

Sincerely,

JESSE HELMS,
U.S. Senator.

JEREMIAH DENTON,
U.S. Senator.

EXPLANATION OF AMENDMENT No. 2038 ON ABORTION TO HOUSE JOINT RESOLUTION 520

I. SECTIONS 202 THROUGH 205

Sections 202 and 203 basically make permanent law the Hyde Amendment funding limitations which in the past have been enacted piecemeal as riders to various appropriation bills. After enactment of this measure, such riders will not be necessary. Unless specific appropriations for abortion are made in the future, there will be no need for Congress to go through the annual Hyde Amendment battles on appropriations bills. This has obvious merit for the more efficient conduct of Senate business. The language in section 203 stopping federal funding of abortion referrals is a logical extension of Hyde and is based on the power of Congress to control the use of appropriated funds.

Section 204 extends the Hyde Amendment defunding principle to teaching abortion techniques, financing research on abortion, and financing experiments on aborted children. This provision will not prohibit use of federal funds to teach techniques that, while they can be used for abortion, are also generally used for non-abortion procedures. The ban here is on using tax money to teach the techniques of abortion or teaching procedures which can only be used to perform abortions. Likewise, the research language bans funding of research about how to perform abortions. It does not stop federal funding for compiling purely demographic data about abortions. Also, the language on experimentation prohibits federal funding for experiments on live babies after abortions but before death. Ordinary pathological and similar procedures are not within the scope of this language.

Section 205 is based on the so-called Ashbrook Amendment prohibiting the government from paying for abortions through employees' health insurance plans. Although not current law, it has passed the House and is generally in effect as a result of administrative action by the Office of Personnel Management.

II. SECTION 206

Section 206 affords medical personnel working in institutions receiving federal funds protection against discrimination on account of their objections to abortion. This is a freedom-of-conscience provision. It has antecedents in the Health Services Extension Act of 1973 and the Nurse Training Amendments of 1979.

III. SECTIONS 201, 207, AND 208

Section 201 lays a congressional basis for state anti-abortion laws, and section 207 sets out the appellate procedure leading to an orderly reconsideration of *Roe v. Wade* by the Supreme Court. Taken together, these provisions assure that the Court itself will have an early opportunity to reconsider its much criticized decision in *Roe*. They do not constitute a reversal of the Court's order in *Roe*, but they do express a congressional understanding of the Constitution and the right to life different from that articulated by the *Roe* majority.

Some critics have suggested that even if *Roe v. Wade* was wrongly decided and ought to be overruled, Congress must always act in conformity with Supreme Court precedents until the Court itself chooses to overrule them. But the Subcommittee on Separation of Powers disagreed with this position and in its Report on S. 158 stated as follows:

"This criticism rests on a profound misapprehension of the doctrine of judicial review espoused in *Marbury v. Madison* 5 U.S. (1

Cranch) 137 (1803). Under *Marbury*, the Supreme Court, presented with a proper case, must rule in accordance with its own interpretation of the Constitution rather than with a contrary congressional interpretation, because the Justices have taken an oath to uphold the Constitution. As Chief Justice Marshall stated in *Marbury*, automatic judicial deference to a legislative interpretation of the Constitution would constitute an implicit violation of the Justices' oath of office; the Justices would thereby "close their eyes on the constitution, and see only the law." 5 U.S. (Cranch) at 178. It does not follow, however, that once the Court has interpreted a provision of the Constitution members of Congress must automatically defer to the judicial interpretation. Indeed, members of Congress take the same oath that the Justices take to uphold the Constitution. Confronted with a proposed law that is consistent with his own honest construction of the Constitution and with his view of sound policy, but that conflicts with what he regards as an erroneous Supreme Court decision, a member of Congress has at least the right and perhaps the duty to vote for the bill. To do otherwise would be to close his eyes on the Constitution and see only the case. Through its power to issue judgments that are binding on the parties to litigation, the Supreme Court will as a practical matter generally have the final word in any dispute over constitutional interpretation. But this does not preclude the possibility of a responsible dialogue between Congress and the Court." (pp. 21-22; see also remarks of Senator Helms concerning "Separation of Powers," CONGRESSIONAL RECORD, August 18, 1982, S10739; and see generally Report on S. 158, Subcommittee on Separation of Powers of the Senate Judiciary Committee, December 1981.)

Section 207 provides for appeal as of right to the Supreme Court from lower court orders involving statutes based on this amendment. In addition, award of attorneys' fees under federal law is specifically prohibited in cases involving this bill in order to carry out the purpose of ending federal financial support in securing abortions.

Section 208 assures severability of this amendment in the event of some partial judicial invalidation.

ROLL CALL - September 9, 1982

YEAS - 41

Abdnor	Domenici	Helms	Nunn	Zorinsky
Armstrong	Durenburger	Huddleston	Pell	
Baker	Eagleton	Humphrey	Pressler	
Biden	East	Jepsen	Proxmire	
Boschwitz	Exon	Johnston	Quayle	
Cochran	Ford	Kasten	Randolph	
D'Amato	Garn	Lugar	Roth	
Danforth	Grassley	Mattingly	Sasser	
Deconcini	Hawkins	Murkowski	Symms	
Denton	Heflin	Nickles	Thurmond	

NAYS

Andrews	Chafee	Heinz	Mitchell	Stafford
Baucus	Chiles	Hollings	Moynihan	Stennis
Bentsen	Cohen	Inouye	Packwood	Stevens
Boren	Cranston	Jackson	Percy	Tower
Bradley	Dixon	Kennedy	Pryor	Tsongas
Brady	Dodd	Leahy	Riegle	Warner
Bumpers	Glenn	Levin	Rudman	Weicker
Burdick	Gorton	Long	Sarbanes	
Byrd, Harry F.	Hart	Mathias	Simpson	
Byrd, Robert C.	Hayakawa	Metzenbaum	Specter	

NOT VOTING - 12

Cannon	Hatfield	McClure
Dole	Kassebaum	Melcher
Goldwater	Laxalt	Schmitt
Hatch	Matsunaga	Wallop

LAW OFFICES

BARNETT & ALAGIA

1627 K STREET, N.W.
WASHINGTON, D.C. 20006
(202) 785-0500
CABLE ALBAR
TELEX 89-2445

file
ALL

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JACKSON, MISSISSIPPI

MARION EDWYN HARRISON
PARTNER

February 18, 1982

Mrs. Judith A. Brown
President
American Life Lobby, Inc.
6B Library Court, S.E.
Washington, D.C. 20003

Confidential
MB

Re: American Life Lobby, Inc.
Analysis of Legislation

Dear Judy:

American Life Lobby, Inc. ("ALL") requests our comment with respect to the general subject of pending and proposed prolife legislation.

ALL invites attention to, among other documents, Bob Sassone's undated 21-page memorandum, apparently prepared in or about July 1981; your letter of October 5, 1981 to Professor Robert Byrne, Fordham University Law School; the letter of Dennis J. Horan, Esquire, on behalf of Americans United For Life, AUL Legal Defense Fund, September 28, 1981; and various memoranda, newspaper clippings and other sources, including, but not limited to, sundry issues of A.L.L. ABOUT ISSUES. Of course, We also have read pertinent congressional testimony, judicial opinions and other sources. From time to time ALL sends, or by other means we gain access to, additional material -- for example, Free Congress Foundation's innovative A BLUEPRINT FOR JUDICIAL REFORM. Inasmuch as that flow may continue indefinitely, we do not further await developments before responding.

Mrs. Judith A. Brown
February 18, 1982
Page two

Both orally and in writing ALL requests a very broad and inclusive, but not necessarily detailed or legally annotated, analysis. This letter seeks to fulfill that request.

1. Proposed Prolife Statutes

From time to time legislators have introduced bills in the Congress proposing prolife statutes. The language varies. Each is advocated upon some facet of the general rationale that by legislation Congress can implement the Fifth and Fourteenth Amendments - that is, a statute may flesh out the skeleton by defining the constitutionally undefined, to wit, the Fifth and Fourteenth Amendment constitutionally undefined noun "person".

With both imagination and scholarship Professor Joseph P. Witherspoon, Maxey Professor of Law, University of Texas, and Stephen H. Galebach, Esquire, a Washington private practitioner, have evolved somewhat similar rationale.

In my judgment the statutory approach would not achieve the desired result.

In the first place, there is a practical disability. A federal statute essentially would define a constitutional right. Ultimately it would define a federal crime; and/or would create a federal cause of action; and/or would allow a private cause of action cognizable under federal law.

Assuming the availability of votes on the Hill and signature by the President, as perhaps is possible (inasmuch as only a majority of those voting in each House would be required for passage), one still must address the result.

The practical result might be a statute of limited applicability. Much abortion would fall outside its sweep. The judiciary might be expected to be reluctant in attempting to assert jurisdiction under a somewhat novel statutory concept in a subject matter which historically speaks more to state than federal law.

Mrs. Judith A. Brown
February 18, 1982
Page three

• However, the infirmities of implementing such a statute never may be reached. The statute would be justified upon the ground it implemented the Fifth and Fourteenth Amendments. Essentially the statute would manifest a congressional finding of fact. A bare declaration by a statute that, impliedly as a matter of fact, a fetus is a person does not obligate the judiciary to so define the noun "person". It is argued that a prolife statute effectively would reverse, or at least render nugatory, the decision of the Supreme Court in Roe v. Wade, 410 US 113 (1973), and progeny. This is not inevitable. That the majority rationale in Roe v. Wade is questionable does not automatically support a novel statutory interpretation designed to extend the definition of a rather established constitutional noun.

Stated another way, a statute designed to implement a provision of the Constitution, absent other infirmities, ordinarily is held constitutional but a statute designed essentially as a fact-finding statute is subject to stricter judicial review and, hence, to the risk of judicial nullification. A Washington practitioner, Charles E. M. Kolb, Esquire, addresses these, and other, infirmities in the proposed prolife statutes quite well, and probably rather presciently, in 67 ABA Journal 1123 (September 1981), photocopy attached.

Accordingly, we cannot view an effort toward enactment of a prolife statute as fully meaningful.

You understand, of course, our comment has nothing to do with the integrity of those who espouse a statute, whether as an interim solution or as a permanent solution to the problem of abortion upon demand. It is difficult to pry into one's motives but I believe most, if not all, of the proponents of a statute so propose in good faith. Certainly the Galebach and Witherspoon arguments are strongly reasoned. Professor Charles E. Rice, University of Notre Dame, also endorses the statutory approach.

2. Proposed Judicial Curtailment Statutes

Under date of June 20, 1980, we discuss the constitutionality of statutes which would limit judicial review as to subject matter.

Mrs. Judith A. Brown
February 18, 1982
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Our concern herein, therefore, is practical. We expressed concern more than a year ago as to the existence of the necessary votes. We now more assuredly doubt the votes exist, or in the foreseeable future would exist, to enact such a statute. Recent history of busing, prayer and abortion riders tends to confirm this deficiency. In addition, the bar - and probably informed public opinion generally - is trepidous about legislative attempts to curb judicial jurisdiction as to constitutional questions. Limitation of judicial incursion is more apt to be successful by a combination of (1) statutes of limited and precise applicability and (2) appointment of greater numbers of "strict constructionist" or judicial nonactivist judges.

3. States Rights Amendment

Senator Orrin G. Hatch, a majority of the Roman Catholic hierarchy and others presently are committed to a proposed states rights amendment ("Hatch"), the argument for which is said to be the possibility of enactment and ratification contrasted with the asserted impossibility of enactment and ratification of a fullblown prolife amendment -- usually denominated the Human Life Amendment ("HLA").

Ordinarily I opt for the maximum legislation capable of enactment -- the old half-a-loaf approach. It does no good to sacrifice a large goal upon a small altar.

However, in this instance I believe the chance of ratification is not particularly good; the chance of broadly based, and effective, federal and state legislation in implementation of Hatch is even weaker; and a judicial imprimatur is not wholly assured.

As with the statutes, the motives of the sponsors should not be questioned.

While I agree with those scholars who contend the Hatch approach would reverse the rule in Roe v. Wade and its companion case, Doe v. Bolton, to eliminate a right is one step, in itself not necessarily achieving anything concrete, while to create a

Mrs. Judith A. Brown
February 18, 1982
Page five

duty is a far more difficult step. If there were no constitutional right to an abortion upon demand, regardless of trimester, it would not follow that there were an obligation upon the states to prohibit abortions upon demand. Indeed, the thrust of Hatch, and part of its perceived political viability in the Congress, lies in the fact it per se would require nothing affirmative but simply would reverse or abnegate a judicially created constitutional right.

As long as a significant number of states of the Union by legislation permit abortion upon demand, abortion on demand effectively will exist for all the population save the poorest and most immobile. Even the latter category would continue to obtain abortions upon demand in those states allowing them to do so.

Further, there is risk -- perhaps probability -- that the statutory norm in those states legislating against abortion would be rather minimal, creating ultimately an inter-legislative common denominator.

As the Yankelovich poll in the November 1981 number of LIFE, photocopy attached, reports, there is a strong and powerful drive on the part of a significant portion of that part of the population directly affected, notwithstanding inhibitions including feelings of guilt, to obtain abortions under diverse circumstances. Hence, allowing for some measure of error in the poll, the results of the poll, of other polls and of contemporary experience compel the conclusion that there would be a great number of abortions upon demand were there to be various states of the Union permitting people to obtain them. The history of divorce is illustrative. Abortion upon demand, like divorce, seeks its own level of feasibility, and as water flows generally to the lowest level of receptivity, so abortion upon demand would gravitate to jurisdictions of permissibility.

That Hatch would reduce the number of adjudicated cases presently extending abortion rights would have minimal effect in most states in reducing the number of abortions upon demand unless state legislatures legislated vigorously and restrictively, as some undoubtedly would do while others would not -- a continual flux, as state laws and political climates change from time to time.

Mrs. Judith A. Brown
February 18, 1982
Page six

While the possible forms which state and federal legislation implementing Hatch might take may appear almost unlimited, in effect the result would be a nationwide churning of abortion legislation, probably ultimately resulting in many nonrestrictive jurisdictions, in continued political discord and in a substantial continuance of the present practices. It is not realistic to assume that Congress would superimpose a federal statute implementing Hatch in those many states which refused to implement Hatch by state statute. Except in the area of minority rights, where crucial voter blocks are spread in many electoral districts, our political history does not presage such congressional legislation.

Thus, my concern with Hatch primarily is pragmatic. The effort would involve Congress, the fifty states and the District of Columbia; the churning would be ongoing; political fratricide would be the norm; the practical result would be both limited and changing, a variable hodgepodge of small certainties and large uncertainties.

4. Human Life Amendment

The HLA is the ideal solution. However, it is recognized universally that the votes do not exist for approval in the Congress or for ratification in the state legislatures. Hence, the HLA must remain the ultimate objective, while yielding transiently to a means within the realm of more imminent possibility.

Because the final wording of the HLA likely has not been written, I take the liberty of attaching my own draft, which, if perhaps short of the ideal language, in my judgment more nearly approaches that objective.

5. Temporary Means

In considering the foregoing series of Hobson's choices, I tend toward the view that the statutory approach probably would be most beneficial for the short term.

, BARNETT & ALAGIA

Mrs. Judith A. Brown
February 18, 1982
Page seven

More significantly, I would enjoin upon all persons influential in the prolife movement the essentiality of unity of approach. Without unity, there will be no means, however transient, significantly to reduce the engulfing slaughter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marion Edwyn Harrison". The signature is fluid and cursive, with a long horizontal stroke at the end.

MARION EDWYN HARRISON

Enc
MEH:jb

*File American Life
Lobby*

Sat Nov 7

October 26, 1981

10:30 AM

Dear Mrs. Brown:

This is with reference to your invitation to the President to address the "GRASSROOTS PRO-LIFE EDUCATION CONFERENCE -- UNITY 1981," to be held November 5-8 at the Sheraton National Hotel in Arlington, Virginia.

We are very sorry that we have not contacted you earlier to explain that, in view of the developments in the President's schedule for early November, he will be unable to address this important meeting. He is pleased, however, that Mr. Morton Blackwell of his staff has accepted an invitation to appear before the conference.

With his regret that he must have me tell you he cannot be with you, the President has asked that I express his appreciation for your thoughtfulness in offering him this opportunity and that I convey to you his very best wishes.

Sincerely,

Gregory J. Newell
Special Assistant
to the President

Mrs. Judie Brown
President
American Life Lobby, Inc.
6B Library Court, S.E.
Washington, D.C. 20003

cc: Diana Lozano for Mrs. Dole
Edwin W. Thomas for Mr. Meese
Max Friedersdorf
✓ Morton Blackwell