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THE WHITE HOUSE

WASHINGTON

January 16, 1976

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

PHIL BUCHEN
JIM CANNON

FROM:

JIM CONNOR 138

SUBJECT:

Abortion

The President reviewed your memorandum of January 15 on the above subject and approved Statement 1 as amended:

"As President I am bound by my oath of office to uphold the law of the land as interpreted by the Supreme Court in its 1973 decisions on abortion. In those decisions the Court ruled 7-2 that States could not interfere with a woman's decision to have an abortion the first three months.

As a matter of personal philosophy, however, my belief is that a remedy should be available in cases of serious illness or rape. Personally I do not favor abortion on demand.

I feel that abortion is a matter better decided at the State level. While House Minority Leader, I co-sponsored a proposed amendment to the Constitution to permit the individual States to enact legislation governing abortion."

Please follow-up with appropriate action.

cc: Dick Cheney

THE WHITE HOUSE
WASHINGTON

note -

the language of
Michigan
the referendum should
be attached at Tab A.

Bucher's recommendation
has been added.

THE WHITE HOUSE

WASHINGTON

January 15, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: PHIL BUCHEN
JIM CANNON

SUBJECT: Abortion

This memorandum is to request your decision on a statement on your policy on abortion.

BACKGROUND

You have not made any public statements on abortion in public since becoming President.

Jerry terHorst on September 5, 1974, attributed the following position to you:

- (1) You favored an amendment that would let each State enact its own laws on the subject; and
- (2) Personally, you and Mrs. Ford believed in abortions for limited situations such as rape or illness but not on demand.

He pointed out that you opposed a 1972 Michigan referendum that would have permitted abortion on demand. (A copy of the language of the referendum and a letter you used on your position at that time are attached at Tab A.)

Anne Armstrong informed the press in September 1974 that in a meeting with representatives of major women's groups, you indicated your belief that abortion should be a matter left to the States.

Two months after the 1973 Supreme Court decisions on abortion, as House Minority Leader you co-sponsored a proposed amendment to the Constitution which would have permitted the States to enact abortion legislation (Attachment B).



These views and your support as House Minority Leader of a proposed Constitutional amendment are currently expressed in letters sent by the Correspondence unit in response to letters received on abortion (Attachment C).

During your Administration, the Secretaries of Defense and of HEW have taken action to ensure that departmental policy on abortion is consistent with the 1973 Supreme Court decisions on abortion. The White House has publicly expressed no view about these actions.

It should be noted that the First Lady has been quoted that she feels "very strongly that it was the best thing in the world when the Supreme Court voted to legalize abortion" (60 Minutes, August 10, 1975).

OPTIONS

Presented here for your decision are several statements which could be used as your position on abortion.

The first, which you requested, is the most explicit statement.

The other four options develop a position in less detail.

Statement #1

As President I am bound by my oath of office to uphold the law of the land as interpreted by the Supreme Court in its 1973 decisions on abortion. In those decisions the Court ruled 7-2 that States could not interfere with a woman's decision to have an abortion the first three months.

As a matter of personal philosophy, however, my belief is that a remedy should be available in cases of serious illness or rape. Personally I do not favor abortion on demand.

I feel that abortion is a matter better decided at the State level. While House Minority Leader, I co-sponsored a proposed amendment to the Constitution to permit the States to enact abortion legislation *governing abortion.* *individual*



Statement #2

(The difference between statements #1 and #2 is that #2 does not include the sentence "Personally, I do not favor abortion on demand.")

As President, I am bound by my oath of office to uphold the law of the land as interpreted by the Supreme Court in its 1973 decisions on abortion. In those decisions the Court ruled 7-2 that States could not interfere with a woman's decision to have an abortion during the first three months.

As a matter of personal philosophy, however, my belief is that a remedy should be available in cases of serious illness or rape. I feel that it is a matter better decided at the State level. While House Minority Leader, I co-sponsored a proposed amendment to the Constitution to permit the States to enact abortion legislation.

Statement #3

As President, I am bound by my oath of office to uphold the law of the land as interpreted by the Supreme Court in its 1973 decisions on abortion. In those decisions, the Court ruled 7-2 that States could not interfere with a woman's decision to have an abortion during the first three months.

As a matter of personal philosophy, my belief is that a remedy should be available in cases of serious illness or rape.

Statement #4

As President, I am bound by my oath of office to uphold the law of the land as interpreted by the Supreme Court in its 1973 decisions on abortion.

Statement #5

The Supreme Court in its 1973 decisions on abortion ruled that States could not interfere with a woman's decision to have an abortion during the first three months. As President, I am bound by my oath of office to uphold the law of the land.



While it was appropriate for me to support a proposed amendment to the Constitution while a member of the House of Representatives, it would be inappropriate for me to take a position on this as President.

RECOMMENDATIONS

Buchen: Recommend Statement No. 4. The Counsel's Office is not in favor of the other statements and, in particular, is concerned about Statement No. 5 on the grounds that it is unwise as a policy matter for a President to relinquish his right to take positions on proposed constitutional amendments.

Cannon: Recommend Statement #4.

DECISION

- Statement #1 ✓ APPROVE
- Statement #2 APPROVE
- Statement #3 APPROVE
- Statement #4 APPROVE
- Statement #5 APPROVE

as amended



A



1972 MICHIGAN REFERENDUM

The proposed law would allow a licensed medical or osteopathic physician to perform an abortion at the request of the patient, if (1) the period of gestation has not exceeded 20 weeks, and (2) if the procedure is performed in a licensed hospital or other facility approved by the Department of Public Health, should this proposed law be approved.

Congress of the United States
Office of the Minority Leader
House of Representatives
Washington, D.C. 20515

AB-2

ABORTION - VS

Revised 3/30/73

Margin 15

Dear :

Your of recent date concerning the Supreme Court decision on abortion has been received.

I agree with you and in the election in Michigan last fall I voted against the referendum calling for legalization of abortion. Several states had asked the U.S. Supreme Court to reconsider its decision, but unfortunately the Court denied the motion to reconsider its earlier ruling.

Therefore, I am cosponsoring a constitutional amendment which would allow each state to determine its own rules regarding the practice of abortion. This resolution, H.J.Res. 468, provides that "Nothing in this Constitution shall bar any State or territory or the District of Columbia, with regard to any area over which it has jurisdiction, from allowing, regulating, or prohibiting the practice of abortion."

I want to thank you for your views and comments, and hope with you that a wise and responsible revision in the current Court ruling will come about.

Kindest regards.

Sincerely,

Gerald R. Ford, M.C.

GRF:DM

Congress of the United States
Office of the Minority Leader
House of Representatives
Washington, D.C. 20515

AB-2

ABORTION

REVISED 3/6/73

Margin 15
(STOP CODE FOR CARD, TELEGRAM, LETTER AND CALL)

Dear :

Your of recent date concerning the Supreme Court decision on abortion has been received.

I agree with you and in the election in Michigan last fall voted against the referendum calling for legalization of abortion. Several states have asked the U.S. Supreme Court to reconsider its decision, but unfortunately the Court has denied the motion to reconsider its earlier ruling.

Representative Larry Hogan (Republican of Maryland) has introduced a Constitutional amendment to ban abortion. The House Committee on the Judiciary, which has jurisdiction over such matters, should hold hearings on this serious issue.

I want to thank you for your views and comments and assure you that I will be supporting efforts to bring about a wise and responsible revision in the current ruling.

Warmest personal regards.

Sincerely,

Gerald R. Ford, MC.

GRF:DM

Congress of the United States
Office of the Minority Leader
House of Representatives
Washington, D.C. 20515

Telephone Call 15

LETTER 7

Dear *TELEGRAM, 9*

Your letter of recent date concerning the Supreme Court decision on abortion has been received.

I wholeheartedly agree with your view. In the last election in November in Michigan, I voted against the referendum calling for the legalization of abortion. I hope and trust the Supreme Court will reconsider its decision or that some means may be found to revise it.

Representative Larry Hogan (Republican of Maryland) has introduced a Constitutional amendment to ban abortion. The House Committee on the Judiciary, which has jurisdiction over such matters, should hold hearings on this serious issue.

Thank you for giving me the benefit of your observations and recommendations.

Warmest personal regards.

Sincerely,

Gerald R. Ford, M.C.



B

93D CONGRESS
1ST SESSION

H. J. RES. 468

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 1973

Mr. WHITEHURST (for himself, Mr. ARCHER, Mr. BEVILL, Mr. BROYHILL of Virginia, Mr. BUTLER, Mr. DERWINSKI, Mr. GERALD R. FORD, Mr. HASTINGS, Mr. HUBER, Mr. HUNT, Mr. KETCHUM, Mr. MAZZOLI, Mr. PARRIS, Mr. SIKES, Mr. STEIGER of Arizona, Mr. WON PAT, and Mr. ZION) introduced the following joint resolution; which was referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States.

1 *Resolved by the Senate and House of Representatives of*
2 *the United States of America in Congress assembled (two-*
3 *thirds of each House concurring therein), That the follow-*
4 *ing article is proposed as an amendment to the Constitution*
5 *of the United States, to be valid only if ratified by the*
6 *legislatures of three-fourths of the several States within*
7 *seven years after the date of final passage of this joint res-*
8 *olution:*

"ARTICLE —

1
2 "SECTION 1. Nothing in this Constitution shall bar
3 any State or territory or the District of Columbia, with
4 regard to any area over which it has jurisdiction, from
5 allowing, regulating, or prohibiting the practice of abortion."

93RD CONGRESS
1ST SESSION

H. J. RES. 468

JOINT RESOLUTION

Proposing an amendment to the Constitution of
the United States.

By Mr. WITTENBERG, Mr. ARCHER, Mr. BEVELL,
Mr. BROYNUM of Virginia, Mr. BUTLER, Mr.
DEWINE, Mr. CLAYTON, Mr. FORD, Mr. HAST-
INGS, Mr. HERR, Mr. HENRY, Mr. KETCHUM,
Mr. MAZOUZ, Mr. PARRIS, Mr. STOKES, Mr.
Speaker of Arizona, Mr. WOOD, and Mr.
ZION

MARCH 28, 1973

Referred to the Committee on the Judiciary

c

Re: Abortion

THE WHITE HOUSE

WASHINGTON

, 1975

GEN
WE 3

Dear /s/

Thank you very much for your letter expressing your concern about the serious matter of abortion. As you may know, in 1973, as Minority Leader of the House of Representatives, I cosponsored an amendment to restore to the citizens of each State the power to regulate abortions.

Your letter tells me that you truly care about this problem. I share your concern. In the time ahead, I hope you will continue to maintain your high ideals and, by your personal example, inspire others to care as deeply as you do about the rights and lives of all people.

Sincerely,

(Rec. 4/3/75)

/s/

//////
//////
//////

cut - 4/3/75 - beo
margin - rba
proofed - mah/beo

GRF:AVH:RLE:PAT:

85

P-839

Re: Abortion

THE WHITE HOUSE

WASHINGTON

, 1975

Dear /s/

On behalf of President Ford I want to thank you very much for your letter expressing your concern about the serious matter of abortion. As you may know, in 1973, as Minority Leader of the House of Representatives, he cosponsored an amendment to restore to the citizens of each State the power to regulate abortions.

As he has said often, the President is determined to do his very best to serve the interests of all the American people. Toward this end he sincerely appreciates hearing from concerned citizens like you. He shares your deep concern for the rights and lives of all people.

Sincerely,

Roland L. Elliott
Director of Correspondence/s/
///
///cut 4/25/75 - ki
proofed mah/ki

cc: Anne Higgins

(Rec. 4/25/75)

RLE:AVH:MAF:/s/
RLE-70

P-40 (Revised)
Presidential Tape II
18 Lines

RESTRICTED USAGE

Re: Human Life Amendments to Constitution
(Con Abortion)

THE WHITE HOUSE
WASHINGTON

February 4, 1975

GEN
WE3

Dear /s/

Thank you very much for your letter on the proposed Human Life Amendments to the United States Constitution. I believe it would be desirable to amend the Constitution in order to change the 1973 Supreme Court decision on this matter.

As you may know, while Minority Leader of the House of Representatives, I co-sponsored an amendment which would restore to the citizens of each State the power to regulate abortions. I appreciate your taking the time to write me on this important subject.

Sincerely,

/s/
///
///

revised 2/3/75 - mvm
proofed mah/mvm

GRF:AVH:PAT:RLE:/s/

P-40
60

(recd 2/3/75)



January 17

THE WHITE HOUSE
WASHINGTON

Trudy:

The attached note was attached to a copy of "Thomas Paine: Common Sense and Other Political Writings" which we borrowed from Presidential Documents to show the President.

I thought since it was the President's handwriting, you would want to know what it concerned.

I returned the book to Room 02, EOB.

Thanks.

donna



THE WHITE HOUSE
WASHINGTON

Jack Marsh

Thanks

