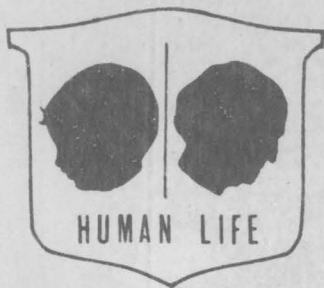


The original documents are located in Box 37, folder “Federal Funding of Abortions, 1977-1979” of the American Citizens Concerned for Life, Inc., Records at the Gerald R. Ford Presidential Library.

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HUMAN LIFE

1305 SPRING SEATTLE, WA: 98104 322-1525

NEWSLETTER

MARCH, 1979

CIRCULATION 32 000

The Uncertified Human



Abortions on Welfare: A Final Solution for the Poor?

by Pat Nixon

As the heated debate over federal and state payment for abortions on welfare continues, we must examine the claims of those who argue that Medicaid abortions "help" the poor and that denial of such "benefits" discriminates against low-income women. Paradoxically, information from two staunchly pro-abortion groups challenges these assumptions and raises serious questions about the motives of many who support government-funded welfare abortions.

Racial Bias

The 1978 issue of the Department of Health, Education and Welfare's annual **Abortion Surveillance** summary from the Center for Disease Control in Atlanta reports that in 1976 more than 33% of a million U.S. abortions were performed on blacks and other racial minorities, making the aggregate '76 legal abortion ratio for these individuals 530 abortions per 1,000 live births while the corresponding figure for whites was 289 per 1,000. Considering that a majority of these minority women are poor and that non-whites constitute only about 12% of the nation's total population, the enormous number of non-white children destroyed through government-subsidized abortions becomes tragically apparent.

In the 32 states plus the District of Columbia which list legal abortions by race, both Hawaii and the District report more than 55% of all abortions were on minority women in 1976. Indeed, Washington, D.C. had three abortions for every live birth, mainly among the capital's poor, black population. New York, New Jersey, North and South Carolina, Illinois, Georgia, Louisiana, Maryland and Virginia each show a legal abortion rate of over 35% for non-whites during the same year. The Department of

Health, Education and Welfare candidly admits that this shocking percentage continues to rise dramatically while the "number of abortions reported . . . was probably less than the number actually performed" during 1976 and currently.

Planned Parenthood Substantiates

Planned Parenthood, one of the nation's biggest operators of lucrative abortion clinics, substantiates official statistics on the increase in abortions among the poor and minorities. The organization's educational affiliate, The Alan Guttmacher Institute, in the publication **Family Planning Perspectives** for Oct. '78, reports a "steady upward trend" in legal abortion and estimates that of the 1.3 million reported abortions performed during 1977, rates were three times higher for non-white women, while Medicaid abortions per 1,000 patients were triple the non-Medicaid rate. Furthermore, 39% of non-whites had abortions compared with 23% of pregnant whites.

Yet, in spite of this staggering evidence of the destruction of U.S. racial minorities and the poor by means of government subsidized abortion, Planned Parenthood complains that almost 600,000 MORE "poor, rural, young and black women" NEEDED abortions in '77 than actually obtained them. And this in defiance of overwhelming evidence obtained by every poll and study on the subject, that morally the majority of poor and non-white women consistently reject abortion as an acceptable method of birth control!

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Minority Opposition

Dennis L. Cuddy, writing on this subject, notes that "black American leaders like the Reverend Jesse Jackson, whose mother had considered aborting him, and Dick Gregory have stated unequivocally that subsidies for abortion on demand are nothing more than a calculated program of 'Black genocide'. And this situation is not limited to Black Americans. Raoul Silva, President of the California Pro-Life Council has denounced Edmund (Jerry) Brown, Jr. for 'waging a war of genocide against Blacks, Latins, and Indians.' Describing the pregnancy counselling and abortion programs run by Los Angeles County, President Silva stated, 'They offer abortions to minority women who don't even ask ... and they get teenage girls to decide for abortion before they're even told that they're pregnant. That's how they play the genocide game in Los Angeles County.' (Nat'l Pro Life Journal, Vol. No. 4 p. 5)

Noted American Indian physician, Dr Constance Redbird Uri told members of a state legislature that so far as she could tell, the highest priority of the U.S. government in family planning for Indians is abortion and she blamed this on "deliberate genocide".

Of interest here is the fact that a statewide poll recently conducted at the University of North Carolina showed that "only 17% of those surveyed who had less than a high school education (presumably comparatively poorer) were for state funding of elective abortions, while 43% of those surveyed who had a college education (presumably comparatively richer) were in favor of such funding." (Cuddy, 6)

Some family planners argue that ignorance and stupidity prevent the poor from seeing the light about their need for abortion. But when one considers that abortion is the only provision for the poor for which funds

When one considers that abortion is the only provision for the poor for which funds never seem to run out, the evidence seems overwhelming that the poor know full well what is going on and while they may not be able to fight it, they can go on refusing to believe it. The 1978 Gallup Poll showed that opposition to abortion is stronger among Black Americans than it is among Catholics.

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Note: For a fuller treatment of this subject and related subjects, readers may wish to invest in *The National Pro Life Journal*, available from:

Pro Life Publications,
P.O. Box 172,
Fairfax, Va. USA
22030

This quarterly is \$3.00 a year, \$.75 per issue, (American) and the Fall '78 issue has several articles of interest on this subject. ☐

Pat Nixon is the U.S. correspondent for the HUMAN and works with Michigan Citizens For Life.

'I Resent Being Called The Abortionist'

New York TIMES
To the Editor:

United States Supreme Court Justice Byron White was quoted in a recent minority opinion regarding the Pennsylvania law dealing with the sustenance of an aborted fetus as describing a person who performs an abortion as "the abortionists."

As a physician who performs many type of gynecological surgery, including abortions, I resent being called the abortionist by anyone and find the term especially odious coming from a justice of our highest court. The term abortionist has a derogatory connotation--a relic of the past when elective abortions were performed in the "back alleys" by individuals who were not physicians.

Either Mr. Justice White is ignorant of proper medical terminology or he has allowed (either consciously or otherwise) his prejudices in this case to seep into what should be a responsible dissent.

Even giving him the benefit of the doubt, I believe he owes the medical profession an apology."

MARVIN A. ROSNER, MD, Chicago, January 22, 1979

New Jersey Right to Life Committee

105 Park Avenue, Iselin, New Jersey 08830

NEWS

TO: State Right to Life Directors
FROM: Chris Smith, Executive Director
RE: Media "Blitz" July 1977



If the right to life movement intends to balance the current barrage of pro-abortion propaganda in the media largely spurred on by the Medicaid controversy, its leaders must initiate a state by state media "blitz."

The immediate focus of the "blitz" should be on the recent U.S. Supreme Court decisions and on federal and state efforts to stop Medicaid funding of abortion.

Given the pro-abortionists' uncontested supremacy at playing up the "hard cases" so as to evoke pathos from a docile public, the right to life leadership has no choice but to counter the rampant allegations of its opposition. Failure to rise to this challenge and effectively utilize the media at this juncture could have the effect of solidifying public sentiment against "Hyde" type legislation and the human life amendment.

MEDIA TARGET: HYDE BILL VOTES

The Hyde bill is expected to emerge from the House/Senate Conference Committee during the week of July 11. Your state committee should prepare a press release either praising the action if it is favorable to right to life or criticizing it if we suffer a loss.

A sample release is enclosed for your information.

Also enclosed, please find a listing of Associated Press and United Press International outlets.

Find the AP and UPI listing for your state. Call them and ask for the state editor. Introduce yourself as the spokesman for the state right to life committee and tell him/her that you are available for comment whenever an abortion news item breaks. Also inform the state editor of the pending action in the House/Senate Conference Committee and tell him/her to expect a release from your committee following the action.

When something does happen on the national or state level, it is imperative that your press releases be hand delivered to AP and UPI. The resultant visibility of your comments in the next day's newspapers, and on radio and television news programs, will make the trip to the wire services exceedingly worthwhile.

Never count on any media calling you. It is your responsibility to get the opinions and statements of your committee's spokesman to them!!!!

One last item and this is a personal belief. It is my opinion that the right to life movement will effectively utilize the media only when its members pray to win the media. The power of prayer is infinite.

Abortion fight again snarls U.S. paychecks

WASHINGTON (AP)—Almost a quarter of a million federal employees aren't sure they'll get their full pre-Christmas paychecks, as Congress continues to grapple with an abortion issue that has tied up money for two of the government's largest agencies.

A temporary resolution under which the employees of the departments of Labor and Health, Education and Welfare (HEW) had been paid expired at midnight yesterday. It was passed early in November to ensure that payrolls were met while the debate continued on when the federal government should pay for poor women's abortions.

Unless the abortion disagreement is settled or a new interim measure is passed by next Thursday, about 240,000 federal employees, including workers in 10 smaller agencies, will get one week's pay instead of two in checks scheduled to go out Dec. 13, a Senate staff aide said.

The abortion issue is tied to the \$60.2-billion appropriation for the two departments because HEW oversees Medicaid and other programs through which the government last year paid about \$50 million for about 300,000 abortions.

House Speaker Thomas "Tip" O'Neill told reporters today that an interim measure, formally known as a continuing resolution, would be considered by the

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Continued from Page 1A

House next Tuesday.

He said Sen. Warren Magnuson, D-Wash., and Rep. George Mahon, D-Texas, chairmen of the Senate and House Appropriations Committees, were meeting today to talk about such a measure.

O'Neill acknowledged that he has not used the power of his office to settle the dispute, as he might have on some other issues.

"It's a highly emotional, religious issue," he explained. "It's one I truly feel a fellow has to vote his conscience on. Because of my strong religious convictions on this, I just can't twist the wrist of a person on this."

The latest round in the dispute, which began four months ago, came Tuesday, when the House rejected a Senate proposal.

The House has maintained that the government should pay for poor women's abortions only when a woman's life is endangered because of a pregnancy. The Senate insists that the health of both the woman and the fetus should be taken into account and that rape and incest victims should be eligible.

Though the agencies are curtailing operating expenses and such items as overtime, payments are still being made for welfare, unemployment and other types of assistance.

Rep. Elford Cederberg, R-Mich., proposed in a floor speech that the House pass a continuing resolution and dare the Senate to reject it.

"If the Senate wants to take the responsibility for the employees not being paid, let them take it." His statement brought cheers and applause from his colleagues.

Senate liberals maintain, however, that they have given more than enough ground to reach a compromise on the abortion issue and that the House has not shown equally good faith.

Meanwhile, four House opponents of abortion wrote to President Carter, urging him to use his influence to persuade Senate members to yield.

"Since your expressed views on public funding of abortion are the same as our own, we respectfully urge you to exercise your influence with the Senate leadership so that this most difficult issue might be resolved," they wrote.

The letter was signed by Reps. Henry Hyde, R-Ill., Bob Bauman, R-Md., James Oberstar, D-Minn., and Ronald Mazzoli, D-Ky.

NY Times

7/14/77

P. 38

Of Abortion, the Poor And Our Humanity

To the Editor:

Your lead editorial of July 5 "Will Our Humanity Also Be Aborted?" claims that "until the forces that have been so effective at diminishing the scope of the Supreme Court's 1973 abortion decision mobilize on behalf of poor women . . . the humanity of their movement will remain in doubt." Not so. The pro-life forces that have worked to "diminish the scope of the Supreme Court's 1973 abortion decision" contribute out of their pockets to foundling hospitals, birthright clinics, homes for unwed mothers and the like (though much more can and should be done). They do so out of a conviction that the way to a better "humanity"—again, The Times's word—is not to be found over the bodies of millions of aborted fetuses. Surely those who, like The Times, have a different moral conviction—that 250,000 to 300,000 poor women's abortions every year will help solve society's and those poor women's problems—likewise should pay for that supposed solution. It seems, therefore, that the so-called moral onus of helping poor women procure abortions now rests on The Times and like-minded readers.

There may be many who agree with the editorial position of The Times (though I am not one of them) and who themselves should be willing to pay for poor women's elective abortions until such time as the Government can be made to pay for them—if or when that day ever comes. I suggest that the "humanity" of The Times remains in doubt until it brings its enormous influence to bear on getting private money for poor women's elective abortions, which The Times evidently regards as a moral imperative. Perhaps there are foundations willing to step in on an emergency basis to avert the illegal abortions you so graphically predict and decry. The Rockefeller Foundation or the Rockefeller Brothers Fund (or Ford or Carnegie) could be approached. I can see your headline now: "Rockefellers Fund Abortions for the Poor." What a triumph for humanity!

(Rev.) THOMAS H. STAHEL, S.J.

New York, July 6, 1977

The writer is an associate editor of America magazine.

Federal employees' abortions are financed by public funds

By Elena O. De La Rosa
Staff Writer

Governmental units have forbidden the use of federal, state, and county money to finance most abortions for welfare recipients — but not for their own employees.

The agencies pay into health plans for their employees that will provide payments for abortions.

The plans are available for the families of the members of Congress, Minnesota Supreme Court justices and county board members who decided that welfare recipients could not receive publicly financed elective abortions. They also are available to families of legislators who are expected to decide next year whether public funding should be restored for elective abortions.

The federal government, Minnesota, Hennepin County and Minneapolis pay about \$36 million a year toward the plans. All of them will pay for medically necessary abortions; most also cover elective abortions.

Elective abortions are those in which the woman decides she does not want a child. Medically necessary or therapeutic abortions are intended to save the mothers' lives.

Earlier this year a congressional ban went into effect against the use of federal money for abortions not needed for medical reasons. In September the Minnesota Supreme Court ruled that the state welfare department could not pay for elective abortions because the department did not follow proper procedures for a public hearing before adopting abortion-payment rules.

Also in September, the Hennepin County Board said it would not pay for elective abortions until the Legislature or courts allow the use of public funds for that purpose. The state welfare department has said it will seek resolution of the issue by the 1978 Legislature, but it appears likely the Legislature will vote against restoring the public financing of abortions.

Insurance company representatives could not say what part pregnancy costs or abortions represent of the total health care cost. But excluding or including abortion coverage from pregnancy benefits would not have a heavy impact on

the rates, said Dave Schoeneck, a spokesman for Blue Cross and Blue Shield of Minnesota.

"Against the total health care cost picture, this is one little part of it," he said.

(The governments' costs for employee medical insurance can be expected to increase by 15 percent each year, according to health plan representatives.)

In 1976, the most recent year for which figures are available, the federal government paid \$13.4 million to 17 health plans for medical insurance for 35,630 federal employees in Minnesota, including 5,000 retirees. All but 12 of the plans, which are the smaller ones, will cover therapeutic and elective abortions. The 12 smaller plans will not allow claims for elective abortions.

The state paid \$15.7 million in 1975-76 (October to September) to two health insurance companies to cover 43,845 state employees. Included in this group are the university staff, legislators, judges and dependents of members of these groups.

In 1977 the county will pay \$2.9 million into four plans for 6,206 employees. Also for 1977, the city will pay \$2.8 million into three health plans for 4,629 municipal employees.

The amounts paid into the plans do not include contributions made by the employees for their dependents. In most cases the employer pays full cost of single coverage and shares dependent costs.

Many of the representatives for the health plans point out that abortions, either elective or therapeutic, are not listed in health contracts, but are included under the category of maternity-related services under "termination of pregnancy."

"When pregnancy is a covered item, we start to talk of payment through termination of pregnancy. The delivery of a baby, an abortion or a miscarriage — we don't get into the position of trying to differentiate in the different types of termination," said Schoeneck of Blue Cross, a major insurer of Minnesota public employees.

One representative of a health plan said the health groups have been

"receiving a lot of heat for covering abortions under the health plans."

"We don't exclude it (from coverage)," she said. "We don't brag about it either."

Most groups will include abortion, either therapeutic or elective, in health plans as part of the pregnancy coverage, said Schoeneck. "We do write some plans that exclude elective abortion, generally only on request," he said.

Information on the the number of abortions performed and the total spent for them under these insurance policies could be gleaned from insurance company records, the company representatives said, but would be costly and time consuming.

Although employees are usually covered for abortions, either therapeutic or elective, abortion records indicate that only about 5 percent of the women who receive abortions file claims with their medical insurance companies.

Five percent of the 200 abortions performed monthly at the Midwest Health Center for Women, 825 S. 8th St., are filed with medical insurance companies, said Bob McCoy, codirector of the center. "Most people pay cash," said McCoy, and steer away from claim forms that might identify the type of procedure they received.

He said he believes that the percentage of women who file claims against their insurance companies probably applies to other clinics that perform abortions.

Figures on the number of abortions kept by a member of the state Department of Health are obtained from voluntary reports submitted by doctors who perform abortions, and should be about 90 percent complete, said Glen Clover, research analyst with the department.

There were 14,124 abortions — 11,109 of them on Minnesota residents — reported in Minnesota in 1976, according to Clover.



Robert T. Smith

Editor's Note: Robert T. Smith is on vacation. His column will be resumed Wednesday.

the shah of Iran, Muhammad Riza Pahlavi, and a state dinner. The next morning, New Year's Day, he

Saudi Arabia, for talks with King Khalid and Crown Prince Fahd. Although meetings of OPEC, the

and the North Atlantic Treaty Organization, Carter will return to the United States.

Congress asks Carter to help solve abortion funding dispute

Associated Press

Washington, D.C.

President Carter and the House leadership Thursday were asked to help resolve a congressional dispute over abortion payments for the poor. The stalemate jeopardizes thousands of federal workers' pre-Christmas paychecks.

Meanwhile, House and Senate negotiators, who have been trying to end the four-month-long dispute, met once more but appeared to make no progress.

Federal funds to pay for abortions under the Medicaid program come from the Department of Health, Education and Welfare (HEW), and the bill at issue provides appropriations for HEW as well as the Department of Labor and several smaller, related agencies.

House Speaker Tip O'Neill said the House would vote Tuesday on an interim funding resolution to make

sure the disagreement does not interfere with paychecks for employees in the affected departments.

Sen. Edward Brooke, R-Mass., asked that the House leadership support an interim funding resolution with abortion payment restrictions similar to a proposal offered by the Senate on Tuesday but rejected by the House.

But O'Neill declined to become involved in trying to settle the issue and acknowledged that he is not using the power of his office to push members one way or another.

"It's a highly emotional, religious issue. It's one I truly feel a fellow has to vote his conscience on," he told reporters. O'Neill, who is a Catholic, has stated that he opposes abortion.

Four House members who also oppose abortion wrote President Carter suggesting that he inter-

vene on the side of strict limits on government abortion payments.

The stalemate between the House and Senate has gone on since July, and "some extraordinary leadership effort is required to move the Senate toward a more realistic posture," the congressmen wrote.

The letter was sent by Reps. James Oberstar, D-Minn., Henry Hyde, R-Ill., Bob Bauman, R-Md., and Ron Mazzoli, D-Ky.

If an agreement is not reached or an interim funding measure is not passed by Thursday, about 240,000 agency employees will receive only one week's pay instead of two on Dec. 13.

The dispute is blocking a \$60.2-billion funding bill for the agencies during fiscal year 1978 that provides the salaries and operating expenses.

Paying for abortions

So 30 percent in the Minnesota Poll think that we who work for a living should, through our taxes, pay for their abortions: some because "a woman should retain control of her own body." That's hypocrisy.

Their unwanted pregnancies are proof that they themselves gave up that control. Now they want to control our bodies to make them work to pay for the fun they had in giving up control of their own. No, thank you. — Walter K. Klaus, Farmington.

9/2/77
Mpls. Trib

House snub of abortion compromise irks Senate

WASHINGTON (AP)—The House, having rejected yet another compromise solution in the battle over government-paid abortions, faces increasing Senate opposition to providing money for continuing the fight.

The Senate resentment could threaten money for the departments of Labor and Health, Education and Welfare and paychecks for the two departments' 240,000 employees.

Appropriations for the departments are tied up in the abortion issue, and temporary money provided earlier runs out at midnight tonight. The House effort to provide more temporary money was expected today.

THE HOUSE yesterday turned down what some senators had referred to as their final compromise offer. Each chamber has taken five votes on abortion suggestions proposed by the other, with the House taking a more restrictive view than the Senate on use of government money for abortion.

The latest Senate proposal would have allowed government-paid abortions when a woman's life was endangered by a full-term pregnancy, for treatment of rape or incest victims who reported the incidents to authorities and where a woman would suffer severe and long-lasting physical harm if the pregnancy were carried to term.

The House rejected the proposal, 205 to 183, with the defeat credited to lobbying by abortion opponents who argued the language was too liberal.

(Here is how House members from Minnesota voted on accepting the Senate-sponsored compromise: Donald Fraser, D.; and Bill Frenzel, R., yes. Richard Nolan, D.; James

ABORTIONS
Turn to Page 10A

House rejects abortion plan

By Betty Anne Williams
Associated Press

Washington, D.C.

The House rejected a compromise Tuesday on government abortion payments despite warnings from bitter senators who said they had yielded all they could in pursuit of an agreement.

Continuing the four-month-old dispute could affect about 240,000 government employees whose paychecks are tied to the abortion question.

An interim funding measure, which was approved to forestall any payless pay days, expires at midnight tonight. But another House vote was expected today on approval of a third temporary funding resolution so that the employees could continue to get paid.

The compromise language would have permitted abortion payments when a woman's life would be endangered by a full-term pregnancy, for treatment of rape and incest victims who report the incidents to authorities and where a woman would suffer severe and long-lasting physical health damage if the pregnancy were carried to term.

The negative vote in the House was 205-183. The Senate endorsed the proposal 44-21.

At stake is a \$60.2-billion appropriations bill for the government's major social service agencies, the Labor Department and the Department of Health, Education and Welfare.

About 240,000 employees depend on the funding legislation for their paychecks.

If the resolution for temporary funding of the agencies passes the House it probably will cover a period through Sept. 30, 1978, the date fiscal year 1978 ends.

Sen. Edward Brooke, R-Mass., who sponsored the latest Senate compromise offer, said he would "do everything possible" to prevent another interim funding measure.

Groups favoring abortion rights quickly criticized the House action.

Karen Mulhauser, executive director of the National Abortion Rights Action League, said the House describing the Senate compromise as "too liberal" was "an utter disgrace."

Rabbi Richard Sternberger, chairman of the Religious Coalition for Abortion Rights, denounced the House action as "unconscionable and tragic." The coalition is comprised of 25 national religious organizations that support theop-

Abortion continued on page 14A

LEGISLATIVE

ALERT

Vol. II, No. 6
August 3, 1979
12 Noon



Hyde Amendment: House Insists on Strong Language

The U.S. House of Representatives, by simple voice vote, insisted on its position respecting federal funding of abortion during consideration of the conference report on the FY 1980 Labor-HEW bill. The House action, which occurred late Thursday, August 2, just before the House recessed until September 5, placed the focus of this year's appropriations battle over abortion funding back on the U.S. Senate, where a vote is likely soon after the Senate resumes session on September 5.

By insisting on the Hyde amendment on Thursday, the House of Representatives strengthened the position of the House conferees on Labor-HEW, chaired by William Natcher (D-Ky.). A House-Senate conference committee meeting on Monday, July 30, designed to hammer out differences between the House and Senate versions of the FY 80 Labor-HEW bill, resulted in resolution of every issue in disagreement between the two bodies except the abortion language. Unlike past years, when the House of Representatives has been forced to roll call votes on the Labor-HEW/abortion language at every opportunity, the House insisted on its position by voice vote without debate. In addition, no member of the House in support of the Senate-approved compromise language even filed a motion that the House recede on Thursday, a sign that the pro-abortion minority in the House was dubious about its chances in a roll call vote.

The first meeting of House-Senate conferees took place on Monday afternoon, July 30. The abortion issue was finally taken up late Monday evening, after the conferees had successfully worked through the remainder of the bill. In attendance were all 13 House conferees listed below and Sens. Warren Magnuson (D-Wa.), Chairman of the Labor-HEW Subcommittee in the Senate, Lawton Chiles (D-Fla.), Birch Bayh (D-In.), Thomas Eagleton (D-Mo.), Richard Schweiker (R-Pa.), Mark Hatfield (R-Ore.) and Harrison Schmitt (R-N.M.). The exchange on the abortion language was brief, highlighted by the surprising assertion of Rep. David Obey (D-Wis.), the leading spokesman for the compromise language in the House, that in his view the "House of Representatives will not be turned around on this issue this year." Obey argued that the Senate should recede and acknowledge that efforts to achieve the compromise wording would only stall passage of the bill.

Rep. Obey and Louis Stokes (D-Oh.), a congressional advisor to the National Abortion Rights Action League, then engaged in some verbal sparring with Obey telling his colleague, "The fight is over, you've already lost." The abortion debate was quickly concluded as Rep. Natcher told the Senate conferees he would take the Senate language back in disagreement to the House. This action set the stage for Thursday's vote in the House, but the absence of pro-abortion opposition to the Hyde amendment was wholly unexpected.

Both the House and Senate will be out of session until September 5. When Congress returns, the close of the fiscal year will be a matter of weeks away (September 30) and the added factor of delay in funding authorized programs for FY 1980 will come into play on the Labor-HEW bill. At this point, the abortion language is the only amendment in disagreement between the House and Senate on the Labor-HEW bill. Full Congressional activity has been completed on only 4 of the 13 annual appropriations bills. The Senate leadership is anxious to clear the Senate calendar as soon after the recess as possible to permit full debate on the SALT treaties, Hospital Cost Containment and other key legislation.

All of these factors indicate the need for pro-lifers to pay particular attention to contacting U.S. Senators over the August recess urging them to accept the position of the House conferees and to expedite the Labor-HEW appropriations bill. The following is a list of conferees on Labor-HEW, but bear in mind that the conference report has been cleared for Senate action and the next vote will take place in the full Senate:

House Conferees on Labor-HEW

Jamie Whitten (D-Miss.),
Chairman of Full Appropriations
William Natcher (D-Ky.),
Chairman, Labor-HEW Subcommittee
Neal Smith (D-Ia.)
Edward Patten (D-N.J.)
David Obey (D-Wis.)
Edward Roybal (D-Ca.)

Louis Stokes (D-Oh.)
Joseph Early (D-Ma.)
Edward Boland (D-Ma.)

Robert Michel (R-Ill.)
Silvio Conte (R-Ma.)
George O'Brien (R-Ill.)
Carl Pursell (R-Mi.)

Senate Conferees on Labor-HEW

Warren Magnuson (D-Wa.), *Chairman*
Robert C. Byrd (D-W.Va.)
William Proxmire (D-Wis.)
Ernest Hollings (D-S.C.)
Thomas Eagleton (D-Mo.)
Birch Bayh (D-Ind.)
Lawton Chiles (D-Fla.)
Quentin Burdick (D-N.D.)

Daniel Inouye (D-Ha.)

Richard Schweiker (R-Pa.)
Charles McC. Mathias (R-Md.)
Mark Hatfield (R-Ore.)
Lowell Weicker (R-Conn.)
Harrison Schmitt (R-N.M.)
Milton Young (R-N.D.)

You are strongly encouraged to seek appointments at this time with your Senator and with any representative whose commitment to the Hyde amendment can be considered questionable (a list of such representatives has been provided to each NRLC state director). These appointments should be made in the state or

district offices and should be directed toward convincing your Senator or representative that the House has indeed spoken strongly on the abortion funding issue and that the U.S. Senate is now in an ideal position to resolve this matter with the direct language of the Hyde amendment rather than the convoluted language of the compromise amendment. You may also wish to make the following points:

- 1) The appointment of Secretary of HEW Patricia Harris, sworn into office August 3, 1979, has been described by the New York Times (July 21, 1979) as a boost "for abortion rights advocates." Karen Mulhauser, head of the National Abortion Rights Action League, told the Times she expected Mrs. Harris to be "less rigid" than former Secretary Joseph Califano "in interpreting the law that prohibits the use of federal funds for abortion."

Harris told the Senate Finance Committee last week (Washington Post, July 26) that there "shouldn't be discrimination against the poor in [the] availability" of abortion, but that she would "carry out the law" regarding funding. Califano had been widely viewed as rigorously enforcing federal law on reimbursement for abortions. The key point is that the massive potential for abuse in the current law (the compromise language) will most certainly appear in an atmosphere of "less rigid" enforcement.

- 2) The language insisted upon by the House of Representatives without opposition on August 2 protects sufficiently the lives of both mother and child. Language regarding "severe and long-lasting physical health damage" is irrelevant to current medical practice and amounts to an invitation to abuse.
- 3) Congress rarely makes appropriations for any purpose for which there exists no means to regulate the activities of recipients. The Senate position invites abuse from precisely those unscrupulous medical practitioners whose fraudulent actions have been featured in major newspaper stories across the United States. The General Accounting Office is currently investigating a major example in Chicago, "The Abortion Profiteers."
- 4) Approval of the compromise language only guarantees that the federal government will stay in the abortion business to such an extent that it will remain a major source of conflict. Abortion, like any issue involving direct protection of human life, should not be a source of conflict.
- 5) The Planned Parenthood Federation of America recently announced receipt of a \$100,000 grant from the Education

Foundation of America to provide abortions for poor women. Those agencies which deny the right to life of the children of the poor obviously possess the means to finance this objectionable practice themselves, yet still seek to involve the American taxpayer in the victimization of poor mothers.

- 6) Specific information on flaws in the compromise language (variously termed the "Michel" or "Obey" amendment) has been realized in the statistics emanating from the Health Care Financing Administration (See Legislative Update, Vol. II, No. 2, for details).

The August recess is a crucial period for maximum pro-life efforts on behalf of the Hyde amendment in both the Labor-HEW and the Department of Defense appropriations bill. The Hyde amendment can be preserved in 1979 if the maximum effort is made over the next three weeks.

Department of Defense: Appropriations Subcommittee Adds Hyde Language

The Appropriations Subcommittee on Defense issued a press release at 3:00 p.m. on August 2 giving notice of completion of its markup of the FY 1980 Department of Defense (DOD) appropriations bill. The 10-member subcommittee met in closed session as it worked on the FY 80 bill for the nation's armed services and it was not until issuance of the press release that the subcommittee's action on abortion language became public information. The defense appropriations bill was amended to include abortion language conforming with that passed by the House of Representatives for the FY 1980 Labor-HEW bill, which reads:

None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the pregnancy were carried to term.

The addition of the abortion rider in the Defense Appropriations Subcommittee represents the first time restrictive language on this topic has been included at the committee level on this important bill. The FY 1980 language represents a more restrictive position than that adopted by the Congress in 1978 when the Dornan amendment was first introduced as a floor amendment to the DOD appropriations bill. While the Defense Appropriations Subcommittee met in closed session throughout its markup of the FY 80 bill, it may be noted that the Subcommittee includes the following members who have voted consistently pro-life in 1979: Daniel J. Flood (D-Pa.), Bill Burlison (D-Mo.), John Murtha (D-Pa.), J. Kenneth Robinson (R-Va.) and Jack F. Kemp (R-N.Y.).

The bill now proceeds to the Full Appropriations Committee which will take up the measure in early September. Given the short time-span for consideration of this bill, letters of support should be directed to all members of Congress urging them to establish a consistent policy regarding abortion funding for military servicemen and dependents. Ask your congressmen to support the position of the defense subcommittee which held extensive hearings on the abortion funding issue and, as the body closest to the subject, elected to include the Hyde amendment for FY 1980.

Medical School Discrimination Bill Passes Final House Hurdle

On Friday, July 27, the U.S. House of Representatives passed by voice vote an amendment offered by Rep. Raymond Lederer (D-Pa.) to the Nurses Training Amendments of 1979 to outlaw discrimination against applicants to medical schools and residency programs on the basis of their personal views on abortion or sterilization. The amendment passed the House without opposition and with the concurrence of Rep. Henry Waxman (D-Cal.), Chairman of the Interstate and Foreign Commerce Subcommittee on Health and the Environment. The Senate version of this bill, passed on May 7, 1979, contained a nearly identical amendment offered by Sen. Richard Schweiker (R-Pa.).

After acceptance of the Lederer amendment, the Senate version of the Nurses Training Amendments of 1979, S. 230, was taken up by the House as amended and passed 344-6. House conferees were immediately appointed by Rep. Waxman and the House-Senate conference was held on Tuesday, July 31. Technical corrections of the Lederer amendment were made to bring it into conformance with the Senate version which the conferees then approved. The legislation is expected to be sent to the President for signature in early September. The Schweiker amendment reads as follows:

No entity which receives, after the date of enactment of this paragraph, any grant, contract, loan, loan guarantee or interest subsidy under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Service and Facilities Construction Act may deny admission or otherwise discriminate against any applicant (including applicants for internships and residencies) for training or study because of the applicant's reluctance, or willingness, to counsel, suggest, recommend, assist, or in any way participate in the performance of abortions or sterilizations contrary to or consistent with his or her religious beliefs or moral convictions.

Passage of the Nurses Training Amendments and the Schweiker-Lederer anti-discrimination bill now brings to a close a two-year effort to eliminate incidents of discrimination against applicants to a variety of medical programs simply because of a professed opposition to the practice of abortion. As Rep. Lederer told his colleagues on July 27, "Such discrimination serves no purpose. Applicants should not be accepted or rejected because their personal beliefs happen to correspond or contradict those of the admissions office. Applicants should be accepted on the merits of being able to handle the work load of the medical or nursing school."

Letters of thanks should be sent to Rep. Raymond Lederer (119 Cannon HOB, Washington, D.C. 20515) and Sen. Richard Schweiker (253 Russell SOB, Washington, D.C. 20510). Friends of the right to life and pro-life organizations should pay special attention to alerting potential medical applicants to the existence of the anti-discriminatory language in this new legislation. As Rep. Lederer stated, the purpose of the legislation is to "prevent medical schools from asking prospective applicants what their views on abortion are."

SENATE

KEY VOTES ON ABORTION 1973-1978

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	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
ALABAMA																							
Howell Heflin (D)																							
Donald Stewart (D)																							
ALASKA																							
Mike Gravel (D)	-	-	NV	-	-	-	-	NV	-	-	NV	NV	-	-	-	-	NV	NV	NV	-	-	-	
Ted Stevens (R)	+	-	-	-	+	-	NV	+	-	-	-	-	+	-	+	-	NV	NV	NV	-	NV	-	
ARIZONA																							
Dennis DeConcini (D)									+	+	+	+	+	+	+	-	-	+	+	+	+	+	
Barry Goldwater (R)	NV	-	+	+	-	NV	+	NV	-	+	+	+	-	-	NV	-	NV	NV	NV	+	+	+	
ARKANSAS																							
Dale Bumpers (D)																	NV	-	-	-	NV	-	
Kaneaster Hodges (D)																					NV	-	
CALIFORNIA																							
Alan Cranston (D)	-	-	-	-	-	NV	-	NV	-	-	-	-	-	-	-	-	NV	NV	NV	-	-	-	
S.I Hayakawa (R)																	NV	NV	NV	NV	+	NV	
COLORADO																							
Gary Hart (D)						NV	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
*William L. Armstrong (R)																							
CONNECTICUT																							
Abraham Ribicoff (D)	-	-	NV	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	NV	-	
Lowell P. Weicker (R)	NV	-	-	-	-	-	-	NV	-	-	-	-	-	-	-	-	NV	-	-	-	-	-	
DELAWARE																							
Joe Biden (D)	+	+	+	+	NV	+	+	NV	+	+	+	+	+	+	+	+	NV	NV	NV	+	NV	+	
William V. Roth (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	NV	NV	NV	+	NV	+	
FLORIDA																							
Lawton Chiles (D)	NV	NV	-	-	+	-	-	+	-	+	+	+	-	-	-	-	-	-	-	+	-	-	
Richard Stone (D)					+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	
GEORGIA																							
Sam Nunn (D)	-	-	+	-	-	-	-	-	+	-	-	-	-	-	-	-	-	-	-	+	-	-	
Herman E. Talmadge (D)	-	-	+	-	-	-	-	+	-	+	+	-	-	-	-	-	-	-	-	-	+	-	
HAWAII																							
Daniel K. Inouye (D)	-	-	-	-	NV	NV	-	-	-	-	-	-	-	-	-	NV	-	-	-	NV	-	-	
*Spark M. Matsunaga (D)																							
IDAHO																							
Frank Church (D)	-	-	+	+	NV	-	-	+	-	+	-	+	-	-	-	-	-	-	-	+	+	+	
James A. McClure (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	NV	+	+	+	+	+	
ILLINOIS																							
Adlai E. Stevenson (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	NV	NV	NV	NV	-	-	
Charles E. Percy (R)	-	NV	NV	-	-	-	-	NV	-	-	-	-	NV	NV	-	-	NV	NV	NV	NV	NV	-	
INDIANA																							
Birch Bayh (D)	-	NV	NV	-	-	-	NV	+	-	-	-	-	-	-	-	-	NV	NV	NV	-	-	-	
Richard G. Lugar (R)																							
IOWA																							
Roger Jepsen (R)																							
*John C. Culver (D)																							
KANSAS																							
Robert Dole (R)	+	+	+	+	+	+	NV	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	
Nancy Landon Kassebaum (F)																							
KENTUCKY																							
Wendell H. Ford (D)																							
Walter Huddleston (D)	-	-	+	-	+	-	-	NV	+	+	-	+	+	+	+	NV	+	NV	NV	NV	+	NV	+
LOUISIANA																							
J. Bennett Johnston (D)	NV	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	
Russell B. Long (D)	NV	+	+	+	+	-	-	+	-	+	-	-	-	-	-	-	-	-	-	-	+	+	



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	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
MAINE																						
*William S. Cohen (R)																						
Edmund S. Muskie (D)	-	+	+	-	-	-	-	+	-	+	-	+	-	+	NV	NV	NV	NV	NV	NV	-	-
MARYLAND																						
*Paul S. Sarbanes (D)									-	+	-	-	-	-	-	-	-	-	-	-	-	-
Charles McC. Mathias (R)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	NV
MASSACHUSETTS																						
Edward M. Kennedy (D)	-	-	-	-	+	-	-	+	-	+	-	-	-	-	-	-	-	-	-	-	-	-
*Paul E. Tsongas (D)																						
MICHIGAN																						
Donald W. Riegle (D)									-	-	-	-	-	-	-	-	-	-	-	-	-	-
Carl Levin (D)																						
MINNESOTA																						
David Durenberger (R)																						
Rudy Boschwitz (R)																						
MISSISSIPPI																						
*Thad Cochran (R)																						
John C. Stennis (D)	-	-	+	+	+	-	+	NV	+	+	+	+	+	+	+	+	+	+	+	+	NV	NV
MISSOURI																						
Thomas F. Eagleton (D)	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	NV	NV	NV	+	+	+
John C. Danforth (R)									+	+	+	+	+	+	+	+	+	+	+	+	+	+
MONTANA																						
*John Melcher (D)									+	+	+	+	+	+	+	+	+	+	+	NV	+	+
*Max Baucus (D)																						
NEBRASKA																						
Edward Zorinsky (D)									+	+	+	+	+	+	+	+	NV	NV	NV	+	+	+
J. J. Exon (D)																						
NEVADA																						
Howard W. Cannon (D)	-	-	+	NV	+	-	-	+	-	+	+	+	+	-	-	-	-	-	-	-	+	-
Paul Laxalt (R)				-	NV	+	+	+	+	+	+	+	+	+	+	+	-	NV	NV	NV	+	+
NEW HAMPSHIRE																						
John A. Durkin (D)									+	+	NV	+	+	+	+	+	+	+	+	+	+	+
Gordon Humphrey (R)																						
NEW JERSEY																						
Harrison A. Williams (D)	-	NV	-	-	-	-	-	+	-	-	-	-	-	-	-	-	NV	-	-	-	-	-
Bill Bradley (D)																						
NEW MEXICO																						
Pete V. Domenici (R)	+	+	+	+	+	NV	+	NV	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Harrison H. Schmitt (R)									-	-	-	-	-	-	-	NV	-	-	-	-	NV	-
NEW YORK																						
Daniel P. Moynihan (D)									-	-	-	-	-	-	-	-	NV	NV	NV	-	NV	-
Jacob K. Javits (R)	-	-	NV	-	-	-	-	-	-	-	-	-	-	-	-	-	NV	NV	NV	-	-	-
NORTH CAROLINA																						
Robert Morgan (D)									NV	+	NV	+	NV	+	-	+	-	-	-	-	+	NV
Jesse A. Helms (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	NV
NORTH DAKOTA																						
Quentin N. Burdick (D)	-	-	-	-	-	-	+	+	-	+	-	-	-	-	-	-	-	-	-	-	NV	-
Milton R. Young (R)	NV	+	+	+	+	+	+	+	+	+	+	+	+	+	+	NV	-	+	+	+	+	NV
OHIO																						
John Glenn (D)									-	-	-	-	-	-	-	-	-	-	-	-	-	-
Howard M. Metzenbaum (D)									-	-	-	-	-	-	-	-	-	-	-	-	-	-
OKLAHOMA																						
David L. Boren (D)																						
Henry Bellmon (R)	-	-	+	+	-	+	+	+	-	-	-	-	-	NV	NV	-	-	-	-	-	NV	NV

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	973	974	975			976								977							978	
<u>OREGON</u>																						
Mark O. Hatfield (R)	+	NV	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	NV
Robert W. Packwood (R)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	NV	NV	NV	NV	-	-
<u>PENNSYLVANIA</u>																						
*H. John Heinz (R)									-	+	-	-	-	-	-	-	NV	NV	NV	+	+	-
Richard S. Schweiker (R)	+	+	+	+	+	-	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
<u>RHODE ISLAND</u>																						
Claiborne Pell (D)	-	-	-	-	-	NV	-	+	-	+	NV	+	-	-	-	-	NV	NV	NV	-	NV	-
John H. Chafee (R)									-	-	-	-	NV	NV	NV	-	-	-	-	NV	-	-
<u>SOUTH CAROLINA</u>																						
Ernest F. Hollings (D)	-	+	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	NV	NV	NV
Strom Thurmond (R)	+	-	+	+	+	+	NV	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
<u>SOUTH DAKOTA</u>																						
*Larry Pressler (R)																						
George McGovern (D)	-	+	+	-	-	NV	-	-	-	-	-	-	-	-	NV	-	-	-	-	-	-	-
<u>TENNESSEE</u>																						
James R. Sasser (D)									-	+	-	-	-	-	-	-	-	-	-	-	NV	-
Howard H. Baker (R)	+	-	+	NV	-	-	NV	-	+	-	-	-	-	-	-	-	-	-	-	-	NV	-
<u>TEXAS</u>																						
Lloyd Bentsen (D)	-	+	NV	-	NV	-	+	NV	-	-	-	-	-	-	-	-	-	-	-	-	-	-
John G. Tower (R)	+	-	NV	-	NV	-	NV	-	-	-	-	-	-	-	-	-	NV	NV	NV	+	NV	-
<u>UTAH</u>																						
Jake Garn (R)				+	+	+	NV	+	+	+	+	+	+	+	+	+	NV	NV	NV	NV	+	+
Orrin G. Hatch (R)									+	+	+	+	+	+	+	+	+	+	+	+	+	+
<u>VERMONT</u>																						
Patrick J. Leahy (D)				-	+	-	-	+	-	+	-	+	-	-	-	-	-	-	-	-	-	-
Robert T. Stafford (R)	-	-	-	-	-	NV	-	-	-	-	-	-	-	-	-	-	-	-	-	-	NV	-
<u>VIRGINIA</u>																						
Harry F. Byrd (I)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	+	-	-	+	+
John Warner (R)																						
<u>WASHINGTON</u>																						
Henry M. Jackson (D)	-	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	NV	NV	NV	-	-	-
Warren G. Magnuson (D)	-	-	-	NV	NV	-	NV	+	-	-	-	-	-	-	-	-	NV	NV	NV	-	-	-
<u>WEST VIRGINIA</u>																						
Robert C. Byrd (D)	-	-	+	-	-	+	+	+	-	+	-	-	-	-	-	-	-	-	-	-	+	-
Jennings Randolph (D)	NV	-	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	NV
<u>WISCONSIN</u>																						
Gaylord Nelson (D)	-	+	NV	-	-	-	-	+	-	-	-	-	-	-	-	+	-	-	+	-	+	+
William Proxmire (D)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
<u>WYOMING</u>																						
Alan K. Simpson (R)																						
Malcom Wallop (R)									-	+	-	-	-	-	-	-	NV	NV	NV	-	NV	-

SENATE -- KEY VOTES ON ABORTION 1973-1978

- 1973
- September 11, 1973 -- Buckley offered an amendment to National Biomedical Research Act (HR 7724) prohibiting research or experimentation on living human fetus or infant, whether before or after induced abortion except if its purpose is the survival of that fetus or infant. Kennedy offered a modifying amendment limiting the prohibition to a certain time span, thus weakening the prohibition. Vote recorded here is on Kennedy Amendment. [passed 53-35; as amended, passed 86-8]
- 1974
- June 11, 1974 -- Helms Amendment to Military Procurement Bill (S 3000) prohibiting federal funding of abortions, etc. [defeated 64-27]
 - September 17, 1974 -- Bartlett Amendment to Labor/HEW Appropriations Bill (HR 15500) prohibiting federal funding of abortion except such abortions to save the life of a mother. [passed 50-34]
- 1975
- April 10, 1975 -- Bartlett Amendment to Nurse Training, Health Revenue Sharing and Health Services Act (S 66) prohibiting funds authorized under the Social Security Act to be used to pay for abortions except such abortions as are necessary to save the life of the mother. [defeated 54-36]
- 1976
- April 28, 1976 -- Helms moved to make his Human Life Amendment the pending business before the Senate. [defeated 47-40]
 - June 28, 1976 -- Hyde Amendment to Labor/HEW Appropriations Bill (HR 14232) prohibiting funding of abortions. A second vote on the same amendment occurred almost immediately. [defeated 55-27]
 - August 25, 1976 -- Another vote on the Hyde Amendment. [defeated 53-35]
 - September 17, 1976 -- A final vote on the Hyde Amendment prohibiting funding of abortions except where the life of the mother would be endangered if the fetus were carried to term. (Several pro-abortion Senators voted for this prohibition only because they didn't want the Labor/HEW Appropriations Bill delayed any longer.) [passed 47-21]
 - June 29, 1977 -- Vote on motion by Senator Helms (R-MC) to accept Hyde Amendment to the Labor/HEW Appropriations Bill (HR 14232): "None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term." [defeated 48-33]
 - June 29, 1977 -- Vote on Senator Packwood Amendment (R-OR) to delete entirely any limitation on federal funding of abortion. [defeated 56-42]
 - June 29, 1977 -- Senator Brooke (R-MA) offered new language: "None of the funds in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term, or where medically necessary, or for the treatment of rape or incest victims. This section does not prohibit the use of drugs or devices to prevent implantation of the fertilized ovum." Then vote occurred on Senator Domenici's (R-NM) "perfecting amendment" to Brooke language, attempting to delete "medically necessary" exception. [defeated 59-36]
 - June 29, 1977 -- Vote then occurred on Brooke language. [passed 56-39]
 - August 4, 1977 -- Vote on motion by Senator Schweiker (R-PA) to accept Hyde Amendment. (See #9;) [defeated 59-34]
 - August 4, 1977 -- Vote on motion by Senator Magnuson (D-WA) for senate to support the new Magnuson/Brooke language: "None of the funds in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest, or if the woman or fetus would suffer serious health damage. This section does not prohibit the use of drugs or devices to prevent implantation of the fertilized ovum." [passed 60-33]
 - October 27, 1977 -- Vote on motion by Senator Schweiker (R-PA) to accept new House language proposed by Congressman Flood: "None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term. This section does not prohibit payment for medical procedures, performed before the fact of pregnancy is established, necessary for the prompt treatment of the victims of rape or incest reported to a law enforcement agency. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy." [defeated 59-33]
 - November 3, 1977 -- Vote on motion by Senator Brooke (R-MA) to pass new language: "None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term. Or except for such medical procedures necessary for the victims of rape or incest. Or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy. The Secretary shall promptly issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced." [passed 62-27]
 - November 29, 1977 -- Vote on motion by Senator Helms (R-MC) to accept Hyde Amendment. (See #9.) [defeated 42-20]
 - November 29, 1977 -- Vote on motion by Senator Helms to add "promptly" to the requirement for reporting rape and incest. [defeated 42-23]
 - November 29, 1977 -- Vote on motion by Senator Brooke (R-MA) to accept new language: "None of the funds in this Act shall be used to perform abortions: Except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported to a law enforcement agency or public health service or its equivalent; or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy. The Secretary shall establish procedures to ensure that the provisions of this section are

- September 16, 1977 -- Vote on Senator Hagleton (D-MO) Amendment to the Pregnancy Disability Benefits Bill (S 995), specifying that "...neither 'pregnancy' nor 'related medical conditions' may be construed to include abortions except where the life of the mother would be endangered if the fetus were carried to term." [defeated 44-41]

1978

- September 22, 1978 -- Vote on motion by Senator Inouye (D-HI) to accept Senate Committee Amendment to Foreign Aid Appropriations Bill (HR 12931) deleting House prohibition of abortion funding for Peace Corps volunteers. [defeated 32-30]
- September 27, 1978 -- Vote on motion by Senator Hatch (R-UT) to include Hyde Amendment in the 1979 Labor/HEW Appropriations Bill (HR 12929): "None of the funds provided for in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term." (defeated 55-38) Senator Thurmond (R-SC) then offered "compromise" language allowing abortion funding for life of the mother and rape and incest instances. [defeated 66-19] Senators supporting this tighter language who had previously voted for "medically necessary" abortions were: Byrd (D-WV), Chiles (D-FL), Church (D-ID), Hansen (R-WY), and Munn (D-GA).

* SENATORS WHO WERE FORMERLY IN THE HOUSE OF REPRESENTATIVES

HOUSE VOTING RECORD

	1973						1974			1976			1977-78	
	1	2	3	4	5	6	7	8	9	Summary				
William L. Armstrong (CO-R)	+	+	+	+	+	+	+	+	+	+	+	+	+	(13 of 13)
Max Baucus (MT-D)														(12 of 12)
Thad Cochran (MS-R)	+	+	+	+	+	+	+	+	+	+	+	+	+	(11 of 13)
William S. Cohen (ME-R)	+	+	+	+	+	+	+	+	+	+	+	+	+	(13 of 14)
John C. Culver (IA-D)	-	+	+	+	+	+	-	+	+	+	+	+	+	
M. John Heinz (PA-R)	+	+	+	+	+	+	+	+	+	+	+	+	+	
Spark M. Matsunaga (HI-D)	-	-	+	+	+	+	-	-	-	-	-	-	-	
John Melcher (MT-D)	+	+	+	+	+	+	+	+	+	+	+	+	+	
Larry Pressler (SD-R)							+	+	+	+	+	+	+	(15 of 15)
Donald W. Riegle (MI-D)	+	+	+	+	+	+	+	+	+	+	+	+	+	
Paul S. Sarbanes (MD-D)	+	+	+	+	+	+	+	+	+	+	+	+	+	
Paul E. Tsongas (MA-D)							-	-	-	-	-	-	-	(13 of 13)

1973

- June 21, 1973 -- Hogan Amendment to Legal Services Corporation Bill (HR 7824) restricting involvement of Legal Service lawyers as advocates in pre-abortion litigation. [passed 361-66]
- June 22, 1973 -- Roncallo Amendment to National Science Foundation Authorization Bill (HR 8510) prohibiting experimentation on a human fetus which is outside the womb of its mother and which has a beating heart. [passed 288-73]

1974

- April 25, 1974 -- Roncallo Amendment to National Science Foundation Authorization Bill (HR 13999) prohibiting funding of research on a human fetus which has been removed from the womb and which has a beating heart unless such research is for the purpose of insuring the survival of that fetus. [passed 281-58]
- May 29, 1974 -- Froehlich Amendment to Community Services Act, an anti-poverty bill (HR 14449) prohibiting the use of funds for medical assistance and supplies in cases of abortion. [passed 290-91]
- June 28, 1974 -- Roncallo Amendment to Labor/HEW Appropriations Bill (HR 15580) prohibiting funds directly or indirectly to pay for abortions or abortion referral services, abortifacient drugs or devices, etc. [defeated 247-123]
- October 8, 1974 -- Froehlich Amendment to House Committee Reorganization (H Res. 988) to create a select committee to hold hearings on abortion (proposed because House Judiciary Committee still refused to hold hearings). [defeated 193-163]

1976

- June 24, 1976 -- Hyde Amendment to Labor/HEW Appropriations Bill (HR 14232) prohibiting funding for abortion. A second vote on the same amendment occurred two hours later. [passed 287-167, 199-167]
- August 10, 1976 -- Another vote on Hyde Amendment. [passed 223-150]
- September 16, 1976 -- A final vote on the Hyde Amendment prohibiting funding of abortions except where the life of the mother would be endangered if the fetus were carried to term. (Several pro-abortion Congressmen voted for this prohibition only because they didn't want the Labor/HEW Appropriations Bill delayed any longer.) [passed 256-114]

1977-78

- 15 votes occurred in House on federal abortion funding.

HOUSE OF REPRESENTATIVES

FIRST 1979 VOTE ON THE FEDERAL FUNDING OF ABORTIONS

June 27, 1979 - Vote on motion by Congressman Obey (D WI-7) to eliminate the following Hyde language from the 1980 Labor/HEW Appropriations Bill (HR 4389): None of the funds provided for in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term, and replace it with the following compromise language presently in the Law: None of the funds provided for in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by two physicians. Nor are payments prohibited for drugs or devices to prevent the implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy. (Defeated 241-180)

ALABAMA	FLORIDA	KENTUCKY	MONTANA	OHIO	TEXAS
1. Edwards +	1. Hutto +	1. Hubbard +	1. Williams -	1. Gradison +	1. Hall +
2. Dickinson +	2. Fuqua +	2. Natcher +	2. Marlenee -	2. Luken +	2. Wilson -
3. Nichols +	3. Bennett +	3. Mazzoli +		3. Hall +	3. Collins +
4. Beville +	4. Chappell +	4. Snyder +	NEBRASKA	4. Guyer +	4. Roberts -
5. Flippo -	5. Kelly +	5. Carter +	1. Bereuter +	5. Latta +	5. Mattox +
6. Buchanan -	6. Young +	6. Hopkins +	2. Cavanaugh +	6. Harsha +	6. Gramm +
7. Shelby +	7. Gibbons +	7. Perkins +	3. Smith +	7. Brown +	7. Archer +
	8. Ireland +			8. Kindness +	8. Eckhardt +
ALASKA	9. Nelson +	LOUISIANA	NEVADA	9. Ashley +	9. Brooks -
AL Young +	10. Bafalis +	1. Livingston +	AL Santini +	10. Miller +	10. Pickle -
	11. Mica +	2. Boggs +		11. Stanton +	11. Leath +
ARIZONA	12. Stack -	3. Treen +	NEW HAMPSHIRE	12. Devine +	12. Wright -
1. Rhodes +	13. Lehman -	4. Leach +	1. D'Amours +	13. Pease -	13. Hightower +
2. Udall -	14. Pepper -	5. Huckaby +	2. Cleveland -	14. Seiberling +	14. Wyatt +
3. Stump +	15. Pascell -	6. Moore +		15. Wylie +	15. de la Garza +
4. Rudd +		7. Breaux +	NEW JERSEY	16. Regula +	16. White +
	GEORGIA	8. Long +	1. Florio +	17. Ashbrook +	17. Stenholm +
ARKANSAS	1. Ginn -	MAINE	2. Hughes +	18. Applegate +	18. Leland -
1. Alexander -	2. Mathis nv	1. Emery +	3. Howard -	19. Williams +	19. Hance -
2. Bethune +	3. Brinkley -	2. Snowe -	4. Thompson nv	20. Oaker +	20. Gonzalez +
3. Bammerschmidt +	4. Levitas -		5. Fenwick -	21. Stokes +	21. Loeffler +
4. Anthony -	5. Fowler -	MARYLAND	6. Forsythe nv	22. Vanik -	22. Paul +
	6. Gingrich +	1. Bauman +	7. Maguire +	23. Mottl +	23. Kazen +
CALIFORNIA	7. McDonald +	2. Long, C.D. -	8. Roe +		24. Frost -
1. Johnson -	8. Evans +	3. Mikulski +	9. Hollenbeck -	OKLAHOMA	
2. Clausen +	9. Jenkins +	4. Holt +	10. Rodino +	1. Jones -	UTAH
3. Matsui -	10. Barnard +	5. Spellman nv	11. Minish +	2. Synar +	1. McKay +
4. Fazio -		6. Byron +	12. Rinaldo +	3. Watkins +	2. Marriott +
5. Burton, J. -	HAWAII	7. Mitchell +	13. Courter -	4. Steed +	
6. Burton, P. -	1. Heftel -	8. Barnes -	14. Guarini -	5. Edwards +	VERMONT
7. Miller -	2. Akaka -		15. Patten +	6. English +	AL Jeffords -
8. Dellums -		MASSACHUSETTS	NEW MEXICO		
9. Stark nv	IDAHO	1. Conte +	1. Lujan +	OREGON	VIRGINIA
10. Edwards -	1. Symms +	2. Boland +	2. Runnels +	1. AuCoin -	1. Tribble +
11. Royer -	2. Hansen +	3. Early +		2. Ullman -	2. Whitehurst +
12. McCloskey -		4. Drinan -	NEW YORK	3. Duncan +	3. Satterfield +
13. Mineta +	ILLINOIS	5. Shannon -	1. Carney +	4. Weaver -	4. Daniel +
14. Shumway -	1. Stewart nv	6. Mavroulas +	2. Downey +		5. Daniel +
15. Coelho -	2. Murphy, M. +	7. Markey +	3. Ambro +	PENNSYLVANIA	6. Butler -
16. Panetta -	3. Russo +	8. O'Neill +	4. Lent +	1. Myers +	7. Robinson +
17. Pashayan -	4. Derwinski +	9. Moakley +	5. Wylder +	2. Gray -	8. Harris +
18. Thomas +	5. Fary +	10. Heckler +	6. Wolff +	3. Lederer +	9. Wampler +
19. Lagomarsino -	6. Hyde +	11. Donnelly +	7. Addabbo -	4. Dougherty +	10. Fisher -
20. Goldwater +	7. Collins +	12. Studds -	8. Rosenthal -	5. Schulze +	
21. Corman -	8. Rostankowski +		9. Ferraro -	6. Yatron -	WASHINGTON
22. Moorhead +	9. Yates -	MICHIGAN	10. Biaggi +	7. Edgar -	1. Pritchard -
23. Beilenson -	10. Mikva +	1. Conyers -	11. Schauer -	8. Kostmayer +	2. Swift -
24. Waxman -	11. Annunzio +	2. Purcell -	12. Chisholm -	9. Shuster +	3. Bonker -
25. Roybal -	12. Crane, P. +	3. Wolpe -	13. Solarz -	10. McDade +	4. McCormack -
26. Rousselot +	13. McClory +	4. Stockman nv	14. Richmond +	11. Flood nv	5. Foley -
27. Dornan +	14. Erlenborn +	5. Sawyer +	15. Zeffertti +	12. Murtha +	6. Dicks -
28. Dixon -	15. Corcoran +	6. Carr -	16. Holtzman -	13. Coughlin +	7. Lowry -
29. Hawkins -	16. Anderson nv	7. Kildee +	17. Murphy nv	14. Moorhead -	
30. Danielson -	17. O'Brien +	8. Traxler +	18. Green -	15. Ritter +	WEST VIRGINIA
31. Wilson, C.H. -	18. Michel +	9. Vander Jagt +	19. Rangel -	16. Walker -	1. Mollohan -
32. Anderson -	19. Railsback -	10. Albosta +	20. Weiss +	17. Ertel -	2. Staggers +
33. Grisham -	20. Findley +	11. Davis +	21. Garcia -	18. Walgren -	3. Slack -
34. Lungren +	21. Madigan +	12. Bonior +	22. Bingham +	19. Goodling -	4. Rahall +
35. Lloyd -	22. Crane, D. +	13. Diggs nv	23. Peyser +	20. Gaydos +	
36. Brown -	23. Price +	14. Nedzi -	24. Ottinger +	21. Bailey -	WISCONSIN
37. Lewis +	24. Simon -	15. Ford -	25. Fish -	22. Murphy +	1. Aspin +
38. Patterson nv		16. Dingell -	26. Gilman -	23. Clinger +	2. Kastenmeier -
39. Dannemeyer +	INDIANA	17. Brodhead -	27. McHugh +	24. Marks -	3. Baldus +
40. Badham +	1. Benjamin +	18. Blanchard -	28. Stratton +	25. Atkinson +	4. Zablocki +
41. Wilson, Bob -	2. Fithian +	19. Broomfield +	29. Solomon +		5. Reuss -
42. Deerlin +	3. Brademas +		30. McEwen +	RHODE ISLAND	6. Petri +
43. Burgener +	4. Quayle +	MINNESOTA	31. Mitchell +	1. St. Germain +	7. Obey -
	5. Hillis +	1. Erdahl +	32. Hanley +	2. Beard +	8. Roth +
COLORADO	6. Evans +	2. Hagedorn +	33. Lee +		9. Sensenbrenner +
1. Schroeder -	7. Myers +	3. Frenzel -	34. Horton -	SOUTH CAROLINA	
2. Wirth -	8. Deckard +	4. Vento +	35. Conable -	1. Davis -	WYOMING
3. Kogovsek -	9. Hamilton +	5. Sabo -	36. LaFalce +	2. Spence -	AL Cheney +
4. Johnson -	10. Sharp +	6. Nolan -	37. Nowak +	3. Derrick -	
5. Kramer +	11. Jacobs +	7. Stangeland +	38. Kemp +	4. Campbell +	
		8. Oberstar +	39. Lundine -	5. Holland -	
CONNECTICUT	IOWA	MISSISSIPPI	NORTH CAROLINA	6. Jenrette -	
1. Cotter +	1. Leach -	1. Whitten +	1. Jones -		
2. Dodd -	2. Tauke +	2. Bowen +	2. Fountain +	SOUTH DAKOTA	
3. Giaimo -	3. Grassley +	3. Montgomery +	3. Whitley -	1. Daschle -	
4. McKinney -	4. Smith -	4. Hinson +	4. Andrews -	2. Abdnor +	
5. Ratchford -	5. Harkin -	5. Lott +	5. Neal -		
6. Moffett -	6. Bedell +		6. Preyer +	TENNESSEE	
		MISSOURI	7. Rose -	1. Quillen +	
DELAWARE	KANSAS	1. Clay -	8. Hefner -	2. Duncan +	
41 Evans -	1. Sebelius +	2. Young +	9. Martin +	3. Bouquard +	
	2. Jeffries +	3. Gephardt +	10. Broyhill +	4. Gore +	
	3. Winn -	4. Skelton +	11. Gudger -	5. Boner +	
	4. Glickman -	5. Bolling nv		6. Beard -	
	5. Whittaker +	6. Coleman +	NORTH DAKOTA	7. Jones -	
		7. Taylor +	AL Andrews +	8. Ford -	
		8. Ichord +			
		9. Volkmer +			
		10. Burlison +			

D Democrat
R Republican

+ = Pro-Life
Vote

- = pro-Abor-
ion Vote

nv = Not
Voting

+ = Changed
Vote -
to +

Life after abortion: A moral dilemma in Del.

By Rick Edmonds
Inquirer Staff Writer

WILMINGTON — The two tiny infants, a boy and a girl, each weighing three pounds if that, were doing well, breathing on their own power last week at the Wilmington Medical Center's intensive care nursery. And that was the problem.

Both babies were supposed to have suffered cardiac arrest and been expelled stillborn after injection of a saline solution into their mothers' wombs.

The unwanted babies have both been signed over for adoption by

their mothers, and so they have no real names as yet. They are called Sal and Saline by interns and nurses — a flip reference to the saline solution that failed to kill them.

But the consequences of these abortions that didn't work are no joke.

The Delaware Attorney General's office has subpoenaed hospital records and is interviewing staff in an investigation of allegations that the infants' development was grossly underestimated and that one of them, upon delivery, was not checked promptly for signs of life.

Already, according to sources in the medical community, the medical center has begun new ultrasound screening of women requesting abortions in the second trimester of pregnancy, and it has turned away those beyond the 20th week. (A full-term pregnancy lasts about 36 weeks.)

In Wilmington and beyond, the coincidence of two such live births in the space of a month has posed for public discussion an ethical problem that long has troubled professionals.

Voluntary abortions late in the second trimester (up to 24 weeks) are clearly legal under a 1973 U.S. Su-

preme Court decision. But are such abortions morally acceptable if the result is sometimes a live — and likely damaged — infant?

Births like the two at the medical center are rare but by no means unprecedented. According to Dr. Willard Cates, chief of abortion surveillance at the Center for Disease Control in Atlanta, about 2 out of 1,000 saline abortions result in a live birth.

The chances of such an infant surviving for any length of time are considerably less though, Cates said. In 1974, the latest year studied, there

were 200 such unintended births nationally. Of that group, six survived early infancy and have a good chance of growing to maturity. It is safe to assume that at least six infants a year have been surviving abortions since then, he said.

Ironically, the saline procedure's supposed advantage over two other methods used late in the second trimester is that it alone kills the fetus before expulsion.

The saline solution is injected so as to replace some of the nurturing amniotic fluid of the mother's womb. (See ABORTION on 7-B)

Life despite abortion, a moral dilemma ...

ABORTION, From 1-B

As the fetus swallows the fluid, its heart stops beating. At the same time, the salt solution induces contractions and eventually causes delivery of a stillborn child.

Exactly why some fetuses are born live instead "really is impossible to say," according to Dr. Joel Polin, an associate professor of obstetrics and gynecology at the University of Pennsylvania Medical School. "It may be that the fetus is larger — larger physically or more developed or both. And some are simply stronger."

A live birth from a saline abortion often involves a mistake in estimating the development of the fetus. Polin said. "If a patient is obese, that makes her harder to examine. Generally we assume patients are telling the truth (about when they missed a menstrual period and likely were impregnated). But errors can be made. Patients can deceive us."

Being a few weeks off in estimating the development of a fetus in the late second trimester can have profound consequences, since 24 to 26 weeks is the "borderline of viability" — that is, the ability to survive and develop under the best of circumstances outside the womb. Once such an infant presents itself live, Polin said, the physician's obligation is clear: "Every effort must be made to save it."

Unfortunately, the prospects for full development of an early seven-month baby are not good, he said. So the abortions that do not work yield infants who — by their prematurity alone — may need expensive, even heroic treatment to survive, and who run a vastly higher risk than full-term infants of being brain damaged.

Damage unknown

The saline solution may do additional damage to babies like the two born in Wilmington, according to Dr. Cates, but not enough of them have survived and been studied to say for sure.

The legal context in which such abortion mishaps fall was set by the Supreme Court in 1973. Essentially, the ruling allows voluntary abortions in the first and second trimesters on the theory that such fetuses are not yet viable; in the third trimester, the fetus is deemed to have limited rights as a human being and abortion is permissible only under extreme threats to the mother's health.

Delaware's 1971 abortion law set a more conservative standard, allowing voluntary abortions only through the 20th week of pregnancy. But when a women's health group challenged the law in federal court, the state agreed by stipulation that it was unconstitutional. That was in 1977, and no replacement law has been drafted.

But the absence of a valid state law on abortion is no obstacle to an investigation like the one that Chief Deputy Attorney General Joseph J. Farnan Jr. launched last week. Prosecutors in other states have taken the direct route of bringing criminal charges against physicians who have performed abortions that involved (even fleetingly) live births.

Edelin case

In the best known of these cases, Dr. Kenneth Edelin was convicted of manslaughter by a Boston jury in 1973, although the conviction was later set aside by the Massachusetts Supreme Judicial Court. Edelin, having failed to abort a fetus by the saline method, had performed a hysterectomy on a patient — opening her abdomen and lifting the fetus out. He was alleged by witnesses to have held the infant down in the woman's abdominal area, thereby preventing its breathing.

In a case now on trial in California, Dr. William Waddill is charged with murder in the death of an infant born live during a saline abortion. Waddill, who examined the infant 30 minutes after birth and has testified that it was dying, has been accused by another physician of having strangled the baby and then of having tried to get witnesses to agree on a cover story.

A jury finished its seventh day of deliberation without reaching a verdict Friday. This is Waddill's second trial on the charges — a jury failed after 11 days last year to agree on a verdict.

State authorities in South Carolina are pressing murder and criminal abortion charges there against a doctor who administered saline at the 25th week and delivered an infant who lived 18 days.

Sketchy details

In such a charged legal atmosphere as this, details of what happened at the Wilmington Medical Center have been hard to come by. The hospital, which serves all of northern Delaware and was the site of 2,000 abortions last year, acknowledged the two live births in a sketchy statement last Monday. The infants (both in good condition) were described only as a girl now about five weeks old and a boy about 10 days old.

By week's end, with Farnan's investigation in full gear, the medical center was unwilling even to reconfirm its earlier report of the babies' weights and developmental age at birth. Drs. John M. Levinson and Mohammed Imran, identified by sources as the physicians involved, refused comment.

From unofficial sources, some details of the births and the investigation were available. The births were brought to light by local anti-abortion groups, which had been alerted by a person with strong anti-abortion views who works at the center.

The source inside the center alleges that the infants were 31 weeks and 28 weeks developed. This puts them well into the third trimester. (The center first said the infants were in the fifth or sixth month, but it declined to confirm that estimate when challenged.)

The size and developmental age of the infants will be pivotal to any charges that may result.

Fetal development can be dated to within a week by ultrasound examination (a procedure in which sound waves are used to measure the size of the fetus). However, sources allege that "ultrasound" examinations (which are considered an unnecessary expense under routine circumstances) were not done before the two abortions that resulted in live births.

Last week, although no formal announcement was made, the medical center began to require ultrasound examinations before late second trimester abortions and to turn away women more than 20 weeks pregnant, according to two sources. Steps have been taken, in other words, to prevent any further accidental live deliveries during abortions.

One of the charges that Farnan is investigating is that proper care was not given to one of the infants. One of them, by the center's own account, was believed dead and set aside in a plastic specimen jar briefly before a pulsating in its umbilical chord was observed.

For Delaware Right-to-Life members, the incidents were a vehicle for renewing their protests of all abortions. Right-to-Life president Walter

(Continued on next page)

8-B Sunday, June 10, 1979 Philadelphia Inquirer

... 2 babies survive saline shots, testimony to imperfect procedure

Continued from preceding page

Janocha said his teaching colleagues at a private school for the retarded were taking him and his cause a good deal more seriously than they had before.

Last week, most Wilmington doctors were ducking even general questions about the significance of the two live births. An exception was Dr. John Gehret, a plain-spoken obstetrician who did much of the drafting of Delaware's abortion law.

"There's a lot of logic to making 20 weeks the cutoff," Gehret said in an interview Thursday night. "For one thing, that's when the woman begins to feel the baby. Also there's no conceivable way a 20-week infant can be kept alive outside the womb."

"I'm personally not interested in doing later abortions. They're kind of revolting to me. But I understand

the guy who says, 'They're legal — someone's going to do 'em — why not offer them here close to the woman's home?'"

Dr. Laura Tyrer, vice president for medical affairs of the Planned Parenthood Federation of America, said Friday that she and her organization, like Dr. Gehret, view the dangers of late second-trimester abortions with some alarm.

Planned Parenthood's own clinics do not encourage abortions except for medical reasons after 18 weeks, Dr. Tyrer said. Early on in the liberalization of abortion policies, some doctors advocated providing no life support assistance to the rare live-born infant. "Now we think that's very inappropriate and does not show proper respect for human life," she said.

Many medical centers around the

country are rolling the limit for voluntary abortions back to 20 weeks, said Dr. Cates of the Center for Disease Control, and some states now require by law that a pediatrician be present in case of live birth for any abortion later in term.

But this approach also has its critics. Patrick A. Trueman, general counsel for the Chicago-based Americans United for Life, an anti-abortion group, said it makes little sense to move the limit back to 20 weeks, or any such arbitrary number.

"That would be only minimal progress in my view," he said Friday.

"It wasn't so many years ago that no baby born at less than 32 weeks was given a chance to survive. Now we're down to 24 weeks. What do we do when the technology is such that we can keep them alive at 19 or 16 weeks, or in vitro."

CDAC ACTION - ALERT

High Priority Pro-Life Communication

July 2, 1979

PRO-LIFE VICTORY IN HOUSE -- ACTION GOES TO SENATE YOUR HELP NEEDED TO SHUT OFF FEDERAL FUNDS FOR ABORTION

Senate Action Expected in Late July

On June 27th the U.S. House of Representatives adopted strong Hyde language restricting the use of federal funds for abortion in the FY 1980 Labor/HEW Appropriations Bill: *"None of the funds contained in this Act shall be used to perform abortion except where the life of the mother would be endangered if the fetus were carried to term."* By a vote of 241 to 180 the House fought off an attempt to weaken this language.

The ACTION NOW SHIFTS TO THE SENATE which is expected to vote on the Hyde language by late July. Due to the wide margin of victory in the House vote, pro-life leaders on Capitol Hill think that restoration of the Hyde Amendment to the law is a definite possibility -- but only if a strong grassroots effort is made to break down the pro-abortion will of the Senate. Immediately begin to institute this ACTION-ALERT. Please tailor your message to each of your two U.S. Senators to his past voting record on federal funding (see enclosed U.S. Senate voting record).

ACTION
REQUESTED

1. INSTITUTE LETTERWRITING ALERT

Use your telephone tree, bulletins, Letters to Editors, etc. to activate as many pro-life persons as possible. Ask each to send a public opinion telegram, mailgram, or letter (NOT a phone call) to their two Senators. Use one of the following messages for each, based on each Senator's previous voting record:

TO PRO-LIFE SENATORS (All "+" Voting Record):

Please continue to support the Hyde language in the Labor/HEW Appropriations Bill. I oppose the use of any of my tax dollars to pay for abortions.

TO SENATORS WHO VOTED TO WEAKEN RESTRICTION (Mixed +/- Voting Record):

I strongly oppose your votes to weaken the Hyde Amendment. None of my tax dollars should be used to pay for abortions.

TO PRO-ABORTION FUNDING SENATORS (All "-" Voting record):

I strongly oppose your continued support of federal funding of abortion-on-demand. My tax dollars should not be used for abortions.

TO NEW SENATORS:

I strongly oppose the use of any of my tax dollars for abortions. Please vote for the Hyde Amendment.

ACTION
REQUESTED

2. ARRANGE MEETINGS WITH SENATORS

Immediately call to request a meeting of key pro-life citizens with each of your Senators. Try to meet with each as soon as possible, but no later than July 23. The purpose of this important face-to-face dialogue is to:

FOR PRO-LIFE SENATORS: *THANK* him for his past support, *STRESS* the need for his continued support for the Hyde Amendment by referring to the unacceptable language in the law which pays for thousands of abortions, AND *OBTAIN* his commitment to support the Hyde language again this year.

FOR SENATORS WHO SUPPORTED WEAKENING THE LANGUAGE: *INFORM* him that the present language is unacceptable because thousands of abortions are being paid for with tax dollars (see reverse), *PROVIDE* documentation refuting the need for either a "Health of the Mother" or "Rape/Incest" exception (see green enclosure from May 2, 1979 ALERT), AND *REQUEST* his unwavering support for the Hyde Amendment to remove the federal government from the abortion business.

FOR PRO-ABORTION FUNDING SENATORS: *PERSUADE* him that those Americans who know each abortion kills an innocent human being should not be forced to violate their consciences by the use of their tax dollars to pay for abortions.

FOR NEW SENATORS: *DETERMINE* his position, then make appropriate points listed above.

DEADLINE: ALL REQUESTED ACTION MUST BE COMPLETED BY JULY 23, 1979

National Committee For a Human Life Amendment, Inc.

1707 L STREET, N.W. SUITE 400 • WASHINGTON, D.C. 20036 • 202-785-8061

BACKGROUND INFORMATION FOR KEY LEADERS

Three years ago the U.S. Congress passed the Hyde Amendment (see wording on reverse). During each of the last two years, the Congress passed weaker language which includes both a "Health of the Mother" and a "Rape/Incest" exception. These exceptions read as follows: "...or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by two physicians."

It is alleged that this weaker language has resulted in a 99% reduction in the number of federally funded Medicaid abortions. However, these exceptions must be removed and the Hyde Amendment restored to the law for the following reasons:

- I. Compromise Is Unacceptable When Dealing With An Inalienable Right. It is often suggested that compromise is the essence of the legislative process in a democracy. While the art of compromise might be appropriate when dealing with certain economic and social goals, it ought not to apply to fundamental and inalienable rights such as the right to life. This is one of the reasons that the founding fathers placed such rights in the Constitution, i.e., to place them beyond the give and take, uncertainties and turmoil of the ongoing legislative process. Unfortunately, the U.S. Supreme Court has removed the unborn from the category of human beings who receive constitutional protection for their fundamental rights and freedoms. However, those congressmen who adhere to the role of government as articulated in the Declaration of Independence must steadfastly vote to protect the inalienable right to life of all innocent persons, as their predecessors steadfastly voted to protect the inalienable right to liberty. We should never have a public policy in America that legalizes and pays for the killing of any number of innocent human beings however small or inconvenient they might be.
- II. The reported drop in federally funded abortions by 99% is not true. Our research has revealed the following examples of discrepancies between figures on HEW's statistical report versus actual experience with states obtaining or seeking federal reimbursement:

<u>NUMBER OF FEDERALLY FUNDED ABORTIONS - 1978</u>		
	<u>HEW</u>	<u>Actual Reimbursement</u>
	<u>Statistical Report</u>	<u>Obtained or Will be Requested</u>
Illinois	264	12,606
California	00	8,667
Massachusetts	24	1,457

This is not surprising when one reads Secretary Califano's letters accompanying the figures. He points out all the figures are unaudited, that all states have an unlimited time period to request reimbursement, and that some states are submitting one set of figures for reimbursement and a second set for the statistical report on federally funded abortions.

- III. HEW Regulations Unchanged -- Potential For Massive Abuse Remains. The HEW regulations, written to implement the abortion funding language currently in the law, remain unchanged -- despite the excellent legislative history established in 1978 to persuade Secretary Califano to tighten them. Consider the following:
 - a) "Medical Procedures" are interpreted to include abortions.
 - b) Rape is interpreted to include statutory rape.
 - c) Reporting requirements for rape and incest victims are lax and ineffective:
 - 1) anyone can report the crime up to two months later;
 - 2) the report may be made by mail; and
 - 3) the report may be made after the abortion has been performed.
 - d) The regulations fail to establish any procedures that require documentation (medical records) to justify the need for abortions by the physicians who perform them.

The potential for widespread abuse of the weak language passed into law last year, and of the HEW regulations implementing that law, remains -- despite allegations that major abuse has not occurred. A glimpse of what might happen is evident in the breakdown of the figures provided by the state of Ohio. In six months, 697 abortions were performed for the stated reason of the "Life of the Woman Endangered". No other state even came close to matching this figure. It is difficult to imagine that the lives of Ohio women are in greater danger due to pregnancy than the lives of women in other states with similar populations.

- IV. Secretary Califano Himself Is Clearly Concerned. In his testimony before the House Appropriations Labor/HEW Subcommittee on March, 1979, Secretary Califano of HEW urged that the health exception be eliminated. His administrations' position was challenged by Rep. Smith (D IA-4), who said, "So the difference between the administration and the existing law is 385?" Secretary Califano responded: "That is one way to put it. There are obviously some more fundamental considerations involved..."

HYDE AMENDMENT CAN BE RESTORED -- IF YOU DO EVERYTHING POSSIBLE

SPECIAL REQUEST FOR PRAYERS

Please request of all pro-life citizens their prayers on behalf of the unborn and for those undergoing and performing abortions.

CDAC ACTION NEWS

WASHINGTON REPORT FOR CONGRESSIONAL DISTRICT ACTION COMMITTEES

July 3, 1979

HYDE AMENDMENT PASSES FIRST HOUSE TEST VOTE MARGIN DEMONSTRATES INCREASING PRO-LIFE STRENGTH

On Wednesday, June 27, 1979, the U.S. House of Representatives voted 241-180 in favor of the Hyde Amendment to the Labor/HEW Appropriations Bill. The Hyde Amendment reads:

"None of the funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term."

When the above language came to the floor of the House in the Appropriations Bill it was immediately challenged by abortion advocate Rep. Louis Stokes (D-21st, OH) who made a motion to eliminate any restriction on the use of federal funds for abortions. The Stokes' motion was defeated on a voice vote.

Then, Rep. David Obey (D-7th-WI), a persistent and clever champion of the weakest possible restrictions on the of federal funds for abortions, presented the NARAL-Planned Parenthood fall-back position. He made a motion to strike the Hyde Amendment and replace it with the present language in the law which includes exceptions for health and rape/incest. The Obey motion was defeated 241-180 -- a sixty-one vote margin! The Labor/HEW Appropriations Bill, with the Hyde Amendment as an important and integral element, will now proceed to the Senate where action is expected by the end of July.

USE CAUTION WHEN EVALUATING YOUR CONGRESSMAN'S VOTE

A review of the season's first vote on Hyde reveals several congressman who, for the first time, voted pro-life. THIS DOES NOT MEAN THAT THE CONGRESSMAN HAS BEEN WON OVER, i.e., that he will vote pro-life on all subsequent votes. Other factors may have been at work. For instance, the congressman may have been: supporting the Committee language at this stage in the process; or giving his pro-life constituents the first vote while fully intending to vote for the "compromise" later; or voting with his pro-life constituents since there was only one recorded vote this year. [Last year when the Hyde Amendment arrived on the floor, there were two recorded votes -- the first to delete any restriction on funding; the second to substitute the "compromise" language for Hyde. This provided several legislators with an opportunity to give both sides a recorded vote, i.e., vote against the deletion of any restrictions on the first vote for the pro-life constituent and then, turn around and vote for the "compromise" language on the second vote for NARAL.]

THE BOTTOM LINE:

Unless you have a firm commitment from your congressman to support the Hyde Amendment throughout the entire session of congress do not assume that he will vote pro-life on the next vote or on those votes which will occur toward the end of the process in September.

FIRST-RATE EFFORTS BY GRASSROOTS AND HOUSE PRO-LIFE LEADERS ASSURED VICTORY

The outstanding margin of victory which the pro-life movement achieved last week was the result of a several months long campaign which saw efforts at the congressional district level successfully joined at every stage in the process with a first-rate performance by several key pro-life leaders on Capitol Hill.

Labor/HEW Subcommittee: The Hyde language was first placed in the appropriations bill at the Subcommittee level due to the strong advocacy of Chairman William Natcher (D-2-KY). Supporting Mr. Natcher were subcommittee members: Daniel Flood (D-11-PA); Edward Patten (D-15-NJ); Joseph Early (D-3-MA); Robert Michel (R-18-IL); Silvio Conte (R-1-MA); and George O'Brien (R-17-IL). Unsuccessful efforts to oppose its inclusion were led by Rep. Obey.

Appropriations Committee: Here, Reps. Obey and Bill Alexander (D-1-AR) led the effort to replace the Hyde Amendment with the compromise language. They failed in two successive efforts (23-22 and 25-24). The victory was guaranteed by the efforts of Mr. Natcher, Mr. Early and Mr. Joseph McDade (R-10-PA).

Rules Committee: In the absence of a special Rule protecting the Hyde Amendment from a point of order for legislating on an appropriations bill, the pro-life language would have been stricken from the bill. Consequently, Mr. Robert Bauman (R-1-MD) successfully orchestrated the achievement of a Rule. Rep. Joseph Moakley (D-9-MA), a Rules Committee member, helped line up pro-life support among the Democrats. Again it was Mr. Obey who made an attempt to obtain a Rule that would have hurt pro-life chances by helping the NARAL-Planned Parenthood supported "compromise". The Obey effort failed. In addition, Anthony Beilenson (D-23-CA) proposed an even worse Rule which also failed. Until he entered the hospital, Rules Committee Chairman, Richard Bolling (D-5-MO), blocked the Bauman effort.

Full House Action: As always, the single most effective congressman working to end federal abortion payments was Henry Hyde (R-6-IL). Ably joining him this year as co-sponsors and co-leaders of the Hyde campaign were: Harold Volkmer (D-9-MO) and Charles Dougherty (R-4-PA). These three pro-life floor leaders spent several days before the actual floor vote in an effort to persuade marginal members to vote pro-life. Mr. Volkmer recruited and coordinated a Democratic team to secure the support of marginal members. Helping were: Nicholas Mavroules (D-6-MA); Ron Mazzoli (D-3-KY); James Oberstar (D-8-MN); Marty Russo (D-3-IL); and Bob Young (D-2-MO). Charles Dougherty conducted an identical campaign among Republicans, whose team consisted of: Robert Bauman; Robert Dornan (R-27-CA); David Treen (R-3-LA); Tom Tauke (R-2-IA); and Dan Lungren (R-34-CA).

All of these members helped in one or more additional ways as well, such as sending "Dear Colleague" letters, speaking, handling the door, etc. Also helping were: George O'Brien; John Erlenborn (R-14-IL); Robert Livingston (R-1-LA); Ron Paul (R-22-TX); Eldon Rudd (R-4-AZ); Don Bailey (D-21-PA); Marilyn Lloyd Bouquard (D-3-TN); and Dale Kildee (D-7-MI).

Pro-Abortion Leadership: Leading the effort on the floor for total abortion funding was Louis Stokes (D-21-OH), and for the compromise language was David Obey. Joining them in speaking in favor of abortion funding were: Ronald Dellums (D-8-CA); Millicent Fenwick (R-5-NJ); Joel Pritchard (R-1-WA); Neal Smith (D-4-IA); S. William Green (R-18-NY); Geraldine Ferraro (D-9-NY); Stephen Neal (D-5-NC); Don Edwards (D-10-CA); George Miller (D-7-CA); John Seiberling (D-4-OH); Patricia Schroeder (D-1-CO); Paul McCloskey (R-12-CA); Parren Mitchell (D-7-MD); Ted Weiss (D-20-NY); and James Weaver (D-4-OR).

THIS VICTORY BELONGS TO YOU

For those of you who are continuing to work to fully develop your Congressional District Action Committees or similar organizations, you should take great pride in this initial strong pro-life vote in the House of Representatives. The Congress is responding to the increasing number of Americans who, in a systematic and organized fashion, are getting on record in opposition to abortion. To those who, for whatever reasons, haven't been organizing along the CDAC lines, we urge you now to get involved or reinvented in the process -- because without everyone's help it is unlikely that all federal abortion funding will be ended and it will be impossible to pass a Human Life Amendment which would end the legal killing of 1.3 million American unborn children a year.

PLEASE SAY THANK YOU

Please thank all pro-life congressmen for their votes and especially thank those who assumed a leadership role. For those supporting us for the first time, include in your thanks the hope that their vote represents a change in position and not just an isolated act.

FINAL VICTORY DEPENDS ON YOU

Where commitments cannot be immediately obtained from your congressman to support the Hyde Amendment throughout the session, then you have until approximately mid-September to further organize in order to achieve a level of strength that hopefully will persuade your congressman to vote pro-life. Without a full scale effort on each of your parts, we will not be able to restore the Hyde Amendment to the law and save so many thousands of unborn children's lives.

Hyde Amendment—

(Continued from Page 1)

are unaudited and many discrepancies have been uncovered, showing that the actual number of tax-paid abortions is much higher than official figures indicate.

For example, HEW's statistical report lists 264 such abortions for the state of Illinois during 1978, but the actual reimbursement sought by the state was for 12,606. Similarly, 24 subsidized abortions were shown by HEW for Massachusetts, while the state claimed reimbursement for 8,667. HEW's report shows no federally funded abortions for California in 1978, but the state claimed reimbursement for 1,457.

In letters from HEW Sec. Joseph Califano accompanying the department's figures it is pointed out that states have an unlimited time to request reimbursement and that some states are submitting one set of figures for that purpose and a second set for the statistical report.

Secondly, HEW regulations written to implement the current abortion funding restriction are extremely lax and the potential for mass abuse remains. Funding is allowed not only in cases of forcible rape but also in "statutory" rape cases. Reporting requirements for alleged rape and incest victims are ineffective in that anyone can report the crime up to two months after its occurrence and the report can be made by mail and may be submitted after the abortion has been performed. Also, the regulations fail to establish procedures requiring documentation by physicians to justify the need for abortions they perform.

Ohio's figures show that abuse of the abortion funding limitation is occurring. In six months, 697 abortions were performed there under the "life of mother" exception. No other state even came close to matching this figure. It is difficult to imagine that the lives of Ohio women are in any greater danger from pregnancy than those of women living in other states with similar populations.

In writing to or speaking with their representatives and senators, pro-lifers should emphasize that while compromise might be appropriate when dealing with certain economic and social goals, it ought not to apply to fundamental and inalienable rights, such as the right to life. It should never be public policy in America to pay for the killing of any number of innocent human beings, no matter how small or inconvenient they may be.

Missouri Synod calls for life amendment

The Lutheran Church-Missouri Synod, the nation's second largest Lutheran denomination, has gone on record in favor of a Human Life Amendment to prohibit abortion except to save the life of the mother. The resolution was adopted with little debate during the recent biennial convention of the 2.7 million-member group.

The synod has had an anti-abortion position since 1971, but this is the first time members have called for a Human Life Amendment.

"Pro-choice" label inaccurate, says newspaper editor

(Editor's note: The following editorial by Editor Walt Olson appeared in the May 30 edition of the Morgan Messenger.)

A new expression in the lexicon of pro-abortionists has popped up. It's called "pro-choice." In other words, those who favor abortion are said to be "pro-choicers."

By such thinking, the anti-abortion groups are no longer pro-life, they are "anti-choice." An article in the recent Redbook magazine kept referring to pro-choice as something laudable. The article also indicated that 80% of the people favor abortion, as though that makes abortion right.

More than 80% of the Germans thought Hitler was OK for awhile too. Just because a majority of people approve of something doesn't make it right.

Using the logic of the "pro-choicers," one can pop someone on the head with a baseball bat, kick someone in the shins, or even murder someone, simply because one has chosen to do so.

Mission Possible needs help to help others

As part of MCCL's Mission Possible project, youthful pro-life activist Andy Sondag left Minnesota in mid-July to assist with organizational efforts in Arkansas.

Sondag, 23, is a native of southern Illinois and a 1978 graduate of the College of St. Thomas. While a student he was active in Save Our Unwanted Life (SOUL), a campus pro-life group, and served a term as its president.

(SOUL, the Minnesota affiliate of the National Youth Pro-Life Coalition has been provided rent-free office space by MCCL since its inception.)



Andy Sondag

Since his graduation Sondag has volunteered extensively in the right-to-life movement,

assisting MCCL as a volunteer during this past spring. He has spent much time in recent months studying MCCL's organization and learning the ins and outs of running an effective corporation dedicated to securing the right to life, information that will be helpful to Arkansas pro-lifers, now in the initial stages of pro-life organization.

In brief, the Mission Possible project involves analyzing which states are potentially pro-life but lack an organization capable of influencing the congressional delegation and state legislature; raising money specifically for a "sharing fund" for these target states; working with local leaders to formulate plans for activating a strong pro-life group; providing matching funds and expertise to help target states raise money to carry out their plans; and following up with continuing help and communication with new state groups.

So far Mission Possible money has helped pro-life efforts in eight states. Because current resources in the Mission Possible fund are committed to grants and loans already offered, no such funds are available to offer Arkansas pro-lifers when they reach the appropriate organizational level. If you can help, please fill out the coupon below and send it with your donation. It must be remembered that MCCL's goal of a Human Life Amendment will not be reached unless enough other states can be helped to the necessary level of effectiveness.

I am sending this gift of \$_____ to help Mission Possible help other states prepare to ratify a Human Life Amendment.

Name _____ Address _____

City _____ State _____ ZIP _____

Mail to: Mission Possible
MCCL
4803 Nicollet Ave. S.
Mpls., MN 55409

MARJORY MECKLENBURG
6700 CHEYENNE TRAIL • EDINA, MN 55435

July 10, 1979



TO THE EDITOR:

Regarding the Associated Press article, "Two State DFL Representatives May Challenge Nolan Next Year."

Abortion should not be the basis of a challenge for Congressman Richard Nolan's 6th District congressional seat by DFL Representative Steve Wenzel (AP story). Both men are pro-life.

Congressman Nolan is one of the few pro-life liberals in the U.S. Congress. He has authored legislation to restore legal protection to unborn babies, to help needy pregnant women and to improve conditions for children and families.

He has repeatedly voted to reduce federal funding for abortion. In 1978, it was only after 47 votes, during a long and bitter impasse between the Senate and the House, that Congressman Nolan reluctantly supported a compromise which was also agreed to by other pro-life Congressmen. They settled for less than they wanted because they could see sympathy building toward acceptance of more permissive language and because the paychecks of thousands of families were being held up in the dispute.

This year, as last, Congressman Nolan voted for language which would prevent federal funding for abortion except when the life of the mother is threatened. He also supported an amendment which would have allowed abortion only to save a mother's life, when rape and incest is promptly reported or when two or more physicians will verify that to carry the pregnancy to term will cause irreparable extreme physical harm to the mother; this is also more restrictive than the present law.

Over the years the pro-life grade on Congressman Nolan's legislative report card would be an A. That should be sufficient. He should not have to score 100% to deserve the thanks of pro-life people. Liberal Democrats face great pressure from many of their co-workers and supporters when they identify with the pro-life position. We ought to appreciate those who do. There is enough real opposition elsewhere.

Marjory Mecklenburg, President

American Citizens Concerned for Life

U.S. SENATE REJECTS HYDE AMENDMENT - CONFERENCE COMMITTEE SCHEDULED

On July 19, the Senate rejected the House-passed Hyde Amendment and substituted the weak 1977-1978 abortion funding language that is currently the law. Due primarily to Sen. Schweiker (PA), the Senate Appropriations Committee had reported out the House language as part of the Labor/HEW Appropriations Bill. When the bill came to the Senate floor, a rather confusing sequence of motions and substitute motions followed which resulted in five hours of debate and three recorded votes.

First, pro-abortion dean Sen. Packwood (OR) moved to strike the abortion funding language entirely and thus allow the use of federal funds for all abortions with no restrictions. Then Sen. Magnusson (WA) offered a substitute motion to fund abortions for rape, incest or when "medically necessary." Then pro-life Sen. Jesse Helms (NC) moved to amend the Magnusson motion by striking out "medically necessary" and thus restrict abortion funding to life of mother or rape and incest cases.

A motion to table the Helms motion failed 53-46. This in itself was a pro-life victory since the Helms motion would have eliminated funding for "medically necessary" abortions. Voting pro-life against tabling the Helms motion were Minnesota Sens. Boschwitz and Durenberger. Following that, a vote was taken on the Helms motion itself. This time the Helms motion was defeated 53-46, a pro-life loss. Minnesota Sens. Boschwitz and Durenberger again voted pro-life for the Helms motion on this vote.

Then Magnusson agreed to allow Sen. Bayh (IN) to move the current (1977-1978) language (rape, incest, life of mother and severe and longlasting physical health damage) rather than the "medically necessary" language. At this point, the Senate voted 57-42 to substitute that compromise language, which the House rejected on June 27 by 241-180, for the Hyde Amendment. Voting pro-life against substituting the compromise language, and thus for the Hyde Amendment, were Minnesota Sens. Boschwitz and Durenberger.

Although the Hyde Amendment lost the first round in the Senate, the vote against the current compromise language was the largest since that language was first adopted in December, 1977, and represented a retreat from last year's Senate position in favor of "medically necessary" language.

Only the first round in this year's federal abortion funding battle is over. The issue now goes to conference committee and the House may vote again soon. If pro-life members of the House and Senate hold firm there's an excellent chance that either the original Hyde Amendment or other language substantially better than what is currently in the law can be adopted this year.

PLEASE THANK MINNESOTA CONGRESSMEN ERDAHL, HAGEDORN, VENTO, STANGELAND AND OBERSTAR AND SENATORS BOSCHWITZ AND DURENBERGER FOR SUPPORTING THE HYDE AMENDMENT. THEY ARE UNDER TREMENDOUS PRESSURE FROM THE PRO-ABORTION LOBBY. URGE CONGRESSMEN FRENZEL, SABO, AND NOLAN TO SUPPORT THE HYDE AMENDMENT IN FUTURE VOTES.

Doubts Arise About Abortion 'Martyr'

By Bill Peterson

Washington Post Staff Writer

A woman portrayed as a martyr when she died from an illegal abortion after Medicaid funds were cut off may have been simply trying to keep her pregnancy a secret when she slipped across the border to have the operation performed in the back of a Mexican pharmacy.

That possibility has been raised by the woman's personal physician and the head of a Planned Parenthood clinic where she had been a client before she died Oct. 2 in McAllen, Tex.

Both said in interviews that they would have arranged a free or low-cost legal abortion for the unmarried, 27-year-old woman if she had sought their help—which she didn't.

Furthermore, the physician, Dr. Homero Rivas, said that in 1975 the woman had not sought a Medicaid abortion, for which she was eligible, when she was also pregnant out of wedlock.

Rivas and Lila Burns, who directs a Planned Parenthood clinic, said it is common for women in the area to seek cheap illegal abortions across the border in Mexico to keep friends, neighbors and relatives from finding out about them.

"We had this problem long before

Medicaid abortions and we'll have it long after them," said Rivas.

Reports that the woman's death might not have been linked to the cut-off of funds for government-paid abortions first appeared in Ob. Gyn. News, a medical newspaper for obstetricians and gynecologists published in Bethesda.

In a copyrighted story in its Dec. 1 issue, the newspaper said investigators from the Center for Disease Control in Atlanta knew the woman "had gone to Mexico for another abortion two years ago" but disregarded this information "without making it public."

Dr. Julian Gold, who headed a four-member CDC team that investigated the case, conceded in an interview that he knew the woman had been pregnant in 1975, but said investigators could not establish if she had had an abortion in Mexico, or elsewhere.

Gold's report said that this year when the woman "indicated to her physician that she might be pregnant, he informed her that Medicaid no longer paid for abortions. She subsequently obtained an induced abortion in Mexico."

The Mexican-American woman, the mother of a four-year-old daughter, died Oct. 2, six days after being admitted to a McAllen, Tex., hospital with chills, fever, anemia and jaundice.

The incident led to widespread out-

cries in Congress and in the press over the cutoff of Medicaid funds for abortions. A memorial service was held in Washington for the woman at which one spokesman said: "The only thing that stood between her and life was a Medicaid card that wouldn't buy her an abortion she chose to have."

Gold said he still stands behind his report. He based his conclusions on extensive on-site interviews, particularly one with a cousin of the dead woman. "He had spoken to her a day or two before she went to Mexico and he said she went there because of the cutoff," he said.

Four other women, two of whom carried Medicaid cards, also suffered complications requiring hospitalization after illegal abortions at the same bordertown pharmacy. Only one of the four talked with investigators; she told them she had gone to Mexico to keep the matter secret.

Neither family physician Rivas nor Planned Parenthood official Burns talked to the dead woman about her reasons for going to Mexico. Burns said she believes the woman wanted to protect her privacy because she's certain that she knew free or low-cost abortions were available through the Planned Parenthood clinic.

"It's only speculation," she added.

"Who knows why someone goes to Mexico for an abortion? Is it money? Or is it that they don't want anyone to know about it?"

The abortion the dead woman received in Reynosa, Mexico, reportedly cost \$40. The going legal rate for abortions in McAllen is said to be from \$200 to \$250.

**\$73 Billion Labor-HEW Bill Passed:**

Senate Retreats from Position on Abortion

Recognizing the growing strength of the "right-to-life" movement, the Senate has dramatically shifted its position on federally funded abortions.

Its July 19 approval of an abortion provision significantly more restrictive than the Senate position in past years, represented a major victory for the anti-abortion movement, which has vowed to expand in 1980 its efforts to defeat abortion-funding supporters at the polls.

Instead of approving all "medically necessary" abortions, as it has in past years, the Senate voted for the compromise language in existing law, allowing payment for abortions to save the life of the mother or prevent severe and long-lasting damage to her physical health, and in cases of rape or incest.

The action came on an amendment to the fiscal 1980 Labor-Health, Education and Welfare (HEW) appropriations bill (HR 4389), which the Senate passed July 20.

The Senate's strong pro-abortion-funding position in the past has served as a counterweight to the House's tough stand against all abortions not needed to save the life of the mother. But this year senators were unwilling to take such a controversial position just to give their conferees more bargaining room. (*Details of Senate floor action, p. 1532*)

Pro-life forces predicted the vote would lead to further tightening of the abortion limitation in existing law. "With the House standing firm and a different set of circumstances in the Senate, we will move ahead on the Hyde amendment," said Jesse Helms, R-N.C. Rep. Henry J. Hyde, R-Ill., sponsored the original anti-abortion amendment.

"Pro-choice" supporters of abortion funding placed their hopes on the Senate sticking with the existing compromise language in conference negotiations.

In other action on HR 4389, the Senate rejected attempts to make major cuts in the funding levels reported by the Appropriations Committee. It approved floor amendments adding \$258.6 million to the committee bill. The total appropriation was \$73 billion.

Unlike the House, the Senate rejected an attempt to cut HEW spending by \$500 million, with the savings to come out of spending for waste, fraud and abuse. In 1978 the Senate approved a \$2 billion waste, fraud and abuse reduction. (*1978 Almanac p. 105*)

The House passed HR 4389 June 27. (*Weekly Report p. 1287*)

Senate Committee Action

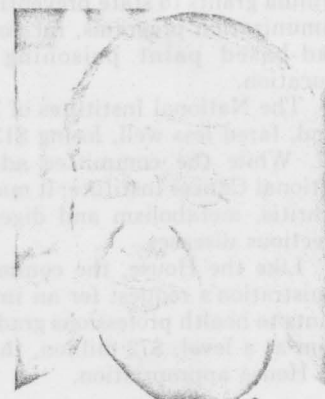
The Senate Appropriations Committee filed its report on HR 4389 July 13 (S Rept 96-247). It approved fiscal 1980 appropriations of \$72.7 billion — \$250.7 million less than the House-approved total.

The difference between the two bills would have been even greater if the committee had approved the House's \$500 million reduction in HEW spending for waste, fraud and abuse. The total of line items in the House-passed bill was actually \$716.7 million more than the Senate committee total.

—By Harrison H. Donnelly

"This shows the strength of the right-to-life movement. People get panicky."

—Sen. George McGovern,
D-S.D.



Unlike recent previous years, the committee declined to put liberalized abortion language into the bill, deciding to let the House language allowing abortion funding only to save the life of the mother remain in the bill.

Department of Labor

The committee achieved a \$53.3 million reduction in the Labor Department appropriation approved by the House by using different assumptions about the status of public service employment programs. It approved basically the same program level as the House for countercyclical public service employment under Title VI of the Comprehensive Employment and Training Act (CETA). But it cut \$188 million from the House's appropriation by using a lower estimate of the number of workers on board by the beginning of the fiscal year.

Similarly, the committee saved \$200 million from the House amount for the administration's new private sector initiative jobs program by assuming that it would get started more slowly than the House had thought, and thus spend less money in its first year. The committee's recommendation was \$125 million.

The committee shifted much of the money it "saved" to youth employment programs. At an increased cost of \$297.8 million, the panel restored cuts made by the House in the administration's budget request for youth employment and training programs and the Young Adult Conservation Corps.

Department of HEW

Total spending for HEW was set at \$60 billion — \$447.9 million below the House level.

The committee achieved a \$34 million reduction in spending by limiting total department payments for consultants to \$160 million. HEW had estimated it would spend \$194 million on consultant contracts. The committee made clear that it did not like the way HEW had been making increasing use of outside consultants to analyze and evaluate programs. It said it was "unaware of any program improvements that have been brought about by the department's large annual investment in evaluation contracts."

Health

Taking all the HEW health programs together, the committee added a total of \$58.7 million to the spending in the House bill. The biggest winner was the preventive health programs of the Center for Disease Control. The committee added \$33.5 million, with the increases going for formula grants to state preventive health programs, and for immunization programs, rat control, venereal disease and lead-based paint poisoning prevention and health education.

The National Institutes of Health (NIH), on the other hand, fared less well, losing \$13.3 million from the House bill. While the committee added \$38.8 million for the National Cancer Institute, it made large cuts in research on arthritis, metabolism and digestive diseases, allergy and infectious diseases.

Like the House, the committee turned down the administration's request for an immediate end to capitation grants to health professions graduate schools. But it funded them at a level, \$72 million, that was \$16.4 million below the House appropriation.

Education

The committee reduced the House appropriation for federal assistance to public elementary and secondary education by a total of \$228.4 million. Only handicapped education, among the major aid programs for local public schools, escaped a cut.

The committee approved the House amount for the basic Title I program for assistance to schools providing compensatory education to children from low-income backgrounds. But it cut \$145.8 million from a new program of extra aid to schools with many poor children.

Noting "the apparent lack of progress being made by the bilingual education program," the committee cut \$14.3 million from the House amount for schools educating children from non-English-speaking backgrounds.

A \$52 million reduction in the impact aid program was achieved by sharply cutting "B" payments for children whose parents either lived or worked on federal property. Some of the savings were shifted to "A" payments for children whose parents both lived and worked on federal property.

Federal assistance to school districts undertaking racial desegregation also was cut. Noting that many schools receiving the aid had been desegregated years before, the panel cut \$37.6 million from grants to schools under the program, known as emergency school aid.

However, the committee provided increased funds for handicapped education — \$1.05 billion — by adding to a program encouraging schools to help preschool handicapped children.

Funds for a number of higher education programs were reduced. However, an apparent \$726 million cut in Basic Educational Opportunity Grant (BEOG) funding was a bookkeeping difference with the House, rather than a change in the real spending level. The House's position was that the large leftover funds from the program in previous years had to be reappropriated, while the Senate committee said a new appropriation was not necessary.

Welfare

The biggest change made by the committee in the welfare area was the restoration of a program for Cuban refugees that the House had wanted to end.

The bill did not contain \$149 million sought by the administration for Indochinese refugees, because of the lack of authorizing legislation. The committee, noting that potential costs of refugee assistance could go as high as \$1 billion in five years, said the United States should "resist efforts to admit larger quotas of refugees until other countries have demonstrated their willingness to do their fair share."

Related Agencies

The committee set up a possible conflict with the House over the issue of emergency funds to help poor people heat their homes this winter by providing \$250 million for a program the House had refused to fund.

The emergency fuel funds would be distributed by the Community Services Administration, which had run a similar program in past years. Criticism of waste in the program led the House to reject funding, despite fears of a heating oil shortage and rising prices next winter.

The committee said the help should be concentrated on the elderly poor.

Senate Floor Action

The Senate passed the \$73 billion appropriations bill by a vote of 67-20 July 20 after two days of debate. (*Vote 199, p. 1567*)

Abortion

As observers had predicted, the election loss of Edward W. Brooke, R-Mass. (1967-79), proved to be a crucial factor in the Senate's change of position on abortion.

The reason Brooke's absence had an important effect, even before another conference struggle with the House, was that the Appropriations Committee did not take a strong pro-choice stance before the issue came to the Senate floor. In the past, Brooke, who was ranking member of the Labor-HEW Subcommittee, was able to win committee approval of a liberalized abortion provision allowing "medically necessary" abortions.

This year, Richard S. Schweiker, R-Pa., an abortion opponent, was ranking member of the subcommittee, and both the subcommittee and full committee were unable to agree on an abortion provision. So they brought the House's tough anti-abortion limitation to the floor.

That meant pro-choice senators had to ask their colleagues to vote directly in favor of liberal abortion policies, rather than just voting against tighter abortion restrictions. This proved a serious weakness.

Bob Packwood, R-Ore., probably the most outspoken defender of abortion funding in the Senate, moved first July 19 to remove all abortion restrictions.

Then Appropriations Committee Chairman Warren G. Magnuson, D-Wash., who really wished the whole issue would go away and leave his bill alone, proposed an amendment to insert the Senate-approved language of 1978, allowing medically necessary abortions.

Supporters of the Magnuson amendment concentrated on attacking what they saw as the unfairness of denying poor women a chance to have a procedure that women with money could have easily. Lowell P. Weicker Jr., R-Conn., argued that under the restrictive House provision, "the Constitution now will only apply to the wealthy; if you can afford this procedure, you are free to choose."



But opponents responded that the moral issue of the death of unborn children overrode other considerations. "Show that an abortion is not the deliberate termination of an innocent human life, and this argument can be settled. If you want to talk about civil liberties, let us talk about the civil liberties of that unborn child," said Helms.

Helms then proposed an amendment to delete the "medically necessary" exemption from the Magnuson amendment, leaving only abortions to save the life of the mother and in cases of rape or incest.

Pro-life forces appeared to be on the way to an even more significant victory when the Senate rejected an attempt to kill the Helms amendment. Packwood's motion to table it was rejected 46-53. (*Vote 187, Weekly Report p. 1489*)

However, it soon became clear that a sizable group of senators wanted neither the Magnuson nor the Helms approach, but the compromise position reached in previous years, allowing abortions when two doctors found that continued pregnancy would permanently damage the mother's physical health as well as when the mother's life was endangered and in cases of rape or incest.

After Birch Bayh, D-Ind., promised to offer that position as an amendment, the Senate rejected the Helms amendment 46-53. The Senate then adopted the Bayh compromise amendment 57-42. (*Votes 188, 189, Weekly Report p. 1489*)

Interviews after the vote showed that the reluctance of senators to take a controversial position for tactical purposes, and the growing strength of the right-to-life movement, contributed to the Senate's changed position.

In the past, the chief significance of the Senate's strong pro-choice stand was that it gave added negotiating power against the House's anti-abortion position. But this year a large group of moderates and liberals, satisfied with the compromise position, was unwilling to take a politically dangerous position just to give conferees another bargaining chip.

"It's asking a lot to ask them to vote that way for tactical reasons. They want to keep the policy in current law," said Adlai E. Stevenson, D-Ill.,

Gaylord Nelson, D-Wis., up for re-election in 1980, said he had already gone clearly on record in favor of the compromise position. Noting that the subtleties of parliamentary tactics often escaped constituents, he asked, "How do you justify supporting something else from what you've said you support?"

"If you're always adopting a position for bargaining purposes, then you're never saying what you really think. This is an issue where you ought to say what you think," said Daniel Patrick Moynihan, D-N.Y.

The growing strength of the right-to-life movement clearly was another factor in the vote. Noting that in the past a majority of the Senate had backed the strong pro-choice position for tactical reasons but did not do so this year, Schweiker said, "Two years ago they were willing to do that. But [this year] they decided not to put themselves at risk. The Senate has gotten the message from the grass roots," he said.

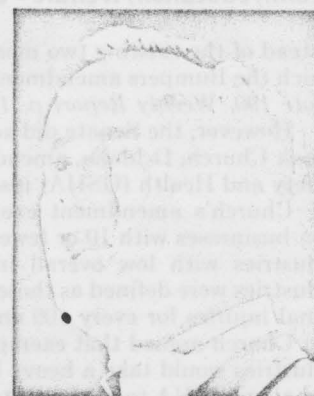
"This shows the strength of the right-to-life movement. People get panicky," conceded George McGovern, D-S.D., also facing re-election in 1980.

Busing

The Senate also voted for tight restrictions on HEW's involvement with another controversial social issue, busing

"Within a few years almost every major school district in the country will have a racial composition fairly close to that of D.C. — 96% minority and 4% white."

—Sen. Thomas F. Eagleton, D. Mo.



for purposes of desegregating schools. But, unlike the abortion amendment, on busing the Senate had taken the same position several times in the past.

The reaffirmation of its position came on a vote on a Paul E. Tsongas, D-Mass., amendment to allow HEW to order restructuring of school grade systems to achieve racial balance. The amendment, which continued the existing ban on busing, was tabled 58-35. (*Vote 191, p. 1566*)

Tsongas' amendment was actually the same as the first anti-busing amendment adopted by the Senate, in 1975. The original amendment, offered by Majority Leader Robert C. Byrd, D-W.Va., prohibited HEW from ordering busing to achieve racial balance. But HEW interpreted the Byrd amendment as allowing it to order school districts to restructure their grade systems in such a way as to bring students from different racial neighborhoods into the same schools. Congress didn't like that idea, and in 1977 prohibited use of the restructuring techniques. (*Congressional busing prohibitions, Weekly Report p. 1415*)

Tsongas argued that HEW needed to have some tools to achieve the equal opportunity goals of the 1964 Civil Rights Act. Unable to use busing, HEW was helpless without the ability to force restructuring, he said. The existing ban "eliminates all ready mechanisms to achieve racial integration in the schools in this country," he argued.

Opponents of the amendment responded that HEW would use the restructuring authority to renew its busing orders. They warned that it would further aggravate the "white flight" that is making big-city schools overwhelmingly black. "Within a few years almost every major school district in the country will have a racial composition fairly close to that of the District of Columbia — that is, 96 percent minority and 4 percent white," predicted Thomas F. Eagleton, D-Mo.

Worker Safety

The Senate approved three amendments to restrict the activities of federal job safety and health inspectors.

The first, offered by Dale Bumpers, D-Ark., freed shell dredging and the surface mining of sand and gravel, limestone, surface clay, colloidal phosphate and stone from the worker training requirements of the Mine Safety and Health Act. Bumpers argued that the requirement for 24 hours of safety training for each worker was unnecessary and expensive.

Human Resources Committee Chairman Harrison A. Williams Jr., D-N.J., attempted to lessen the effect of the amendment by offering a substitute to loosen, but not eliminate, the training requirements. His amendment, to spread the required hours of training over six months

instead of the existing two months, was tabled 59-35, after which the Bumpers amendment was adopted by voice vote. (Vote 190, *Weekly Report* p. 1489)

However, the Senate did accept a modified version of a Frank Church, D-Idaho, amendment to limit Occupational Safety and Health (OSHA) inspection of small businesses.

Church's amendment exempted from OSHA regulation businesses with 10 or fewer employees, if they were in industries with low overall injury rates. Non-hazardous industries were defined as those with seven or fewer occupational injuries for every 100 employees each year.

Church argued that exempting firms in relatively safe industries would take a heavy burden off of small business and allow OSHA to concentrate on dangerous occupations. But opponents pointed out that the industry classifications used in the amendment would lump safe and hazardous businesses together, thus leaving workers in some very dangerous jobs unprotected.

The Church amendment survived a challenge to its germaneness by a 54-38 vote. (Vote 195, p. 1566)

Schweiker then offered a substitute that retained the basic substance of the Church amendment while adding another qualification and giving OSHA authority to continue inspections in certain situations. It required that each small business seeking an exemption submit evidence that its workers had not lost more than six workdays in the preceding year because of occupational injuries. It also authorized OSHA to inspect small businesses to advise the employer, or when a worker had complained about conditions, or when a serious accident had occurred.

After Church's move to table the Schweiker amendment was rejected 31-61, the amendment was adopted by voice vote. (Vote 196, p. 1566)

The Senate also approved, without opposition, a House-passed amendment to prohibit OSHA from inspecting businesses within six months of the time they had been inspected by a state occupational safety and health agency.

Public Service Jobs

Responding to growing fears of a recession, the Senate rejected a move to eliminate 100,000 countercyclical public service jobs under Title VI of the Comprehensive Employment and Training Act (CETA).

Lawton Chiles, D-Fla., proposed an amendment to reduce Title VI funding by \$505 million. The effect of the amendment would have been to accelerate the process of reducing the number of jobs, already under way, so that by the end of fiscal 1980 there would have been only 100,000 jobs, instead of the 200,000 recommended by the Appropriations Committee.

Opponents said the amendment would cut back on a major anti-recession program right before an expected increase in the unemployment rate. But supporters said the worst of the recession would be over before the additional job cutbacks began to take effect.

The Chiles amendment was tabled on a 50-43 vote. (Vote 194, p. 1566)

The Senate approved, however, a Henry Bellmon, R-Okla., amendment to prohibit Title VI jobs in areas with unemployment rates below 4 percent.

Quotas

As it did in 1978, the Senate approved an amendment to prohibit HEW from enforcing racial or sexual quotas in admissions to educational institutions.

S. I. (Sam) Hayakawa, R-Calif., first proposed a broader amendment, which would have banned enforcement of racial or sexual timetables, goals, ratios or other numerical requirements as well as quotas.

Hayakawa argued that the ratios and goals ordered by HEW were really the same thing as quotas. "What it boils down to is treating some people more favorably and others less so because of their skin color," he said.

But the majority of the Senate, while willing to go along with the Supreme Court ban on racial quotas in admissions, was unwilling to negate ratios and goals used in affirmative action strategies. So Jacob K. Javits, R-N.Y., proposed a substitute amendment to prohibit only the admissions quotas, leaving the other affirmative action policies alone.

The Hayakawa amendment was rejected easily, 18-70. The Javits amendment then was adopted on a 72-17 vote. (Votes 197, 198, p. 1566)

Other Amendments

By voice votes July 19-20, the Senate approved the following amendments affecting the money totals in the bill:

- By Edward M. Kennedy, D-Mass., to add \$12 million for the National Health Service Corps, \$200 million for health planning and \$7.5 million for the primary care residency program.

- By Javits, to add \$10 million for adult education of Indo-Chinese, Soviet and other refugees.

- By Eagleton, to add \$400,000 for the Inspector General of the Community Services Administration (CSA).

- By Charles McC. Mathias Jr., R-Md., to add \$2 million for population education.

- By Kennedy, to add \$12 million for local initiative efforts of the CSA.

- By Harrison "Jack" Schmitt, R-N.M., to add \$8 million for social and nutritional programs for elderly Indians.

- By Malcolm Wallop, R-Wyo., to remove the \$75 million ceiling on training funds for Title XX social service programs.

- By Donald W. Riegle Jr., D-Mich., to add \$3 million for alcohol and drug abuse education.

- By John Melcher, D-Mont., to add \$3.7 million for the National Center for Appropriate Technology.

The following amendments were rejected by roll-call votes:

- By Robert Morgan, D-N.C., to eliminate \$30.3 million for improvement of basic education; rejected 30-63. (Vote 192, p. 1566)

- By William V. Roth Jr., R-Del., to reduce the HEW appropriation by \$500 million, with the reduction to come out of programs containing waste, fraud and abuse; tabled, 53-41. (Vote 193, p. 1566)

Provisions

As passed by the Senate, HR 4389 appropriated the following amounts:

Agency	House-passed Amount	Senate-passed Amount
Department of Labor	\$11,358,695,000	\$11,183,225,000
Department of Health, Education and Welfare		
Health Services Administration	1,318,343,000	1,342,642,000

Agency	House-passed amount	Senate-passed amount
Center for Disease Control	264,915,000	298,415,000
National Institutes of Health	3,381,030,000	3,367,757,000
Alcohol, Drug Abuse and Mental Health Administration	715,267,000	715,267,000
Health Resources Administration	440,017,000	645,648,000
Assistant Secretary for Health	270,431,000	281,948,000
Health Care Financing Administration	20,704,900,000	20,721,400,000
Education Division	12,787,965,000	11,669,303,000
Social Security Administration	15,101,281,000	15,169,281,000
Special Institutions	191,932,000	191,932,000
Assistant Secretary for Human Development	5,492,936,000	5,595,573,000
Departmental Management	262,460,000	262,460,000
Less waste, fraud and abuse	— 500,000,000	0
Less consultant reduction	0	—34,000
Total, HEW	\$60,431,477,000	\$60,227,626,000
Related Agencies	1,283,294,000	1,548,394,000
Grand Total	\$73,073,466,000	\$72,959,245,000

Legislative Provisions

Abortion. Prohibited the use of funds in the bill to pay for abortions, except to save the life of the mother, in cases of rape or incest, or when two doctors found that continued pregnancy would result in severe and long-lasting damage to the physical health of the mother.

Busing. Prohibited the use of funds in the bill to require, directly or indirectly, the busing of any student beyond the school nearest to his home; included within the scope of the prohibition busing to implement desegregation plans involving pairing, clustering and other methods of restructuring grade levels among schools, with the exception of magnet schools.

Safety and Health. Prohibited the Occupational Safety and Health Administration (OSHA) from issuing civil fines for first-time health and safety violations of a non-serious nature, unless the establishment involved was cited for 10 or more violations on first inspection.

- Prohibited OSHA from issuing civil penalties for non-serious violations by an employer of 10 or fewer employees if the employer was making a good-faith effort to eliminate a hazard found by a consultant.

- Exempted from OSHA regulation all farms with 10 or fewer employees that did not maintain a labor camp.

- Prohibited OSHA from restricting work in an area because of potential dangers from hunting or recreational shooting in the area.

- Prohibited the Mine Safety and Health Administration from enforcing training requirements in the shell dredging industry or in the surface mining of sand, gravel, stone, surface clay, colloidal phosphate or limestone.

- Prohibited OSHA from inspecting businesses with 10 or fewer employees, if they were in industries with injury

rates of less than seven per 100 employees and if the business itself had not lost more than six workdays in the preceding year because of job-related injuries; allowed OSHA to continue to provide consultation services and to make inspections on the basis of an employee complaint.

- Prohibited OSHA from inspecting any business within six months of the time the establishment had been investigated by a state safety and health agency, with certain exceptions, including cases of fatality or catastrophe.

- **Jobs.** Prohibited use of funds for countercyclical public service jobs in areas with unemployment rates below 4 percent.

\$1.2 Billion Authorization:

House Passes 3-Year Health Planning Bill

The House July 19 passed a three-year, \$1.2 billion extension of the federal law designed to cut down on excess hospital beds and underused, expensive health services such as open-heart surgery teams.

A House-Senate conference on the reauthorization (HR 3917) was scheduled July 27. The Senate passed its version of the federal health planning system reauthorization (S 544) May 1. (*Weekly Report* pp. 968, 1086)

The only major amendment added by the House to the committee bill would severely limit a "trade-off" procedure that opponents said was critical to the health planning process.

The planning process centers on approval by state planning agencies of proposed new medical services, based on recommendations of local planning units. In some instances, state agencies have made their approval of a proposed new service subject to certain conditions, such as guaranteed access by all doctors in a community to a major new piece of diagnostic equipment.

However, David E. Satterfield III, D-Va., argued that some state agencies had been improperly setting conditions that had nothing to do with the medical need for a specific service. His amendment, adopted by voice vote, limited approval ("certificate-of-need") decisions to questions directly related to medical need for the proposed service.

The House rejected 203-211 a Richardson Preyer, D-N.C., amendment that would have permitted the agencies to continue the broader trade-off procedure, as long as the criteria for the decisions were published and subject to public comment. (*Vote 327, Weekly Report p. 1490*)

Other Amendments

In other action, the House rejected 135-274 a Robert L. Livingston, R-La., amendment that would have converted local planning agencies to public units. Most are now private corporations. (*Vote 328, Weekly Report p. 1490*)

It refused on a standing vote to require local plans to explain what effect, if any, they would have on the medical ethics embodied in the Hippocratic oath. The House then defeated 55-364 a motion by the amendment's sponsor, Ron Paul, R-Texas, to recommit the bill to committee with instructions to add the ethics amendment. (*Vote 329, Weekly Report p. 1490*)

The House passed the bill by a 374-45 vote. (*Vote 330, Weekly Report p. 1490*)



Los Angeles Times

Sat. 7/23/77

U.S.-Paid Abortions for Poor Favored by Brown

BY LARRY STAMMER

Times Staff Writer

MURPHYS, Calif.—Gov. Brown declared Friday that the government should pay for abortions of low-income women who desire them.

In his strongest statement yet on the controversial subject, the governor, a former student at a Jesuit seminary, told reporters:

"I think there should not be discrimination based on wealth. I think the government shouldn't encourage abortion, but I think that on the other hand it shouldn't penalize women who, after consultation with their doctors . . . find that (the decision) is right by their own conscience."

The governor's remarks were made in an interview with several reporters during a flight from Sacramento to this Calaveras County town where he attended graduation ceremonies for 69 members of the California Conservation Corps.

Noting that he differed with President Carter, who is opposed to government subsidies for abortions,

Brown said, "It would be inappropriate for government to penalize people for making a choice that many Americans believe is their right and is consistent with their beliefs."

The governor also noted that many of the same people who oppose abortion do so at a time when family planning in high schools, for example, is limited.

"If they single out poor women and say your adult (welfare) program cannot include abortion, they are in effect saying only the rich and the higher-income people in the society can have an abortion."

"If abortion is wrong then it should be wrong for everybody," Brown said.

He added, "If the policy of the United States is to allow it, and the Supreme Court rules that, then how can one make a distinction based on income?"

He concluded, "What's right is right and has nothing to do with how much income you have."

Henry J. Hyde

The Humanity of the Unborn

Washington Post 7/25/77



The pages of The Washington Post (and most newspapers, for that matter) have been crowded with editorials, cartoons and columns deploring congressional action withholding federal funds for abortions. One would think that those of us who are trying to preserve the right to life of the unborn are heartlessly cruel zealots, unthinking and uncaring about the human problems involved in unwanted pregnancies.

It is more than a matter of emphasis (pregnant woman vs. unborn child). It is rather a question of fundamental values, the nature of human life itself and the government's essential role in protecting the innocently weak and defenseless against those who hold the power of life and death over their lives.

First and foremost, it is essential to focus on just what an abortion is: the killing of human life. If I believed that the unborn was less than human, that the fetus was some sort of tumor—a collection of randomly multiplying cells—then all the reasons for killing it would make some sense. But medical science tells us the unborn is human

life. An editorial in the September, 1970 California Medicine, the official journal of the California Medical Association, says:

"Since the old ethic has not yet been fully displaced it has been necessary to separate the idea of abortion from the idea of killing, which continues to be socially abhorrent. The result has been

The writer is a Republican representative from Illinois.

a curious avoidance of the scientific fact which everyone really knows, that human life begins at conception and is continuous whether intra- or extra-uterine until death. The very considerable semantic gymnastics which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspices."

If abortion is a good, or even a neutral act, then some rational argument can be made on its behalf. On the other

hand, if it is the killing of an innocent (although possibly inconvenient) human life, then have we really moved very far from Dachau?

That the unborn is a human life is a biological fact, not a theological one. Dr. Bernard Nathanson, former director of the Center for Reproductive and Sexual Health in New York, which is described as "the first—and largest—abortion clinic in the Western World," has had an interesting change of heart and, although he still supports abortion in some cases, his comments are worth pondering:

"We must courageously face the fact—finally—that human life of a special order is being taken. And since the vast majority of pregnancies are carried successfully to term, abortion must be seen as the interruption of a process that would otherwise have produced a citizen of the world. Denial of this reality is the crassest kind of moral evasiveness."

The argument is often made that the so-called Hyde Amendment denies to poor women the ability to obtain an

abortion readily available to middle-class and wealthy women. The ability of women to pay for their abortions doesn't make the killing of their unborn children any more proper. The real question Congress must face is whether the taxpayers shall pay for the killing.

To those who say we are seeking to impose our religious concepts upon oth-

Taking Exception

ers, I can only say that the commandment against killing has been a part of the criminal law of every civilized state for centuries. Religion indeed says "Thou shalt not kill," but it is biology, not religion, that teaches us that a fetus is human life—not potential human life, but human life with potential!

Abortion is violence. There ought to be human answers to the human problems of unwanted pregnancies. The woman's "right to choose" ought to remain fully valid until she conceives—and then there is a victim whose "right

to life" deserves consideration. Actually, birth is simply a change of address.

I should like to share with you the views expressed nearly 40 years ago during World War II by Dr. Joseph D. DeLee, a leader in modern obstetrical practice, which was printed in the 1940 edition of the Yearbook of Obstetrics and Gynecology:

"At the present time, when rivers of blood and tears of innocent men, women and children are flowing in most parts of the world, it seems almost silly to be contending over the right to life of an unknowable atom of human flesh in the uterus of a woman.

"No, it is not silly. On the contrary, it is of transcendent importance that there be in this chaotic world one high spot, however small, which is safe against the deluge of immorality and savagery that is sweeping over us. That we, the medical profession, hold to the principle of the sacredness of human life and of the rights of the individual, even though unborn, is proof that humanity is not yet lost..."

Poor federal finances figured in abortion votes, senators say

By Carl Griffin Jr.
Staff Writer

State and local governments are in better shape than the federal government to finance abortions, Minnesota's two U.S. senators said Wednesday, and that's one reason why they voted last week to restrict federal funds for abortions.

Although the trend in recent years has been for the federal government to assume more social service financing, DFL Sens. Hubert

Humphrey and Wendell Anderson said there are limits on how much the federal government can spend.

"Right now, the state of Minnesota has a surplus, while we (the federal government) have a deficit," Humphrey said at a Minneapolis press conference. (In Minnesota, it is estimated that there will be a \$25 million to \$30 million surplus over the next two years.)

He said the Wisconsin state government now has a \$500 million

surplus.

"It was a no win situation for us to vote on," Sen. Humphrey said. "But I voted exactly the way I wanted to vote. I don't feel that abortions should be used promiscuously as a birth control method."

Anderson said that his decision to vote for the restriction was a difficult one. He acknowledged, however, that his vote on the issue

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Senators

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could damage his chances for election next year to the Senate for a six-year term, "but I voted my conscience," he said.

Anderson said that his vote was not necessarily an antiabortion vote. He pointed to his record in 1969 when he was one of 10 state senators who voted in the Minnesota Senate Judiciary Committee in favor of a bill to liberalize the state's abortion law. That bill failed.

However, in 1974, when the Minnesota Legislature passed a bill restricting abortions more than allowed by the U.S. Supreme Court, Anderson, as governor, signed the bill despite the state attorney general's opinion that the bill would probably be declared unconstitutional. The Supreme Court eventually struck down the bill. The bill was pushed by the Minnesota Citizens Concerned for Life and other antiabortion lobbying groups.

The two senators also announced that Minneapolis will be the site of a major energy conservation and solar-energy exposition this fall.

The show will be held at the Minneapolis Auditorium Sept. 8-11.

The Minnesota Energy Agency, Northern States Power Co. (NSP) and Minnegasco will sponsor the show that will include educational and commercial exhibits, workshops and demonstrations of conservation techniques for homeowners, Humphrey said.

"The Energy Savers Show is designed to answer homeowners' questions about the efficient use of energy at home," Humphrey said.

Humphrey, Anderson and poor women

When the Supreme Court last month restricted the effect of its 1973 landmark ruling on abortion, Justice Harry Blackmun described the action as "almost reminiscent of 'Let them eat cake.' " What the court had said, in effect, was that although all women have a right to have an abortion, that right doesn't really apply to women too poor to afford an abortion.

Last week the U.S. Senate, saying much the same thing, voted to deny federal funds for elective abortions for poor women. Supporting that position, we note sadly, were Minnesota Sens. Hubert Humphrey and Wendell Anderson, whose political careers have usually reflected more concern for

those less fortunate than most of us.

The result of the Supreme Court ruling and the legislation now making its way through Congress will be to deny many poor women the freedom of choice that was provided by the 1973 court ruling. Women with money will still have that choice. Many poor women will have that choice taken away. Some, in desperation, will seek illegal, back-alley abortions. Some will have unwanted children. In either case, such women will be denied the opportunity to exercise the constitutional right provided four years ago. They will be second-class citizens. And the votes of a male-dominated Senate will have helped put them in that class.

Women criticize Humphrey, Anderson for abortion votes

By Elena O. De LaRosa
Staff Writer

Six Minnesota women's groups Thursday sharply criticized Minnesota Sens. Wendell Anderson and Hubert Humphrey for their recent votes to restrict federal funds for elective abortions for women.

The votes by the Democrat sena-

tors will have drastic repercussions in future caucus endorsements and elections, said the women, who represented the Abortion Rights Council of Minnesota, the DFL Feminist Caucus, the Minnesota Women's Political Caucus, the GOP Feminist Caucus, the Minnesota Recipients Alliance and the National Organization for Women.

The women said at a Minneapolis news conference that they plan to draw attention to the senators' votes by demonstrating Saturday at a meeting of the DFL State Central Committee at the Minneapolis Auditorium.

Jeri Rasmussen, vice president of Women continued on page 2B

Women

Continued from page 1B

the Abortion Rights Council, said the groups also will call for the resignation of Joseph Califano, secretary of the federal Health, Education and Welfare Department, claiming he advocates the selling of welfare mothers' babies.

Ms. Rasmussen said Califano was "callous" to suggest that the government might consider giving money to families who adopt unwanted children of the poor.

The women said they will call attention to the fact that Humphrey and Anderson "turned their backs" on at least 300,000 poor women. (There are 300,000 Medicaid abortions, costing \$50 million, performed yearly. Medicaid abortions represent about one-third of the nation's abortions.)

Anderson and Humphrey voted with the majority in the Senate to approve an amendment to an appropriations bill forbidding the use of Medicaid funds for abortions "except where the life of the mother would be endangered if the fetus were carried to term, or where medically necessary, or for treatment of rape or incest victims."

The women said the amendment would create an "intolerable double standard" in health care, with the poor women being unable to receive elective abortions.

Humphrey, whose "name was always synonymous with civil rights" erred when he voted with Anderson on the amendment, said the women. They speculated that Humphrey deviated from his otherwise "unequaled" record because of pressure from Anderson.

Califano has said that the government has given preliminary consideration to providing federal grants to state and private adoption agencies and paying cash subsidies to less-affluent families who adopt children unwanted by welfare mothers.

Medicaid abortions restricted by House

6/18/77

By Martin Tolchin
New York Times Service

Washington, D.C.

The House Friday voted 201-155 to approve tighter restrictions on the use of Medicaid funds for abor-

tions, in a test of congressional sentiment on the deeply controversial issue now before the courts.

The vote came as the House approved, by voice vote, a \$61.3-billion appropriations bill for the de-

partments of Labor and Health, Education and Welfare that conformed to the spending limitations agreed upon by the Carter administration and House Democratic leaders, who warded off numerous proposals to increase the appropriation.

The House also voted to prohibit the use of federal funds to promote or enforce quotas based on race, sex or national origin, a step which opponents said would spell the death of the government's affirmative action program.

The pro-abortion forces, in a tactical maneuver, knocked out a current provision that allows Medicaid abortions when the mother's life is in danger.

"We wanted to demonstrate that supporters are extremists willing to sacrifice the lives of mothers," explained Rep. Elizabeth Holtzman, D-N.Y., who raised a point of order that led to the deletion.

Pro-abortion forces felt that they had picked up some votes by the maneuver, and also believed that the total prohibition would provide a more compelling case in the courts, where constitutionality of the restrictive legislation has been challenged. The prohibition, originally enacted last year, has never

House continued on page 4A

House

Continued from page 1A

been enforced because of a court injunction. The U.S. Supreme Court is expected to rule soon on the issue.

Medicaid funds are now used to pay for 300,000 abortions a year, at a cost of \$50 million.

"Conceding that under the supreme court decisions a woman has a right to an abortion," said Rep. Henry Hyde, R.-Ill., sponsor of the prohibition amendment, "the question is whether taxpayers should pay for such an abortion."

Hyde said that he was dismayed by the "schizophrenia" of some pro-abortion advocates who worked to save whales, dolphins and bald eagles, but also advocated "the calculated killing of innocent, inconvenient human beings.

Opponents of the amendment said that it discriminated against the poor. "This amendment condemns to death poor women who, if they gave birth, would die, and who have a right to live," said Miss Holtzman. "I'm talking about 11 and 12-year olds, victims of rape and incest," she added.

Miss Holtzman also said that: "If there were 417 women in the House, instead of 417 men, we wouldn't be making this decision today." However, 6 of the 18 women in the House voted to support the amendment, and one abstained.

The debate on the abolition of quotas was briefer and less emotional. The debate involved the federal government's affirmative action program, which requires recipients of federal funds, such as universities and medical institutions, to take affirmative action to remove obstacles to the employment, promotion or admission of members of minority groups.

The abolition was introduced by John Ashbrook, R-Ohio, and amended by Robert Walker, R-Pa., and Elliot Levitas, D-Ga. It provided that no federal funds could be used to promulgate or implement an order designed to achieve compliance with any "ratio, quota, or other numerical requirement related to race, creed, color, national origin or sex."

"The issue here is really whether you are pro-quota or anti-quota," Walker said. "Goals, timetables, whatever you call them are really quotas, and they are discriminatory."

HEW Secretary Joseph A. Califano lobbied against the Walker amendment, saying it would halt much of the progress made in civil rights in the last 15 years. He expressed concern about the agency's ability to enforce anti-discrimination provisions in the Civil Rights Act of 1964 and the education amendments of 1972.

Here's how Upper Midwest representatives voted on the abortion issue:

Minnesota—Democrats James Oberstar and Bruce Vento, yes; Democrat Richard Nolan, no; Democrat Donald Fraser did not vote. Republicans Albert Quie and Arlan Stangeland, yes; Republicans Bill Frenzel and Tom Hagedorn did not vote.

North Dakota—Republican Mark Andrews, yes.

South Dakota—Republican Larry Pressler, yes; Republican James Abdnor did not vote.

Wisconsin—Democrat David Obey, no; Democrat Alvin Baldus, did not vote.

Right to Life group cheers fund-cut vote

Associated Press

Chicago, Ill.

Claiming a major victory for their cause, delegates to the National Right to Life Committee convention broke into wild cheers Thursday after the U.S. House of Representatives voted to cut off federal money to pay for abortions.

Chairman Carolyn Gerster, who interrupted a morning session to announce the news from Washington, said the reaction was "relief, exuberance and unbridled joy. I've never seen such joy."

Anti-abortion advocates are "very, very hopeful the Senate will approve the same passage," she said. "We knew that groups like Zero Population Growth and Planned Parenthood were calling out all their forces to get rid of the abortion-prohibitive language in the bill."

Majority rule discussion set

The St. Paul Militant Forum will sponsor a discussion session concerning the majority-rule movement in South Africa, titled "Soweto—One Year Later: The Freedom Struggle in South Africa," at 8 p.m. Friday at Reformation Lutheran Church, 100 N. Oxford St., St. Paul. A \$1 donation is requested.

House unit OKs energy tax

Washington Post

WASHINGTON—The House Ways and Means Committee tentatively approved a tax on industrial use of oil and gas yesterday that may produce only two-thirds the energy savings proposed by President Carter.

He estimated his tax and rebate program to push industry and utilities into using coal instead of oil or natural gas would reduce oil use by 3.3 million barrels a day by 1985. His entire energy program would reduce daily oil usage by an estimated 4.5 million barrels.

THE ADMINISTRATION proposed returning the tax money through a system of credits or tax cuts to help industries and utilities pay for conversion to coal, which the country has in abundance. The committee

will act on the rebate Monday and then reconsider all the tentative votes it has taken on tax provisions of the Carter program during the past two weeks.

IN TWO DAYS of work on the proposal, the committee cut in half—from \$90 billion to \$44.6 billion—the revenue the tax would produce from 1979 to 1985. Committee staff and administration officials said they had no firm figures on energy savings the committee bill would produce, but said it might be about one-third below the administration proposal.

The committee watered down the tax plan by exempting some power plants and lowering the rate. The first 50,000 barrels of oil (or 300 million cubic feet of natural gas) used by a plant in a year would be exempt from the tax.

The committee also exempted fuels used in process-

ing when coal might hurt the product. Also exempted were plants ordered by federal regulation, state law or court order not to convert to coal for environmental reasons.

The committee also set up a two-tiered tax system. Plants that can easily convert to coal would pay the higher rate, those that cannot convert to coal, or can only with great difficulty, would be taxed less.

UNDER THE COMMITTEE bill, the tax on industrial use of oil would start in 1979 at 30 cents a barrel and climb to \$3 a barrel by 1985. The tax on utility use of oil would begin in 1983 and be a flat \$1.50.

The tax on 1,000 cubic feet of gas used by industry would range from 20 cents to \$1.10. For utilities the gas tax would begin in 1983 at 55 cents and climb to 75 cents by 1985.

S. African police kill 7 more blacks

JOHANNESBURG (P)—Police shot and killed seven blacks in two segregated townships, pushing to 12 the number killed in four days of violence marking the anniversary of the bloody Soweto riots in South Africa.

Thirty-three persons were injured and 278 arrested in confrontations with police yesterday in the black townships of Kwanobuhle and Kabah, 500 miles southwest of Johannesburg. Property damage was estimated at \$1.5 million.

POLICE Brig. P. J. Hugo, head of riot control for the townships, said officers fatally shot five blacks trying to loot a liquor store in Kwanobuhle. Two more blacks died when the liquor store they were ransacking caught fire, he said.

In Pretoria, South Africa's capital, a passenger in a government vehicle shot and killed a 20-year-

RIOTS

Turn to Page 2A

House OKs ban of U.S. money for abortions

From The Star's News Services

WASHINGTON—The House yesterday voted a ban on the use of federal funds to perform abortions, strengthening a restriction passed a year ago that said federal money could not be used to perform abortions "except where the life of the mother would be endangered if the fetus were carried to term."

By a 201-to-155 vote, the House adopted an amendment by Rep. Henry J. Hyde, R-Ill., that said none of the funds in the appropriations bill for the Departments of Labor and Health, Education and Welfare and their programs can be used to perform or promote abortions.

BEFORE PASSING the \$61.3-billion appropriations bill by voice vote, the House also voted to prohibit using HEW funds to impose racial or sexual quotas in hiring, promotion or school admission policies. Whether this would take HEW out of the "affirmative-action" business remained unclear.

Leaders of the National Right to Life Committee (NRLC) hailed the bar to use of federal money for abortions as a major victory.

Delegates at the group's national conven-

tion in Chicago burst into wild cheers yesterday when Dr. Carolyn Gerster, chairman of the NRLC, interrupted one session with news of the vote.

She described reaction to the announcement as "relief, exuberance and unbridled joy. I've never seen such joy."

THE ABORTION provision adopted last year by Congress has never been implemented because of a court appeal claiming it is discriminatory. Although the ban on abortions was strengthened, pro-abortion forces said they were pleased by yesterday's House action because they claim it makes the amendment more vulnerable to a court ruling.

Through Medicaid—medical aid to the poor—the federal government has been paying for about one-third of all abortions performed in the country, about 300,000 at a cost of about \$50 million a year.

Medicaid funds are also used to pay for services provided when pregnancies are carried to term, from pre-natal care to birth, and the U.S. Supreme Court is expected to decide by the end of this month whether using federal funds to pay for some obstetric services while denying them to terminate pregnancies violates the equal protection clause of the Constitution.

IN AN emotional speech, Rep. Gene Taylor, R-Mo., said he and his wife had adopted a baby girl when she was 7 days old, and she is now married and has a child of her own. "I'm happy no one killed my little girl," Taylor said.

But Rep. Yvonne B. Burke, D-Calif., called it the "forced child-bearing amendment" and said it discriminates against low-income women, black women and teenagers who become pregnant. One-third of all Medicaid abortions are performed on teen-age girls, she told the House.

These women particularly produce children "who don't have a chance to get adopted," she said.

THE HOUSE ALSO by voice vote adopted an amendment that bans using HEW funds to require quotas

ABORTIONS

Turn to Page 2A

ATTEN TO SAFETY
uilding bare-chested

ER GUITAR
outside

patrol in Pretoria.

The state pathologist's office reported yesterday that an autopsy on a black youth who died Wednesday during disorders in Soweto township revealed no evidence of assault. Witnesses said the youth had been attacked by police.

THE UNREST started when militant students called for a general strike to mark the anniversary of last year's racial upheaval in which more than 600 blacks and three whites were killed.

In Soweto, with 1 million persons the country's largest black township, police used tear gas to disperse rock-throwing youths. Brig. Jan Visser, the white police chief, predicted tension would ease over the weekend in Soweto, 10 miles south of Johannesburg.

About 40,000 blacks live in Kabah and Kwanobuhle.

these," he said.

ABORTIONS: Cost \$50 million

Continued from Page 1A

or ratios in hiring or admission policies.

Originally the amendment, as offered by Rep. Robert S. Walker, R-Pa., also banned using funds to impose any "goals or timetables" in enforcement of antidiscrimination laws in hiring or admission policies.

In a strongly worded statement, HEW Secretary Joseph A. Califano Jr. said that "would bring to a halt much of the progress of the past 15 years in civil rights" and would amount to a "crude blunderbuss

(that) maims affirmative-action programs."

Califano added that the department does not use quotas anyway in implementing civil rights legislation and he opposes them.

Walker said his amendment was aimed at reverse discrimination, which penalizes by quota systems those who have done no wrong. But Rep. Don Edwards, D-Calif., said, "If there is so much reverse discrimination, there would not be so few minority and female doctors graduated from universities and medical schools."

Audrey Rowe Clom, chairwoman of the National Woman's Po-

litical Caucus, said, "Congress finds it easy to vote against the rights of poor, powerless women" on abortion. And the "vote on the Walker amendment further underlines the callous indifference of the majority of Congress to the striving of minorities and women to achieve first-class citizenship."

Tornado damages farm

FOLEY, Minn. (P)—A tornado damaged two machine sheds and four grain bins on the John Hogenborn farm six miles northwest of Foley yesterday.

LeVander's ex-aide files for governor

By **WALTER T. MIDDLEBROOK**
Minneapolis Star Staff Writer

A man who was administrative assistant to former Republican Gov. Harold LeVander has filed papers with the state Ethical Practices Board to form a campaign committee and enter the contest for the Independent-Republican gubernatorial nomination.

David Durenberger, 42, became the first official candidate for the nomination when he filed the papers Thursday. He said today that he plans to spend the next few weeks in the rest of the state to get an idea of his chances.

He said he hasn't decided whether he'll continue to seek the nomination.

TWO OTHER REPUBLICANS, state Sen. Howard Knutson of Burnsville and U.S. Rep. Albert Quie, still are considering entering the contest.

The filing of the papers indicates that Durenberger has spent more than \$100 in his effort to win the

Court told man fit for trial in sheriff's death

WASECA, Minn. (P)—A psychiatric reexamination of Kenneth J. Jewison was ordered yesterday at a joint hearing of district and county courts here.

District Judge Urban J. Steimann and County Judge Lawrence T. Gallagher presided at the hearing, called after officials of St. Peter State Hospital advised the courts that Jewison now is mentally competent to stand trial.

Jewison is accused in the Sept. 4, 1976, shooting death of Sheriff Donald Eustice of Waseca County. Four days after the shooting, Jewison was indicted by a grand jury. However, no plea was entered because a psychiatric examination found him mentally unfit to stand trial. He then was committed to St. Peter State Hospital.

Waseca County Atty. William Patton told the court yesterday that he and Jewison's attorney, Robert Greising of Waterville, had agreed that another examination was in order. The court directed that Jewison be examined by the same doctor, Louis L. Flynn Jr. of St. Paul. Flynn conducted the first examination last fall.

Results of that examination are expected to be completed in about a month.



Star Photo by Jack Gillis

fighters retrieved after a fire early was brought under control. One man died in the apartment-building blaze, which officials said started in the basement. Water and smoke damage was heavy on the first floor.

Judge sets power-line hearing after N.D. group

FARGO, N.D. (P)—District Court Judge Larry Hatch has set a hearing July 1 at LaMoure, N.D., on a request to stop work in North Dakota on a 400-kilovolt direct-current transmission line from North Dakota to Minnesota.

Counties Associated for Rural Environment (CARE), an anti-power-line group, had requested the restraining order.

Construction of the line in Minnesota has been halted by a district court, and it should also be halted in North Dakota under terms of a state Public Service Commission permit, Tom Mund, CARE chairman, said.

Two Minnesota power cooperatives plan to build the line from a

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want?**

Star

Senate limits abortion funding

By Eric Pianin
Staff Correspondent

Washington, D.C.

The U.S. Senate Wednesday voted to impose limits on the use of Medicaid funds for abortions for poor people, although it stopped far short of the House's recent decision to totally ban the use of federal funds for that purpose.

Minnesota's two DFL senators, Hubert H. Humphrey and Wendell Anderson, voted with the majority to impose the limitations, as a rider to a bill appropriating about \$60.6 billion for the Departments of Health, Education and Welfare (HEW) and Labor.

On a crucial question, the Senate voted 56 to 42 against an

amendment, offered by Sen. Bob Packwood, R-Ore., to eliminate the limitations on the use of federal funds for abortions that were added to the bill last week by the Senate Appropriations Committee.

Humphrey and Anderson voted against the Packwood amendment.

The senate later voted 56 to 39, with Anderson and Humphrey voting with the majority, to slightly broaden circumstances under which a pregnant woman could qualify for Medicaid funds for an abortion.

This compromise provision, offered by Sen. Edward Brooke, R-Mass., states that none of the funds appropriated for HEW shall be used to perform abortions "except

where the life of the mother would be endangered if the fetus were carried to term, or where medically necessary, or for the treatment of rape or incest victims."

The provision also would allow the use of federal funds for drugs or devices, such as the so-called "morning-after pill," to prevent implantation of the fertilized ovum.

Humphrey said late yesterday that he felt the Packwood amendment "went too far" and that the Brooke compromise was a "reasonable provision."

"It takes care of the types of abortions that I think can be justified on a medical basis," Humphrey said. "I've had to

HEW continued on page 5A

Anderson defends vote on abortion

By PAT MARX

Minneapolis Star Staff Writer

U.S. Sen. Wendell Anderson yesterday defended his vote Wednesday on the abortion question, a vote which some DFLers said could hurt his chances for election and split the DFL Party.

Anderson and Sen. Hubert Humphrey both voted with the Senate majority to limit the use of federal funds to pay for abortions for poor women.

"I don't suggest that my position is the best one, but I did what I think (is) right," Anderson said in a telephone interview. "It is always extremely difficult to deal with an issue which has religious overtones and I wish public officials wouldn't be put in the position of voting on them."

Anderson said he discussed the issue with Humphrey and several other senators before voting, but Anderson said "I voted on my own."

Two Democratic National Committee members from Minnesota, Earl Craig and Koryne Horbal, labeled the senators' votes a "betrayal."

ANDERSON, who arranged his own appointment to the Senate in December, faces election in 1978. The abortion issue may cause him serious problems, particularly from the party's vocal pro-abortion forces.

"I'm puzzled," Anderson said of Craig's and Ms. Horbal's reaction to the vote.

"My position is broader than what the Carter-Mondale position was and I didn't hear them criticizing that," Anderson said. "Why didn't Ms. Horbal speak out when their (Carter-Mondale) position was more different from mine?"

Anderson said that he was allied with liberal senators like Edward Kennedy, D-Mass., and Edmund Muskie, D-Maine, and "it would be difficult to say they are not concerned with poor people."

Craig, who had not spoken publicly on the abortion issue before this week, accused both Anderson and Humphrey of discriminating against poor women in voting against amendments which would have allowed Medicaid payments for abortions.

Anderson said the issue will be resolved in a conference committee and he said he fears the Senate's "moderate" position is threatened because of stiff House opposition to any form of government payments for abortion and the opposition of pro-abortion forces, who apparently are not willing to compromise their position.

Anderson declined to discuss the political implications of his vote, saying "I'll let others concern themselves with that. I did what I think was right."

Expert says bill would cut abortions just 10%

By SPENCER RICH
Washington Post

WASHINGTON—A leading population expert estimates that, under a Senate-passed restriction on federal financing of abortions, 90 percent of those performed now could still be done.

That is because of the exceptions written into the Senate legislation, and especially a very broad exception permitting any abortion "medically necessary," Louis Hellman of the Population Reference Bureau, a private, nonprofit research group said yesterday.

A leader of the anti-abortion movement in Congress, Rep. Henry Hyde, R-Ill., called the Senate version of the legislation "a Christmas tree of exemptions and loopholes. It permits abortions for everything, including athlete's foot."

THESE ESTIMATES may mean the abortion fight in Congress isn't over. There is certain to be a bitter battle in conference between the Senate and the more restrictive House after Congress reconvenes next week.

The anti-abortion provisions are riders on the Labor-Health, Education and Welfare (HEW) appropriations bill.

Hellman, former deputy assistant HEW secretary for population affairs, said he thinks that if the Senate language prevails in the conference, it would reduce the number of federally financed abortions by only about 10 percent, leaving 90 percent still possible.

On the other hand, Hellman said, if Congress eventually adopts the tighter restriction favored by House conferees, which would permit federal financing of abortions only to save the woman's life, federally financed abortions would drop from about 300,000 a year under the federal-state Medicaid programs to "only a few thousand—possibly 1,600 a year" or less.

All these figures are purely an estimate," stressed Hellman, who was a leading figure in the Medicaid abortion program before leaving HEW.

THE HOUSE BILL, in its current form, bars all federal financing of abortions. But, Hyde said he believes most of the House conferees, headed by Daniel Flood, D-Pa., want to add a single exemption to that, permitting federal financing when necessary to save the woman's life. This is the administration's preference, as well.

The additional Senate exemptions were put in on the floor by Sen. Edward Brooke, R-Mass. They were approved, 56 to 39.

The Brooke amendment would allow federal financing of abortions to save the woman, to terminate a pregnancy caused by rape or incest or where "medically necessary."

"Medically necessary" is the phrase that Hyde and others believe will open the floodgates, because, in practice, it can include situations ranging from severe and immediate danger to the life or

health of the woman, to the danger of birth of a deformed fetus or a threat to the mental stability, health or well-being of the mother. A woman couldn't just have an abortion if she felt like it, but the doctor would have wide discretion.

Minneapolis

Tribune



Local/Family
Comics/TV-F

Abortion votes hurt DFL fund raising

By Steven Dornfeld
Staff Writer

The current fund-raising effort of the state DFL Party has been hampered by the recent votes of Minnesota's two U.S. senators against financing abortions for indigent women, the party's chairman confirmed Wednesday.

Chairman Rick Scott said the abortion votes cast by DFL Sens. Hubert Humphrey and Wendell An-

derson have been criticized by a number of DFL sympathizers who have been asked for contributions during the party's current Dollars for Democrats fund-raising drive.

Scott indicated that he is pleased by the progress of the drive, but said of the abortion votes, "They have had an impact — I can't say that they haven't. We've had some people who made pledges who now say they can't give us any money because of the votes."

A newsletter of the DFL Feminist Caucus that was to be placed in the mail later this week includes a copy of a letter to Scott from a party member from Washington County. In that letter, the party member says he was not aware of the Humphrey and Anderson votes at the time he made his pledge.

"I intend to increase my political contributions this year, but they will go to the DFL Feminist Caucus," the party member goes on to

say. "They will know which politicians deserve my support."

The feminist caucus has been a potent force within the state party and one of its founders, Koryne Horbal, has been sharply critical of the two senators' votes. Ms. Horbal, a member of the Democratic National Committee from Minnesota, described them as "outrageous" and predicted that Ander-

DFL continued on page 2B

DFL

Continued from page 1B

son will encounter election problems next year as a result.

Janet Sigford of Roseville, coordinator of the caucus, said yesterday that the votes have resulted in new members and financial support for the group.

In its current fund-raising effort, the DFL is soliciting contributions from about 46,000 supporters. Through the first six weeks of the fund drive, Scott said yesterday, the party has pledges for about half of its \$190,000 goal.

Scott said that in addition to the Humphrey and Anderson abortion votes, the party is receiving complaints about President Carter's efforts to hold the line on farm price supports, the DFL-controlled Legislature's decision to tax a portion of public pensions and what some consider the inadequate level of education aid approved by the Legislature.

Genocide, not abortion

A recent political cartoon in the Tribune depicted Uncle Sam refusing, for economy reasons, to give money to poor women seeking abortions. From my experience in having worked in large Southern regional hospitals, I have quite another concern about using tax monies for abortions for poor mothers.

I found among many personnel so much resentment against poor women having babies that there was a general willingness to support such funding. "Better to pay for the abortions than to support the children on welfare." The name for abortion for that reason is "genocide."—Rev. L. J. Murtagh, Wilmont, Minn.

Letters

from
readers

Funds for abortions

The Tribune's July 3 assessment ("Humphrey, Anderson and poor women") of the Senate's decision to limit the use of Medicaid funds for abortions was not a good one. Your "freedom of choice" argument for using public money for the termination of pregnancies is weak at best and morally bankrupt at worst.

Although it may well cause economic hardship, even a poor person could probably come up with the \$150 to \$200 necessary for an abortion if this person really wanted one. Considering the cost of bringing up a child, this would be a rather cheap investment. But even if it is financially impossible for a woman to have an abortion, she still has a choice whether or not to bear children. That choice can and should be made before conception.

For a significant minority of Americans abortion is morally abhorrent. The fact that our government has allowed hundreds of thousands of abortions each year since the 1973 Supreme Court decision repulses them. But it is the worst form of tyranny of the majority to use their tax money for a large number of these operations under the banner of "freedom of choice."—Dennis J. Fermoye, Minneapolis.

Ford. Every child has the right to straight teeth. But if the parents can't afford braces, those children are not being denied their rights. And people seem to overlook the fact that those women became pregnant through their own actions. — Carol Northenscald, Buffalo, Minn..

\$3-million abortion fund announced

Associated Press

New York, N.Y.

The Planned Parenthood Federation of America is trying to raise \$3 million to establish a fund for lawsuits and other actions involving the availability of abortions for poor women under Medicaid and other state programs.

Called "The Justice Fund," the campaign will support pending litigation as well as new lawsuits to test those areas left unanswered by recent U.S. Supreme Court decisions. It also will provide information and educational services to

the public regarding the issue.

The fund is being set up because of a recent supreme court decision that states have no legal duty to pay for abortions when the lives of mothers are not endangered. The court also ruled that public hospitals cannot be forced to perform abortions for women who want such operations but cannot afford to pay for them.

State medicaid programs, through public hospitals, provided abortions last year for about 300,000 poor women, according to Planned Parenthood statistics.

Sens. Humphrey and Anderson deserve praise for their courage in voting to deny federal funds for elective abortions. These "poor women" are using abortion as a means of child prevention. The Supreme Court has realized how unconstitutional this 1973 landmark has been.—Mrs. Daniel Shaddrick, Minneapolis.

Being poor and being stupid are two different things. Don't make them identical. With your cartoons and editorial comments, you put poor women in rags and in inferior, put-down positions. All people can take precautions in sexual relationships if they do not want to become pregnant. The rest of the population should not have to pay for laxity in this direction. — Florence Wilkins, Anoka.

America is a country of freedom. Every person has the right to everything, ideally. I have the right to own a Cadillac, but I cannot afford one. Therefore, I drive a

U.S. considering alternatives to abortion

Los Angeles Times

WASHINGTON—The Carter administration, grappling with the political and social consequences of a new congressional ban on Medicaid abortions, is considering a series of abortion alternatives—including cash payments to families who adopt unwanted children of the poor.

Joseph Califano, Health, Education and Welfare secretary, said yesterday that the administration will unveil its complete proposal in mid-July.

CALIFANO TOLD a group of reporters that President Carter and Vice-President Walter Mondale discussed abortion alternatives

with him at a meeting last week.

He said they asked him to suggest possible alternatives the government could pursue if Congress voted to end federal payment for most abortions for the more than 4 million indigent female Medicaid recipients.

Medicaid is a federal-state health-care program that provides free medical services to low-income persons and their dependents.

With the administration's blessings, both the House and the Senate recently passed legislative amendments prohibiting the use of public funds to pay the cost of abortions for welfare recipients.

Unlike the House, the Senate

Wednesday approved an amendment that allows payment for abortions that are "medically necessary."

CONGRESS ACTED after the Supreme Court ruled the government was not constitutionally required to pay for medically unnecessary abortions.

President Carter and administration officials repeatedly have expressed their philosophical opposition to abortions and the use of public money for them. "We have said time and time again that we do not believe that this is something public money should be spent for," Califano said.

The HEW secretary said the federal government had several alternatives to paying the costs of voluntary abortions—such as sex education, family planning and facilitating adoptions.

Califano said preliminary consideration has been given to providing federal grants to state and private adoption agencies and paying some form of cash subsidy to less-affluent families who adopt children surrendered by welfare mothers.

"HOW WE'RE going to do it, I don't know," said Califano. "We don't know enough about it yet to

decide which way we're going to go."

Already contained in HEW's 1978 fiscal budget is \$35 million for an Alternatives to Abortion program. Included is a \$14-million increase for community health centers; \$10 million for family-planning projects; \$5 million for population research and \$4 million for research in foster care and adoption.

Federal and state governments spend nearly \$50 million each year to pay for more than 300,000 Medicaid abortions, about a third of the abortions performed annually in the United States.

WASH POST
7/8/77
**Senate Measure
Found to Permit
Most Abortions**

By Spencer Rich

Washington Post Staff Writer

A leading population expert, Louis Hellman of the respected Population Reference Bureau, estimated yesterday that, under a Senate-passed restriction on federal financing of abortions, 90 per cent of those now performed could still be done.

That is because of a number of exceptions written into the Senate legislation, and especially a very broad exception permitting any abortion "medically necessary," Hellman told a reporter.

A leader of the anti-abortion movement in Congress, Rep. Henry J. Hyde (R-Ill.), made a similar observation. He called the Senate version of the legislation "a Christmas tree of exemptions and loopholes. It permits abortions for everything, including athlete's foot."

These estimates mean the abortion fight in Congress may not be quite over. There is certain to be a bitter battle in conference between the Senate and the more restrictive House when Congress reconvenes next week.

The anti-abortion provisions are riders on the Labor-Health, Education and Welfare appropriations bill.

Hellman, former deputy assistant HEW secretary for population affairs, said in response to a question that "my guess, and it's just a guess," is that if the Senate language prevails in the conference, it would reduce the number of federally funded abortions by only about 10 per cent, leaving 90 per cent still possible.

On the other hand, said Hellman, if Congress eventually adopts the tighter restriction favored by House conferees, which would permit federal funding of abortions only to save the life of the mother, federally financed abortions would drop from about 300,000 a year under the federal-state Medicaid programs to "only a few thousand — possibly 1,600 a year" or fewer.

"All these figures are purely an estimate," stressed Hellman, who was a leading figure in the Medicaid abortion program before leaving HEW.

See ABORTION, A12, Col. 1

Senate Legislation Found To Allow Most Abortions

ABORTION, From A1

The dispute about the proposed curb on federal funding of abortions will probably be the most impassioned and difficult issue when House-Senate conferees meet soon after the recess ends next week, to resolve differences between the two chambers' versions of the multi billion-dollar funding bill for the Labor Department and HEW.

The House bill in its present form bars all federal funding of abortions. But Hyde said he (and he believes most of the House conferees, headed by Democrat Daniel Flood of Pennsylvania) want to add a single exemption to that, permitting federal financing when necessary to save the life of the mother. This is the administration's preference as well.

The additional Senate exemptions were put in by Sen. Edward W. Brooke (R-Mass.) on the floor by a 56-to-39 vote.

The Brooke amendment would allow federal funding of abortions to save the mother, or for the treatment of pregnancy caused by rape or incest, or where "medically necessary."

"Medically necessary" is the phrase that Hyde and others believe will open the floodgates; since in practice it can include situations ranging from severe and immediate danger to the life or health of the mother, to the danger of birth of a deformed fetus, or a threat to the mental stability, health or well-being of the mother. A woman couldn't just have an abortion if she felt like it, but the doctor would have very wide discretion.

"Medical necessity is as about as subjective as you can devise," charged Hyde. (In California, officials said in a phone interview, physicians list 90 per cent of Medicaid abortions as "therapeutic.")

Anti-abortion groups are opposing the Brooke amendment. However, a group of women's organizations and medical groups are backing it. They say the only fair way to decide whether to fund an abortion is allowing a woman and her physician complete discretion to decide, on the basis of all factors in the woman's situation, including her physical health, mental health, family situation, and whether she had fetus-endangering illnesses during pregnancy. These organizations include the National Abortion Rights League, American Civil Liberties Union, a group of religious organizations, National Organization for Women, Planned Parenthood and several others, according to Karen Mulhauser of the league.

The American College of Obstetricians and Gynecologists over the years has adopted yardsticks for guiding its members on when to perform abortions. They include situations where the life or mental or physical health of the woman would be seriously impaired, rape or incest, the likelihood that the child will have grave physical deformities or mental retardation, or the need to "improve the family life situation."

Dr. Ervin E. Nichols, a spokesman for the college, said that if the very tight restrictions favored by Hyde are adopted they could conceivably exclude abortion under Medicaid for "hundreds" of diseases that can "seriously impair" the health of the mother or the fetus, even if not representing an immediate danger to the mother's life—for example, pulmonary diseases, cardiac conditions, diabetes, measles.

Moves Expected On Hill to Stop Iran Radar Sale

Sen. Thomas F. Eagleton (D-Mo.) and Rep. Gerry E. Studds (D-Mass.) will introduce separate motions in Congress next week to block the proposed sale of seven sophisticated American airborne radar systems to Iran, Congressional sources said yesterday.

The Carter administration yesterday formally notified Congress it has offered to sell the controversial radar systems to Iran for about \$1.2 billion. Congress was secretly informed of the administration plan last month.

Both the Senate and the House must vote within 30 days in order to block the sale of the Airborne Warning and Control System (AWACS) to Iran.

The AWACS is a modified Boeing 707 jet topped by a circular housing containing elaborate radar and data processing equipment built by Westinghouse. The system can function defensively, to give early warning in case of an air attack, or offensively, to coordinate attack fighters.

Opponents of AWACS contend it violates Carter's own arms sales policy, announced in May, and that it necessitates placing American technicians in Iran who could become involved in a mid-East war. They also say the highly classified system could fall into the hands of the Soviet Union, which has a 1,200-mile common border with Iran.

Supporters of the proposed sale say the AWACS is one of the least deadly of the weapons systems Iran is interested in, and that Iran's uneven terrain and varying air temperatures make a ground radar system prohibitively expensive.

The export version of the system, sources said, does not contain the secret facilities in the Air Force model that are most easily adapted to offensive warfare. While Iranian officials had no comment on the different versions of the AWACS, some Congressional sources said the Shah is likely to be upset with the version of the AWACS he would receive.

Pentagon sources, however, said no change in the system contemplated for delivery to Iran has been made since negotiations began during the Ford Administration.



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****House and Senate conferees quickly agreed last week on dollar figures in an HEW appropriations bill that provides \$6.24 billion for health programs during fiscal 1978 although final agreement on the bill has been delayed by continued controversy over an abortion amendment. The health outlays would be \$709.8 million over Carter Administration budget figures but all indications are that President Carter will sign the measure. The health program total is \$213.9 million over the House bill, \$199 million under the Senate bill. Although the President earlier had threatened to veto a bill higher than the House measure, HEW now admits that its estimates for welfare and Medicaid were too high by some \$1.4 billion. Downward revisions by alert Senate HEW, subcommittee staffers, concurred in by House conferees, have resulted in a bill that, with an HEW total of \$55.9 billion, actually is \$1.36 billion under the House figure. Senate staffers say the reason for reduced spending is a decline in the growth rate for Medicaid costs and recipients from nearly 19 percent over the last several years to less than 14 percent in fiscal 1977 and 1978. Reasons for the trend appear to be reductions in eligible populations and cutbacks in state programs.**

****With Chairman Daniel Flood (D-Pa.) of the House Appropriations HEW Subcommittee taking a hard stand against a more liberal Senate provision, House and Senate conferees were unable even to come close to agreement on an abortion provision in the HEW money bill last week. Another try is set for this week but Flood made clear he and his House delegation won't have anything to do with a Senate version permitting federal funds to be used for "medically necessary" abortions. Flood called it a "loophole you could drive a truck through." Meanwhile, President Carter reaffirmed in a Mississippi town meeting last week his view that the federal government should not pay for abortions unless the mother's life is in danger.**

Your News and Service Bureau in the Nation's Capital

CALIFANO TELLS TALMADGE HE'LL WITHDRAW
CONTROVERSIAL QUALITY ASSURANCE NOTICE

In a bid to defuse an escalating confrontation with Chairman Herman Talmadge (D-Ga.) of the Senate Fi-

nance Health Subcommittee, HEW Secretary Joseph Califano has assured the Senator that he plans to revoke a controversial June 28 "Federal Register" notice defining the responsibilities of the Assistant Secretary for Health (ASH) regarding quality assurance. Talmadge had written Califano a letter protesting that the notice appeared to re-establish duplication that creation of the new Health Care Financing Administration "was supposed to eliminate" (WRMH 7-4-77).

Califano told Talmadge in a July 20 letter that the notice "never reached my office for review or approval," adding "It was prematurely published without proper clearance under the pressure of time to put HCFA into place. I intend to revoke that notice and to publish a new functional statement." The Secretary assured the Senator that "HCFA must have clear responsibility for the formulation and administration of quality assurance and health care financing standards" under its jurisdiction. He stressed, however, that "it is equally critical" that ASH bring its expertise to bear on formulation of standards, necessitating a policy coordinating staff to aid in providing guidance for HCFA.

While Talmadge won that one, he did not appear to get the support he had expected from the General Accounting Office on another complaint. At a hearing by his health subcommittee last week on Talmadge's contention that the Department reorganization would result in too many supergrade jobs, GAO produced a requested report on the subject. The report said essentially that it's too early to draw conclusions on overlapping of functions between HCFA and PHS, and noted that HCFA's requests for supergrade jobs has been cut in half since the initial proposal "and some reductions have occurred since the subcommittee questioned the matter." Califano proclaimed the GAO report a victory, instantly issuing a statement expressing pleasure that GAO said his reorganization "should result in improved management of the programs through better coordination of efforts and exchange of information."

CALIFANO REORGANIZES
HEW REGIONAL OFFICES

A reorganization of HEW regional offices announced last week by Secretary Califano is a clear move to strengthen central departmental control over health and other HEW policy as

it is interpreted by the 10 offices. The reorganization is, in Califano's words, "intended to provide clear and direct accountability between the program people in the field and their respective headquarters program offices in Washington."

Regional Health Administrators, for example, will report directly to the office of the Assistant Secretary for Health in Washington, rather than through the regional administrator. The same goes for other regional offices, including the Health Care Financing Administration representative. An indication that the move will be welcome in Congress came last week during House debate on a bill to extend certain health laws for one year. Chairman Paul Rogers (D-Fla.) of the House Commerce Health Subcommittee complained that conferees on the bill were concerned that regional offices are managing grant and contract operations in such a way as to limit the Bureau of Health Manpower's authority.

KENNEDY CALLS FOR TIGHTER REVENUE CAP,
MORATORIUM ON NEW HOSPITAL CONSTRUCTION

Sen. Edward Kennedy's (D-Mass.) alternative to HEW's cost control bill, completed last week, calls

for an immediate moratorium on all hospital construction and major equipment purchases and slaps a 7 percent cap on revenue increases. While Kennedy's amendments reflect a stricter regulatory stance, the tighter controls would be accompanied by an expanded exceptions process to allow some revenue increases and capital expansion. Kennedy's Human Resources Health Subcommittee will consider HEW's bill and his amendments at markup sessions beginning today in an effort to push a bill out of full committee before the August recess.

On the House side, Ways & Means Health Subcommittee Chairman Dan Rostenkowski (D-Ill.) has tentatively scheduled markup sessions for this week. Last week's scheduled meetings were cancelled. It was clear from a staff briefing of the subcommittee that members have devoted little if any time to studying the issues raised by HEW's bill.

Rep. Paul Rogers (D-Fla.), Chairman of the Commerce Health Subcommittee, will attempt to squeeze in markup sessions this week. Rogers' single day of hearings on his cost control amendments (H.R.8121) revealed that HEW views his bill as unnecessarily complex and administratively unworkable.

ELSEWHERE ON CAPITOL HILL:

--Two Medicare reimbursement measures are slated for consideration this week by the House Ways & Means Committee. Legislation to expand Medicare coverage in the renal disease program (H.R.8423) is expected to pass easily despite criticism of the increasing program costs. A more controversial measure provides Medicare coverage of physician extender services in rural health clinics (H.R.8422). Amendments are expected during full committee markup to add urban medically underserved areas to the bill. The Senate version (S.708) was the subject of hearings last week by the Senate Finance Health Subcommittee whose chairman, Sen. Herman Talmadge (D-Ga.), indicated the proposal would probably emerge as an amendment to a House-passed tariff bill to assure its speedy passage.

--Legislation to extend Public Health Service Act programs for one year (H.R.4975) is on its way to the White House for President Carter's signature. The Senate agreed to the conference report on July 15 and the House agreed on July 20.

--House and Senate conferees on the Agricultural Appropriations bill have agreed to drop House language to prohibit the FDA from imposing a saccharin ban before Sept. 30, 1978. The conferees said they had sufficient assurances from health subcommittee chairmen that saccharin bills would be "promptly brought" to the floors of each chamber. The conferees also agreed to House provision of \$100,000 for saccharin research by the FDA.

--Concerned with the explosion of technology in the health field, Sen. Edward M. Kennedy held hearings last week to explore the impact on health care of technology transfer. While there is criticism that technology transfer is slow between "bench and bedside," Kennedy contended that "others leap into application too quickly."

BRIEFLY THIS WEEK:

--Responding to complaints from state and local government groups, President Carter has ordered a "zero-based" review of all federal assistance programs that require the submission of plans. "The federal requirements for state, regional and local plans are unnecessarily numerous, and often overlap each other or conflict with local programs," he said in a July 19 memo to department and agency heads. Under OMB's direction, each department will review its plan requirements and an interagency task force will recommend to the President which provisions should be eliminated, consolidated or simplified. The recommendations are due Nov. 30.

--A White House reorganization plan is eliminating the Office of Drug Abuse Policy but Dr. Peter Bourne, friend and confidant of the President who has headed ODAP since the Carter Administration took over, remains as a Special Assistant to the President. In a statement, Bourne said he will devote his efforts primarily to "health and international human needs areas, as well as continuing to coordinate the federal effort in drug abuse with my increased staff."

--The Consumer Price Index for medical care services rose only 0.7 percent in June, the same as the overall CPI for the month and the smallest medical care services increase this year. Hospital service charges and physicians' fees rose by the same margin.

--Many state officials are resisting implementation of the 1974 health planning program, according to a recent study released by HEW. The survey of six states found officials spending much of their energies trying to minimize any erosion of their authority by the planning program. Copies of "Evaluation of the Impact of PHS Programs on State Health Goals and Activities," are available from HEW's Health Resources Administration, 5600 Fishers Lane, Rockville MD 20852.

--Dr. Julius Richmond, new Assistant Secretary of HEW for Health, has formally named Dr. Joyce C. Lasof as his deputy for programs. Director of the Illinois Department of Public Health from 1973 until last February, she will be particularly occupied with disease prevention programs and those dealing with health care services for the poor and minorities.

--HEW's Center for Disease Control says a recently completed survey shows more than 105 million Americans have access to fluoridated water.

CORRECTION: An item on page one of the July 4 issue of WRMH states that President Carter was "actively opposed for the Presidency by AMA." In a letter to the editor, an AMA spokesman has pointed out that the American Medical Political Action Committee (AMPAC) restricts itself to Congressional races and "does not involve itself in Presidential campaigns."

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Washington Report on Medicine & Health

SPECIAL REPORT

Conference Agreement on HEW Health Appropriations for Fiscal 1978

The following table includes figures over which there has been disagreement between the House and Senate bills. The figures all are tentative because the conferees remain in disagreement over the abortion amendment and other "language" items. However, no changes in the following figures are expected before final conference agreement.

(Figures in millions)	<u>Conference Agreement</u>	<u>Agreement Compared With:</u>		
		Budget	House	Senate
<u>HEALTH SERVICES ADMINISTRATION</u>				
Genetic Info. & Counseling	4	+ 4	+ 4	- 1
Maternal & Child Health:				
Grants to states	332.5	+17.5	+17.5	-17.5
SIDS Info. dissemination	3	+ 1.3	+ 1.3	- .7
SIDS Research & Training	29.4	+ .6	+ .6	- .6
Family Planning	135	+11.4	+11.4	- 5
Hypertension	11	+ 2	+ 1	- 1
Home Health Services	6	+ 3	- 2	+ 1
Hospitals & Clinics	170.5	+35	+35	-39.5
Construction & Modernization	15	+15	+15	-45
Emergency Medical Services	42.6	+ 9	+ 3	- 2.4
Venereal Disease	32	+14	+ 5	- 5
Immunization	23	+ 4	- 1	--
Rat Control	13	--	--	- 1
Lead Paint Poisoning Prevention	10.3	+ 1.8	+ 1.8	- 1.8
Disease Surveillance	53	- .6	- 2.1	+ 8
Health Education	4.5	- 2.6	- 2.6	+ 2
<u>NATIONAL INSTITUTES OF HEALTH</u>				
Cancer	867.1	+48.2	+35.2	-52.9
Heart & Lung	445.6	+42	+13	-10.4
Dental Research	61	+ 3	+ 2	- 2
Arthritis, Metabolism, Digestive	258.5	+41.5	+21	-14.5
Neurological & Stroke	177	+15.5	+ 2	- 2
Allergy & Infectious Diseases	161	+ 7.6	+ 4	- 1
General Medical Sciences	230.4	+10.5	+ 5	- 4.6
Child Health & Human Development	165.3	+ 9.5	+ 2.5	- 1.7
Aging	37	+ 2.5	- 2	+ 2
Eye Institute	85	+20	--	+10
Environmental Health Sciences	63.6	+ 5.5	--	+ 5.6
<u>ASSISTANT SECRETARY FOR HEALTH</u>				
Health Education & Promotion	1.5	+ 1.5	+ 1.5	- 1

Washington Report on Medicine & Health

SPECIAL REPORT (Cont.)

(Figures in millions)

	<u>Conference</u> <u>Agreement</u>	<u>Agreement Compared With:</u>		
		Budget	House	Senate
<u>ALCOHOL, DRUG ABUSE, MENTAL</u> <u>HEALTH ADMINISTRATION</u>				
Mental Health:				
Community Programs, First Year	26.4	+26.4	+ 3.6	- 3.6
Financial Distress	5.5	+ .5	+ .5	- 1.5
Alcoholism:				
Community Programs, Project Grants	78.8	+10	+ 3.8	- 3.8

HEALTH RESOURCES ADMINISTRATION

National Health Statistics	35.3	+ .5	--	+ 1.7
Health Planning	145	+20	+ 5	- 5
Special Medical Facilities	1.8	+ 1.8	+ 1.8	--
Health Manpower:				
MOD Capitation Grants	120.1	+ 5.6	--	+19
VOPP Capitation Grants	18	+18	--	--
Public Health Capitation Grants	5.9	+ 5.9	--	--
Health Teaching Facilities	8.5	+ 8.5	+ 3.5	--
Student Loans	20	+20	+10	- 6
Hlth. Service Corps Scholarships	60	+20	+ 5	-15
Interdisciplinary Training	3.5	+ 3.5	+ 3.5	- 1.5
Health Professions Startup	2	+ 1	+ 1	--
Financial Distress	3	+ 1	+ 1	- 1
Nurse Capitation Grants	30	+30	- 2	--
Advanced Nurse Training	12	+12	+ 2	--
Nursing Student Loans	22.5	+22.5	+ 2.5	--
Public Health Adm. Traineeships	1.5	+ 1.5	+ .5	- .5

SOCIAL & REHABILITATION SERVICE

Maintenance Assistance	6,300	-305.8	-285.8	--
Medical Assistance	10,750	-1,066	-714.4	--

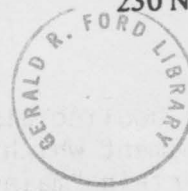
SOCIAL SECURITY ADMINISTRATION

Supplemental Security Income	4,500	-500	-500	--
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Court Cases
Americans United for Life
AUL Legal Defense Fund

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Lawyers for Americans United for Life Legal Defense Fund are defending the Hyde Amendment, which cut off federal funds for abortion, in two cases before the Supreme Court.

The Court agreed Feb. 19 to hear a New York case, McRae v. Secretary of HEW, in which federal Judge John Dooling declared the Hyde Amendment unconstitutional and issued an injunction against it. AUL has been representing Congressman Henry J. Hyde, author of the amendment, Sen. Jesse Helms and former Sen. James Buckley, as well as a guardian for unborn children in this casesince October 1976.

The Supreme Court will hear the McRae case at the same time as an Illinois case, Williams v. Zbaraz, in which the AUL Legal Defense Fund is defending the Hyde Amendment and an Illinois law restricting abortion funds. The Court had agreed to hear the Williams case last fall.

Judge Dooling issued an injunction against the Hyde Amendment in January, but it did not go into effect until Feb. 19 when the Supreme Court denied requests from the federal government and AUL to leave the amendment in effect until the full Court has had a chance to review the issues involved and decide the case.

Judge Dooling's decision held that, under the Medicaid Act and under the constitution, the federal government must fund all abortions deemed "medically necessary" by the doctor performing the abortion. AUL general counsel Patrick Trueman criticized this ruling, noting that, "At least one prominent abortionist testified before Judge Dooling that anytime an abortion is wanted, it is medically necessary."

"Judge Dooling's ruling, now in effect, will also likely result in forcing all states to fund Medicaid abortions, even though 41 of them have restricted such payments," said Trueman.

In ruling the Hyde Amendment unconstitutional, Judge Dooling held that Congress must remain "neutral" between childbirth and abortion, and if it funds one it must fund the other.

Judge Dooling also ruled that the Hyde Amendment violates the First Amendment which guarantees "free exercise" of one's religion. Because certain "mainstream" religions allow abortion as a matter of personal choice and in some cases, according to Dooling, may even "mandate" abortion, "To deny necessary medical assistance for the lawful and medically necessary procedure is to violate the pregnant woman's First...Amendment rights," Dooling held.

Dooling, however, rejected arguments of plaintiffs American Civil Liberties Union and Planned Parenthood that the Hyde Amendment is an "establishment of religion" in violation of the First Amendment. The plaintiffs attempted to show that the Hyde Amendment was an establishment of Catholic doctrine.

Judge Dooling, in his decision, wrote, "...[T]he spokesmen of religious institutions must not be discouraged, nor inhibited by the fear that their support of legislation, or explicit lobbying for such legislation, will result in its being constitutionally suspect."

The Supreme Court has indicated that oral arguments in both the McRae and Williams cases will be held in April, with AUL's brief due March 18. AUL Chairman Dennis Horan has announced that AUL Vice-Chairman Victor Rosenblum, a professor of constitutional law at Northwestern University, will present oral arguments before the Supreme Court.



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The Hyde Amendment was declared unconstitutional by Chicago Federal Judge John F. Grady in a ruling on April 27. Grady did not enjoin the enforcement of the Hyde Amendment, but he did issue an injunction against an Illinois law restricting abortion funding. This leaves the Department of Health, Education and Welfare free to continue restricting federal funds for Medicaid abortions.

Lawyers for Americans United for Life are appealing Grady's ruling directly to the United States Supreme Court and have filed a motion for a stay before Justice John Paul Stevens asking that Grady's injunction against the Illinois law be lifted until the full court can decide the case. Stevens is expected to rule on the motion within the next two weeks, and a favorable ruling would have the effect of restricting Illinois abortion funding until the Supreme Court reaches a decision, which could take more than a year.

The Illinois law was to go into effect May 1 following a year-and-a-half court battle which resulted in a favorable ruling before the United States Court of Appeals for the Seventh Circuit on Feb. 13 of this year. The Appeals Court had ruled that Illinois was free, under the Medicaid Act, to restrict funds for abortions in accordance with the Hyde Amendment standards. In its opinion, the Appeals Court questioned whether the Hyde Amendment itself violated the United States Constitution and sent the case down to Judge Grady's court for a determination of that issue.

This lawsuit is one of two current challenges to the Hyde Amendment in federal courts in the country. The other case, also defended by AUL, is before Federal Judge John Dooling in New York. In that case, the American Civil Liberties Union and Planned Parenthood are arguing that the Hyde Amendment is an enactment of Catholic doctrine and therefore violates the First Amendment of the U.S. Constitution.

In two 1977 Supreme Court opinions, Beal v. Doe and Maier v. Roe, the court indicated that states are not required to fund abortions under the Medicaid Act nor under the U.S. Constitution. In holding the Hyde Amendment unconstitutional, Judge Grady interpreted those decisions to mean that states may refuse to fund only "purely elective" abortions. AUL lawyers have maintained in this and other similar cases that the court held in those cases that states have wide latitude to restrict abortion funding.

ALL CONTRIBUTIONS ARE TAX DEDUCTIBLE

Originally, the Illinois law was supposed to go into effect in December of 1977. The challenge was brought by the American Civil Liberties Union and the Legal Assistance Foundation of Chicago, which is supported by federal tax dollars.

Americans United for Life, with its national headquarters in Chicago, is involved in over 30 abortion-related cases nationwide, and is the national center for prolife legal information and litigation.



Hyde amendment battle looming over Medicaid, Defense budgets



In a developing story of a divided Carter Administration and a new strategy by the nation's major pro-abortion organizations, the annual battle over the Hyde amendment has begun in the 96th Congress with an additional focal point: women in the military. While President Carter has repeatedly stated his opposition to the use of federal funds for abortion (A stance he reiterated as recently as March 24 at a town meeting in Elk City, Oklahoma), Department of Defense (DOD) officials have been testifying before key Congressional subcommittees in recent weeks against restrictions on DOD appropriations for abortions for servicewomen, military wives and dependents.

National pro-abortion organizations, including NARAL, the National Abortion Rights Action League, and the Planned Parenthood Federation of America, have forged a coalition viewpoint with the military on deletion of the current abortion restrictions from FY 1980 DOD appropriations. The January-February issue of the NARAL newsletter lists DOD appropriations as the top "pro-choice" priority in 1979. This new, "uneasy alliance" between the pro-abortion lobby and DOD officials was first expressed in the Carter Administration's FY 1980 Budget request, submitted to Congress on January 22, 1979. The President's budget statement recommended deletion of the anti-abortion language originally offered by Rep. Robert K. Dornan (R-Cal.) in August of 1978.

Meanwhile, pro life lobbyists scanned an early May markup session for FY 1980 Labor-HEW appropriations. Hearings were held in the Labor-HEW appropriations subcommittees of the U.S. Senate and House of Representatives on March 28 and April 24, respectively. Earlier, HEW Secretary Joseph Califano testified before the same House subcommittee that current Health Care Financing Administration statistics show 99% reduction of federal support for abortion under the FY '79 "Michel amendment." That amendment, first adopted in 1977 and re-enacted on October 13, 1978, allows federal reimbursement for abortions performed under strict criteria.

Pro life analysts, while recognizing Califano's vigorous efforts to enforce Congressional intent regarding abortion funding, have questioned the value of admittedly "unaudited" statistics in the upcoming Hyde amendment debate. Ironically, Secretary Califano's close scrutiny of Medicaid abortion claims has sharpened the growing consciousness of the Administration's inconsistent handling of the Department of Defense Appropriations issue.

Testimony submitted before the Senate Labor-HEW appropriations subcommittee on March 28 noted the fact that the HCFA Medicaid abortion statistics omitted figures for Florida, New York and several

states funding most or all abortions under court order. Most significantly, states may file for reimbursement of abortions performed in 1978 under federal guidelines many months after the fact. Representative William Natcher (D., KY) chairman of the House Labor HEW appropriations subcommittee, questioned Leonard Schaeffer, HCFA administrator, on March 22 about his agency's confidence in the state statistics. "I have to tell you frankly, Mr. Chairman, that our confidence was shaken early on," Schaeffer responded.

Lieutenant General Paul Myers, Surgeon General of the Air force, told the House Appropriations Subcommittee on Defense in March that female service members view the DOD anti-abortion restriction as a "health entitlement loss." Myers specifically cited the exclusion of abortion funding for genetic defects as a "tragic aspect of the law." In addition, Myers charged that any increase in the number of "pregnancies carried to term by active duty members...will have an adverse impact on the noneffectiveness rate" for female servicewomen. Myers also spoke circumferentially of abortion resulting in "cost savings" to the military.

Similar themes were echoed in the testimony of Vernon McKenzie, Acting Assistant Secretary of Defense, who told the House subcommittee on March 24 that no fully reliable data on reduction of the number of abortions performed under the Dornan amendment were available. He noted that the U.S. Navy charged abortion recipients outside the 50 states for non-funded abortions on a prepaid basis of \$175 for a first-trimester abortion and \$405 for a second-trimester procedure.

The March 23 edition of **Planned Parenthood-Washington Memo**, published by the Alan Guttmacher Institute, quoted high Pentagon officials as saying the anti-abortion legislation "certainly sets back efforts to bring more women into the military." The Planned Parenthood article offered the view that "funding for abortions for military women may replace funding for poor women as the hottest abortion-related issue facing the 96th Congress this year."

An Associated Press account of Pentagon testimony before the Senate Armed Services Manpower Subcommittee noted that at least some servicewomen stationed overseas with a child were transferred back to the United States earlier than expected because they did not qualify for the housing they needed or could not get adequate child care. One pro life observer on Capitol Hill remarked on the irony involved in the new DOD strategy of the pro-abortion lobby, remarking "the pro-abortion organizations have spent years rebuking the pro life movement on just such issues as child care and housing. Now when these inadequacies can be used as an argument for restoration of abortion

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