

MINUTES OF THE MEETING OF THE JUDICIARY COMMITTEE
EXECUTIVE SESSION
January 29, 1981

The Executive Session of the House Judiciary Committee was called to order at 8:00 a.m. by Chairman Kerry Keyser presiding. All committee members were present except REP. ANDERSON, who was excused. Jim Lear, Legislative Council was present.

HOUSE BILL 317 The committee requested Dan Russell, Department of Institutions, to answer questions from the 1/28/81 meeting.

RUSSELL introduced NICK ROTERING who spoke to the committee. ROTERING stated the concern was basically a problem in Yellowstone County with the Alpha House and the Life Center. As the code now states there is little statutory authority to pick up these people who violate the policies. The Department does not have the statutory authority. People in those programs can violate the terms of the center but they might not be violating other statutory laws. The bill is similar to the authority the Department has over parole violators.

DAN RUSSELL stated this bill goes with House Bill 315. These people are inmates. If they were to leave the program and it was considered a misdemeanor, to get a warrant for a misdemeanor is difficult to do. If the escape is considered a felony, there is no problem getting a warrant. ROTERING stated the sheriff gets the warrant from the County Attorney. It is like a parole violator. If he violates it the Department has the authority to pick him up but has he broken any laws? No, just rules of the program.

REP. KEEDY asked what types of violations were there. ROTERING replied they were administrative rules like curfew, not appearing for their job or schooling, etc.

REP. MATSKO asked what the procedure for furlough was. ROTERING replied a person is released for furlough if someone supports them. If the person violates the terms of the furlough, a hearing is held. The Board of Pardons is hesitant to release someone. The Department has trouble getting escapees back if they go to Wyoming because it is considered a misdemeanor.

REP. EUDAILY asked if a warrant were issued could a violator be returned without being arrested. ROTERING replied the warrant starts the procedure and the arrest brings them back. To protect the violator a hearing must be held.

There were no further questions by the committee.

Under other business, CHAIRMAN KEYSER appointed a subcommittee to review House Bills 165, 226, 546 and 284. REP. SEIFERT was appointed Chairman with REP. BROWN and REP. HANNAH serving on the committee.

HOUSE BILL 317 REP. HANNAH moved do pass. The vote was unanimous in favor of the motion.

HOUSE BILL 300 REP. CURTISS moved do pass.

REP. EUDAILY questioned how the law enforcement agencies would enforce the bill concerning the advertisements in magazines. REP. MATSKO stated it was mostly aimed at the booklets passed around. As it becomes more widespread the editors of the magazines will probably regionalize the advertisements to fit the laws of the particular states.

REP. BENNETT opposed the bill, stating household items such as paperclips, pliers, and hatpins would be considered paraphernalia. BENNETT stated if someone leaves a hatpin in your car and it has drug residue on it you could be arrested for having paraphernalia. REP. BENNETT stated he does not mean that all police officers will abuse this authority but it could happen.

REP. MATSKO replied the bill does not say anything that can be used as paraphernalia is unlawful to possess. Prior convictions for use of durgs is looked into. If a person carries a syringe it does not mean he is a drug user, he could have diabetes. The context of the way the items are used would relate to whether or not it is considered as paraphernalia.

REP. BENNETT asked what the need for this was. If you find the drug you find the paraphernalia. All that this bill is accomplishing is getting rid of the obvious paraphernalia and the drug users will use the not so obvious things, like hatpins.

REP. MATSKO stated this would break down the three million dollar business.

REP. CONN stated couldn't the stores sell paraphernalia in parts and the person could put it together themselves.

REP. CURTISS offered an amendment on page 5, line 21 following "use" inserting "deliver". REP. MATSKO opposed the amendment stating he felt it was already included. JIM LEAR agreed with REP. MATSKO that the definition was already covered under section 4. REP. CURTISS withdrew her amendment.

REP. EUDAILY was concerned with games at the fairs where an item of paraphernalia is given as a prize. REP. MATSKO stated with this bill the carnival people would not be allowed to exhibit these items for prizes.

REP. BENNETT had a brief on the Supreme Court ruling in Ohio, 6th Circuit dealing with paraphernalia. It was determined the term

paraphernalia is vague. REP. MATSKO questioned if the bill in Ohio was the same as the bill proposed in Montana.

REP. DAILY felt the committee has a job to do. If we feel this is a good bill we should pass it and not worry about it being unconstitutional. REP. DAILY stated the Supreme Court would decide that.

The motion of do pass passed with REP. BENNETT, REP. TEAGUE, REP. EUDAILY and REP. SHELDEN voting no. REP. IVERSON, REP. ANDERSON and REP. SEIFERT were absent during the vote.

The meeting recessed at 9:30 a.m.

The House Judiciary Committee reconvened at 10:30 a.m. on January 29, 1981 in the Scott Hart Auditorium to listen to testimony concerning House Joint Resolution 15. All members were present. Jim Lear, Legislative Council was present. Chairman Keyser stated each side had 45 minutes to present their views.

HOUSE JOINT RESOLUTION 15 REP. O'CONNELL, chief sponsor of the bill, stated in 1977 when she first introduced the bill she stood alone against the committee; the bill was defeated. In 1979 the bill was reintroduced and a hearing was held in the Scott Hart Auditorium. This is the third time the bill has been introduced by O'CONNELL.

O'CONNELL said she speaks from her heart when she expressed the right for the unborn millions of babies being slaughtered every year by abortion. She stated she speaks of rights and she hears of rights, the right of power, the bill of rights. All of these are secondary to the right to life. Without the right to life we don't need the others. There is a law in Montana, 64-103, that protects the rights of the unborn. O'CONNELL mentioned the rally that was held on the front steps of the Capitol which hundreds of people attended in support of pro-life. One person carried a sign that affected O'CONNELL which read "Adoption not Abortion". O'CONNELL felt there are millions of childless couples who would give their lives for one or two of these babies.

DR. JOHN PAUL FERGUSON read from written testimony. EXHIBIT 1. A recording of a baby's heartbeat after four days after the first missed period was played for the committee. FERGUSON also showed the committee a picture of the unborn child at six weeks.

Attorney KEN PETERSON, Billings, was in support of HJR15. PETERSON stated this bill arises from a decision of the Supreme Court ruling of Roe v. Wade in 1973. The decision provided that the unborn are not included within the provisions and protections of the U.S. Constitution. The case was not a unanimous case; two judges

dissented. PETERSON believes HJR15 is required because abortions are reaching epidemic proportions in the United States. It is a basic right for the people to call for a constitutional convention. Congress has a right to propose amendments and submit them to the states for ratification. The provision that allows the states by a 2/3 application to the congress to mandate congress calling a constitutional convention is coequal.

PETERSON feels there is a hysteria in some circles at the thought of calling a constitutional convention. Many people feel it would be a wide open convention to consider all aspects of the government to rewrite the constitution. PETERSON feels those feelings are unfounded. HJR15 does not call just for a constitutional convention; it urges congress to propose an amendment and submit it to the states.

PETERSON said it requires 2/3 (34) of the states to apply with similar applications. The applications have to cover the same subject matter. The convention is called by congress which sets up the framework and procedure of handling the convention. The amendments would be submitted to the states and have to be ratified by 3/4 (38) of the states.

PETERSON stated there is great concern from the pro-choice group that penalties would be imposed, for example, a young girl who had an abortion would be subject to a trial and conviction of murder. PETERSON feels there is no basis for that. He stated there were different types of penalties such as money damages, fines, and criminal penalties. The law recognizes the penalty should fit the crime. PETERSON stated the penalty does not have to be first degree murder for abortion. There are various punishments for the taking of someone's life: first degree murder, manslaughter, and negligent homicide.

PETERSON read from the American Bar Association the following: "Our two year study has lead us to conclude that a national constitutional convention can be channelled so as not to be a force of that kind but rather an orderly mechanism of effecting constitutional change when circumstances requires its use. The charge of radicalizm does a disservice to the ability of the states and people to act responsibly in dealing with the constitution."

MARGARET JOHNSON, Attorney, gave the committee written testimony from which she read parts. EXHIBIT 2.

SUZANNE MORRIS, Montana Right to Life Association, gave written testimony, EXHIBIT 3. MORRIS also gave out EXHIBIT 4, 5 and 6. MORRIS urged the committee to vote HJR15 out favorably for a full floor debate.

SHERRY DINGMAN gave the committee written testimony from which she read. EXHIBIT 7.

There were no further proponents.

Opponent, REV. JERRY KECK, gave to the committee a packet which contained all the material for the opponents side. KECK read his written testimony to the committee. EXHIBIT 8(a).

LAROLD K. SCHULZ, Senior Minister of the First Congregational United Church of Church in Billings, read from written testimony. EXHIBIT 8.

John H. MAYNARD, Attorney in Helena, read from written testimony. EXHIBIT 9.

VIRGINIA A. KNIGHT, Attorney in Helena, read from written testimony. EXHIBIT 10.

JAMES H. ARMSTRONG, Family Doctor in Kalispell, read from written testimony which included a summary of abortions he has performed. EXHIBIT 11. ARMSTRONG stated the most important thing about a woman having an abortion is how she feels about herself and whether it is right for her.

WAYNE E. PENNELL, Physician in Missoula, gave the committee written testimony from which he read. EXHIBIT 12.

VICTORIA CHAPMAN BUTLER, Missoula, gave the committee written testimony from which she read. EXHIBIT 13.

MARILYN GREELY, Registered Nurse from Helena, gave written testimony from which she read. EXHIBIT 14.

WILLIAM A. BURKHARD, Minister of the Plymouth Congregational Church in Helena, gave written testimony from which he read. EXHIBIT 15.

RANDY BELLINGHAM, Billings, gave the committee written testimony from which he read. EXHIBIT 16.

ROBERT WALTMIRE, Columbia Falls, gave written testimony to the committee. EXHIBIT 17. WALTMIRE stated a personal experience concerning one of his daughters and an abortion that was performed.

PAT BAUERNFEIND, Montana City, gave written testimony which she read to the committee. EXHIBIT 18.

ANN GERMAN, Attorney at the Montana Law School, gave EXHIBIT 19 to the committee which is a petition of professors at the law school opposing HJR15. There are also two letters attached to

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the petition which are part of EXHIBIT 19.

In conclusion, JERRY KECK of the opponent side, stated the proponents of HJR15 declare that the fertilized egg is equal to the living human being. He respects their right to hold that view. The potential impact of this view written into law is unprecedented. KECK urged defeat of HJR15.

In closing, REP. O'CONNELL, chief sponsor, read a mailgram to the committee from Stephen P. Robinson, M.D. EXHIBIT 20. REP. O'CONNELL stated she appreciated the time given to her. She asked with God's help and the committee's we can preserve the greatest miracle on earth -- life.

REP. DAILY asked DR. ARMSTRONG, according to the information provided to the committee, how many of the abortions he performed were for social reasons and how many were for medical reasons. ARMSTRONG replied approximately 90% were for social reasons and 10% were for medical.

REP. TEAGUE asked if the calling of the convention is based on population. PETERSON stated the American Bar Association's select committee report reported that the delegates should be selected on a one man one vote basis.

REP. HANNAH asked what factual information is given to women who are considering an abortion. DRP. ARMSTRONG replied Montana law specifies a woman having an abortion must be informed of the development of the fetus, complications involved and other things. The most important thing is how she feels about it. We try to make sure that they know and feel this is the best thing they can do under the circumstances for that individual person. We tell the woman the size of the fetus by the number of weeks. Over 90% of abortions are performed in the first trimester (3 months) of pregnancy. At 8 weeks after the date of the last menstrual period the fetus is about 1/2 inch long, not very much developed. At 10 weeks it is about 1 inch long. At 12 weeks it is about 2 inches long. ARMSTRONG stated they do abortions up to 20 weeks. In the second trimester Montana law requires it be done in a hospital. At 18-19 weeks the fetus weighs less than a pound. The office has several fetuses available so the woman can see the development.

There were no further questions.

The hearing on HJR15 ended at 12:09 p.m.

EXHIBITS 21 through 24 are items given to the committee in support of HJR15. EXHIBITS 25 through 55 are items given to the committee in opposition to HJR15. Witness sheets and comments attached.


KERRY KEYSER, CHAIRMAN

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January 28, 1981

Dear Elected Representative,

In January 1973 the Supreme Court withdrew all the protections of the constitution from unborn children. Even Bernard Nathanson, the medical driving force behind the decision, claimed "I was pleased with Blackmun's conclusions but could not plumb the ethical or medical reasoning that had produced the conclusion. Our final victory had been propped up on a misreading of obstetrics, gynecology and embryology, and that's a dangerous way to win."

There is no scientific doubt that life begins at conception. The fertilized ovum contains 23 chromosomes from each parent. These 46 chromosomes contain the genes which determine the color of the eyes and the hair, the blood group, the sex and intellectual potential of the child. A unique individual exists. Seven days after fertilization it implants in the uterine lining and begins to secrete a hormone, HCG, which controls the mother's hormonal output in such a way as to maintain nourishment of the baby until its placenta is mature enough for that task.

Four days after the first missed period the baby's heartbeat can be detected and its circulation is established to obtain nutrients from the mother. Thereafter, a veritable explosion of life and growth takes place. By six weeks the baby is moving all its limbs and makes a withdrawal response to pinprick, indicating a sensitivity to a painful stimulus and an appropriate evasive reaction. By seven weeks brain waves can be recorded

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and by eight weeks a cardiogram taken, these are two of the basic parameters of life. At nine weeks the baby can swallow; also by nine weeks its unique fingerprints are already formed. At ten weeks it can suck its thumb. By eleven weeks breathing movements begin. The baby responds to experimental modification of the amniotic fluid. Injection of x-ray contrast medium, which is foul tasting, causes it to quit swallowing; whereas, addition of saccharin causes a doubling of the swallowing rate. The unborn child in the first trimester shows all the parameters of life functions and reacts to changing stimuli in his environment.

From fertilization until delivery a specific pattern of growth and maturation unfolds with the addition only of nutrients. The unborn child is a genetically distinct individual housed temporarily in the uterus and sheltered from the mother's immune system by three distinct protective mechanisms which prevent her body from rejecting him. The child is in no way a part of the mother's body.

There were 1.3 million abortions in 1977 as against 3.3 million live births. The next commonest cause of newborn death is prematurity which accounts for a mere 14,000, and, in fact, total newborn deaths from all other causes are 33,000. Abortion itself is not an innocuous procedure for the mother! Mortality from abortion by suction is 1.7/100,000, for instillation of saline and prostaglandins 15.5/100,000, and for hysterotomy/hysterectomy 42.6/100,000. Not all maternal deaths are reported and in those that are reported there are delays of up to 37 months. Complications can include infertility, an eight fold increase in tubal pregnancy and a three fold increase in premature deliveries. Other complications such as

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guilt and depression are not well documented and are variously reported as 0.2 - 19.2/1,000 abortions, however, a study of at least 10,000 patients with controls would be needed to produce meaningful results, and these patients would require observation over a prolonged period of time.

A major argument put forward by pro-abortion groups is that children should be wanted and prohibition of abortion will lead to large numbers of neglected and abused children. This is not borne out by facts. Since abortion on demand was introduced child-abuse in America has increased some 300 to 400%. Surveys of the parents of abused children reveal that 80 to 90% of the abused children were wanted, planned pregnancies. The commonest cause of death in children 6 to 12 months of age in America is to be killed by their parents. Ney, Schoenfeld, Barker and others indicate that the incidence of child battering is highest in women who have had abortions, reasoning that the taboo against harming the young and helpless has been set aside.

The full physical and psychological toll of abortion on demand is yet to be measured. I would like to quote from the late Presbyterian theologian Karl Barth:

"No community, whether family, village or state, is really strong if it will not carry its weak and even its very weakest members. They belong to it no less than the strong, and the quiet work of their maintenance and care, which might seem useless on a superficial view, is perhaps more effective than common labour, culture or historical conflict in knitting it closely and securely together.

On the other hand, a community which regards and treats its weak members as a hindrance, and even proceeds to their extermination, is on the verge of collapse."

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Pregnancies from rape and incest are rare, pregnancies in which abortion would save the life of the mother are extremely rare. Abortions for purely social reasons account for over 97% of abortions performed in America. I would plead for your support of a Human Life Amendment and allow us to return the profession of medicine to the art of healing. Life is not a privilege reserved for the strong, but an inalienable right of every person, no matter how young, how old, how handicapped or how poor.

A handwritten signature in cursive script, reading "J. Paul Ferguson". The signature is written in dark ink and is positioned above the printed name.

J. Paul Ferguson, M.D.

TESTIMONY OF MARGARET M. JOYCE JOHNSONIN SUPPORT OF HOUSE JOINT RESOLUTION NO. 15

My name is Margaret Johnson. I am an attorney here in Helena, associated with the firm of Hughes, Bennett, Kellner and Sullivan. I have been asked to address this Committee on two issues raised by this resolution. The first is a substantive issue which addresses the need for a constitutional amendment to protect unborn human life. The second involves consideration of the amendment process and whether a constitutional convention, for which two thirds of the states have made application, can be limited to deliberation of a particular issue or whether, instead, any constitutional convention called upon application of the states must be an open convention which permits total revision of the constitution.

I will address the reason for seeking a constitutional amendment first. The 14th Amendment to the United States Constitution was adopted in 1868. A claim in Section 1 of the Amendment provides "Nor shall any State deprive any person of life, liberty, or property, without due process of law" In the 1973 case of Roe v. Wade, 410 U.S. 113 (1973), the United Supreme Court came to two conclusions interpreting that clause. First of all, the Court decided that the word "person" as used in that clause of the 14th Amendment, does not include the unborn. Secondly, the Court held that that same clause and its concept of personal liberty includes a right of privacy which, according to the Court, "is broad enough to encompass a women's decision

whether or not to terminate her pregnancy." The Court called that right a fundamental right. A "fundamental" right was described in another U.S. Supreme Court case as a right which is deeply rooted in the traditions and conscience of our people. Snyder v. Massachusetts, 291 U.S. 97 (1934). As Justice Rehnquist pointed out in his dissent, "The fact that a majority of the states, reflecting the majority sentiment in those states have had restrictions on abortions for at least a century is strong indication that the asserted right to an abortion is not "so rooted in the traditions and conscience of our people as to be ranked as fundamental."

The classification by the Court of the right to an abortion as fundamental is important because a fundamental right is one which the States cannot regulate or limit unless a "compelling" state interest is asserted. The Court recognized a valid state interest in safeguarding the health of the mother, in maintaining medical standards, and in protecting potential life. None of those state interests were considered compelling during the first three months of pregnancy however. And only the state's interest in protecting the health of the mother was considered compelling in the second three months. The States interests in protecting potential life (the Court claimed it did not want to decide when life began) was not considered compelling until the infant was capable of living outside of the mother's womb, i.e. generally presumed to be within the last three months.

The Roe v. Wade decision invalidated abortion laws in nearly

The Roe v. Wade decision invalidated abortion laws in nearly all of the fifty states. Many of those abortion laws were enacted long before the 14th Amendment was ratified. In fact, 36 of the states or territories, including Montana, had laws regulating abortion in 1868 and yet they ratified the 14th Amendment, clearly without ever dreaming that they were giving up their power to regulate abortion, and giving pregnant mothers and their doctors a constitutional sword with which to destroy beginning human life.

The decision rendered in Roe v. Wade is a constitutional decision. It states that the Constitution of the United States prohibits states from in any way stepping in to protect the unborn during the first six months of life.

I am personally a staunch supporter of womens' rights and a supporter of the proposed Equal Rights Amendment. This issue does not, however, have anything to do with womens' rights. The Constitution protects many rights and many freedoms. None of those rights or freedoms are absolute, however, and this is the position which the Supreme Court itself has always taken. For example, the First Amendment protects our freedom of speech. Essentially that permits us each to speak our mind regardless of what our views are. None of us expects, however, that the freedom of speech which is guaranteed by the Constitution is somehow going to cloak us with protection should we use our powers of speech to destroy the reputation of another person with lies. That guarantee of freedom will not protect us from the libel suits that can be expected to follow, nor do we expect it to. For when we defame another person, when we ruin his reputation by

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the words that we publish or speak, knowing that we are not speaking the truth, we have overstepped the boundaries of our freedom of speech and we must answer before the law for the harm done.

Our freedom of religion, to take another example, has similar limitations. Surely we are free to believe as we choose and free to belong to whatever church we choose or to none at all. When we, however, in the name of religion beat a child to death, we all know that the Constitution and its guarantee of freedom of religion will not cloak us with protection when we are prosecuted for the murder of that child.

In the same way, I certainly appreciate and support the right of privacy which the Supreme Court has found is guaranteed to all of us by the 14th Amendment to the Constitution. I know, however, that there must be some limits to that right. And it seems to me that that right must give way where my exercise of it will destroy the life of another human being. I do not expect the Constitution in those circumstances to afford me a cloak of protection any more than it would afford me that protection under the Freedom of Religion Clause.

The United States Supreme Court has held, however, that the Constitution does just that. At least through the first six months of pregnancy, a woman has an unqualified right, except to the extent that she likewise threatens her own life and health, to destroy the life within her. The issue which this resolution raises is whether the Supreme Court has expressed the extent of protection afforded the unborn by our Constitution, or more importantly, whether that is the extent of protection which our

Constitution should afford the unborn. The United States Supreme Court has said that our present Constitution does not afford any greater protection to the unborn. If we as a nation, and more particularly, if we as a state believe that more protection must be afforded under the Constitution, then we must call for an amendment to the Constitution which will afford greater protection.

It is not the purpose of this resolution, nor should it be the purpose of this committee or of this legislature to decide the parameters of that protection. Those parameters and the exact language of the amendment should be decided by whichever body proposes the constitutional amendment which this resolution calls for, whether it be the Congress, by proposing an amendment to the states for ratification, or a Constitutional Convention. It is our task merely to generally set forth the subject matter of that amendment. As things stand, the States stand powerless in the wake of Roe v. Wade to protect the life of the unborn at a time when they are most helpless and most dependent, at a time when they are incapable of life outside of the womb.

In noting my support for an amendment that will allow the States to again regulate abortion and provide greater protection to the unborn, I must point out that our Constitution and the States themselves have never failed to protect other members of our society simply because they were helpless and totally dependent. Certainly a child is dependent on its parents for clothing, food, shelter, and love. That dependence has never been a ground under the Constitution or under state law, for the states to stand aside and permit unlimited child abuse. Similarly, the

states and the federal government regulate nursing homes to insure that those who are dependent upon those nursing homes and the people who run them for medical care, food, clothing and shelter, will not be abused, deprived, or simply permitted to starve and die. The States in the past have not chosen to turn their backs on the unborn. The United States Supreme Court says that the Constitution requires them to do so. If it does, that Constitution must be changed.

Article V of the United States Constitution provides for two different modes of amendment of the Constitution. One is on initiative of the Congress. Whenever two-thirds of both Houses decide an amendment should be proposed, the Congress is required to propose that amendment for ratification by the states. The other method is by initiation of the States. When the legislatures of two-thirds of the States apply to the Congress for an amendment, Congress is required to call a convention for proposing that amendment. In either case, under Article V, any proposed amendment must be ratified by three fourths of the States or by conventions in three-fourths of the states, depending on which mode of ratification the Congress proposes.

I would like to make two points. First of all, you will notice that the resolution requests an amendment to the Constitution which would protect all innocent human life including unborn children. The resolution has been purposely drafted in such a way that it simply sets forth in general outlines the area of concern and the general subject matter to be considered for an amendment. This is not the proposed language of the amendment itself. In

fact, this is neither the time nor the place for proposing that language. An amendment which will accomplish the purpose of providing greater protection to the unborn will have to be hammered out either by Congress or by a constitutional convention and it is that language that we will then consider for ratification. If this Committee or this legislature as a whole does not feel that this resolution adequately expresses the general subject matter of an amendment which is required since the decision of Roe v. Wade to allow the states to again provide protection to the unborn, that language can be amended until this legislature is satisfied that it does express generally the subject matter which it wishes to have considered for an amendment.

Secondly, most scholars agree and the debates of the Constitutional Convention of 1787 supports the position that a convention can be limited to the subject matter for which it was called. I would like to briefly point out some of the evidence which supports this position.

1. In 1971 the American Bar Association created the Constitutional Convention Study Committee to analyze and study questions of law concerned with the calling of a national Constitutional Convention including the question of whether or not the convention's jurisdiction could be limited to the subject matter giving rise to its call. That body of scholars came to the conclusion that Article V permits the states to apply for either a limited or a general constitutional convention. Much of the evidence which I will point out to this committee is taken from

that report.

2. Before Article V of our present Constitution attained its present form, a proposed Article XIX was drafted by a committee known as the "Committee of Detail" of the Constitutional Convention of 1787. That article provided:

"On application of the Legislatures of two thirds of the states in the Union, for an amendment of this Constitution, the Legislature of the United States shall call a Convention for that purpose. . . ."

This language indicates a clear understanding that an amendment could be proposed and that a convention could be called for the purpose of that particular amendment. The debates revolving about subsequent changes in the article do not in any way reveal an intention to modify the article insofar as it mandates that a convention called by Congress pursuant to applications by the states be limited to the purpose or general subject matter contained in the state applications.

3. The first change which was considered was a change which would permit the National Congress to initiate an amendment procedure as well as the State Legislatures. James Madison, seconded by Hamilton, proposed a substitute for the article which included a method of initiation by Congress as well as from the states. As proposed, that article provided:

"The Legislature of the United States whenever two thirds of both Houses shall deem necessary or on the application of two-thirds of the Legislatures of the several States, shall propose amendments to this constitution, which shall be valid to all intents and purposes as part thereof when the same shall have been ratified by three-fourths at least of the Legislatures of the several States, or by Conventions in three-fourths thereof, as one or the other mode of ratification may be proposed by the Legislature of the United States. . . ."

This compromise was adopted by the convention and was motivated by a concern that the National Legislature have power of amendment equivalent to that of the state legislatures so that the federal-state balance of power would be preserved. The debates of the Convention reveal that both Madison and Hamilton viewed those two modes of initiating amendments as equivalent alternatives whereby both the state and the National Congress could apply for a proposal of specific constitutional amendment.

4. Article V was changed once more before it attained its final form. Under that change Congress was required to call a convention to propose amendments when two-thirds of the states made application to it. That amendment was not much opposed because, as Madison said, he "did not see why Congress would not be as much bound to propose amendments applied for by two thirds of the states as to call a convention on like application."

5. Alexander Hamilton in the 85th Federalist of the Federalist papers, clearly indicated his understanding that both the States and Congress had authority to originate specific amendments as opposed to calling a general convention:

"Every amendment to the Constitution, if once established, would be a single proposition, and might be brought forward singly. There would then be no necessity for management or compromise, in relation to any other point - no giving or taking. The will of the requisite number would at once bring the matter to a decisive issue and consequently, whenever nine, or rather ten states, were united in the desire of a particular amendment, that amendment must infallibly take place.

6. To tie state applications exclusively to a call for a wide open convention effectively destroys the states' power to propose amendments. It is unrealistic to expect the states to

exercise Article V powers if their only power is to petition for a general convention which lays the entire Constitution open to revision. This would make the state method of originating amendments very unequal in comparison to the congressional method. Article V was clearly intended to provide alternative equivalent methods.

7. Congress itself seems to recognize the fact that the States have the power to petition for either a general or a specific amendment. Congress has received over 300 requests for a convention over the past 183 years. If the States only have the power to call a general convention, Congress should have treated these requests cumulatively, that is once two-thirds of the states had submitted requests for a convention on any subject whatsoever, Congress would be under a duty to call that convention. However, Congress has treated as substantively separate amendments requests on various subjects and has concluded that a convention will be assembled only when the petitions dealing with a particular subject are received from two-thirds of the states.

8. There is also pre-1787 authority for a limited convention. The Annapolis Convention of 1786 was assembled to consider general trade matters. It decided not to proceed due to the limited number of state representatives present. In its report, the Convention expressed the opinion that another convention should be called to consider not only trade matters but also amendment of the Article of Confederation, expressing the opinion that they had no authority to address those matters themselves.

9. Additionally, although experience with a national con-

stitutional convention is very limited, the convention method has been a prime method for revision and amendment of state constitutions. A study of the practices of state conventions indicates a keen sense of responsibility in acting within the purposes for which the convention was called. It is to be expected that delegates to a national constitutional convention would respond with a similar sense of responsibility.

It is in any event important to note that the proposed resolution only supports the calling of a convention if (1) the Congress does not propose an amendment to the states for ratification dealing with the protection of the unborn, (2) the convention is limited to the specific and exclusive purpose of deliberating, drafting, and proposing such an amendment, and (3) federal statutes are enacted which specifically provide a process by which the convention is to be conducted, and the manner by which its subject matter is to be delineated, restricted, deliberated, and voted upon. This resolution therefore only supports the call for a convention if that convention can be limited and if Congress does not propose an amendment beforehand.

If, however, we assume that a convention is called and that the delegates do go beyond the subject matter set forth for the convention, there are additional safeguards within our system to prevent overall revamping of the Constitution. The greatest safeguard is undoubtedly the requirement that any amendment proposed by the convention must be ratified by three-fourths of the states. We have seen in the case of the Equal Rights Amendment how very difficult it is to get three-fourths of the states

to agree on an amendment to the Constitution. It is far from realistic to suppose that three-fourth of the states would ratify drastic changes in our Constitution when those changes were not called for or requested by the states in their applications.

In summary, then, Roe v. Wade has tied the hands of the states in their ability to regulate abortion and to protect the unborn. The effects of that decision can only be modified or reversed by constitutional change. This resolution requests a proposed amendment from Congress. In the event that Congress refuses to propose such an amendment, however, this state joins over twenty other states which have already requested consideration of an amendment dealing with the protection of the unborn. To claim that such a convention can not be limited in subject matter ignores the history and purpose of Article V of the Constitution which permits state initiative in proposing amendments.

Montana Right to Life Association

Affiliate of the National Right to Life Committee

Phone (406) 251-3462

Office Hours Monday - Friday
10:00 a.m. - 2:00 p.m.

P. O. Box 7151
Missoula, Montana 59807

January 29, 1981

STATEMENT OF SUZANNE MORRIS, PRESIDENT OF MONTANA RIGHT TO LIFE ASSOCIATION, IN SUPPORT OF HJR-15 BEFORE THE MONTANA HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE.

Honorable Chairman, honorable Vice-Chairman and distinguished members:

My name is Suzanne Morris. I am the elected president of the Montana Right to Life Association and the director from Montana to the National Right to Life Committee. I am also an unpaid registered lobbyist on pro-life issues.

Two years ago, almost to this very day, I stood before the Judiciary Committee in this very room. I asked for support for a very similar pro-life resolution, ironically also called HJR-15. I spoke that day about the wisdom and foresight of those courageous men who wrote our nation's most noble of documents, the US Constitution. I spoke of their clear intentions, as seen in the original constitutional debates and in the Federalist Papers, to guarantee the people the right to correct the errors of the federal government.

And I spoke of that most monstrous of errors when the US Supreme Court struck down the sovereign power of states to protect unborn human life from abortion. I spoke of the growing sense of urgency that we feel about this issue.

Since that time, well over two million more innocent human beings have been poisoned, dismembered, and discarded because they were "inconvenient" and too small and voiceless to plead for justice and mercy. We now see, with alarming regularity, the other victims in abortion---the women who suffer from grief, untold pain and guilt because this nation has chosen to offer them not support during an untimely pregnancy, but the brutally simple solution of expedience through killing.

Support a Human Life Amendment

"All That is Necessary for the Triumph of Evil is that Good Men Do Nothing" - Edmund Burke

I do not wish today to recall legal arguments that more qualified witnesses have addressed. But I do want to recall, especially for the freshmen legislators, the vicious desperation with which the so called "pro-choice" advocates fought this effort to allow pro-life Montanans to speak through their elected representatives to the Congress of the United States.

Two year ago this highly charged emotional issue of abortion consumed the Montana House of Representatives for weeks. It was tabled, postponed, delayed, and obstructed to prevent a final vote on the floor. When HJR-15 was finally granted a second reading debate on the House floor it ultimately consumed three afternoons of precious legislative time, not to mention whatever sleep was lost to all night sessions of political scheming. When it passed once the opposition contrived a way to finally table it. HJR-15 never met defeat by a floor vote. It was smothered, temporarily, in cheap and shabby political chicanery. But HJR-15 never died---the idea of restoring legal protection to unborn children has arisen stronger than ever.

The evidence can be seen in election results and in the presence of 800 Montanans on the steps of this capitol last week. Those people who marched on January 22 care very much that you grant them a voice in this issue. They care deeply that this legislature will speak for those whose voices cannot yet be heard, yet whose very lives are threatened by abortion.

Yet there are those in this room and perhaps even on this committee who do not share the concerns of pro-lifers. Many even favor legalized abortion through the full nine months of pregnancy, which is in fact the law today of this entire nation. And many of the same people also favor using public tax money for abortion which until last July was also the law of the land.

We respect, indeed love, the Constitution which guarantees to to all of us the right to disagree and to present our differing views before the public forum. We seek to redress, through our legislative process, what we believe to be a most grievous wrong. But we are not unmindful of the controversy and emotion surrounding this issue. We know that this committee and the entire legislature could lose critical time by engaging in time consuming parliamentary maneuvers.

Montana pro-lifers would prefer to see this resolution handled expeditiously and brought to a speedy vote on the floor. Many of us are wives and mothers who would prefer, quite frankly, to be at home rather than pestering you. We respectfully ask this committee to vote HJR-15 out favorably for full floor debate. Let this issue of life and death rise or fall on its merits. We Montanans pride ourselves on openness and fair play. We expect no less of our elected representatives.

We realize that in asking for expeditious treatment of this resolution our opponents might argue that we are trying to sweep through a complex issue without adequate time for study. Yet the constitutional issues involved have been debated numerous times in the Montana Legislature---the most recent being in 1979 when HJR-15 was discussed and the balanced budget convention call passed by a wide margin. And certainly no one can assert that the abortion issue has not been laboriously argued in the public forum.

While we are most emphatically anti-abortion we are also concerned with many of the other issues before this legislature. We do not wish to see again the bloodbath of backstabbing deception, intense emotionalism, and divisiveness that surrounded this issue two years ago. Please let it be decided with a minimum of all that.

Yet, I would be remiss in closing if I did not ask again for your favorable vote. The issues at stake go far beyond the halls of our capitol. The very principles of our Founding Fathers are at stake. We believe, as did those men of vision, that our rights and freedoms are not given to us by any government. They are our God given rights, only to be protected and guaranteed by government. And we believe the the most important of these is the right to life itself. Without that basic, fundamental right all other rights become meaningless, subject to the whim of a benevolent, hopefully, loving paternal state.

So listen to the voice of Montana's citizens---the voice of those who gathered on the steps last week; those who seek to speak for voices yet unheard, yet unborn; the voices of those gathered in the rotunda of our capitol to pray for this committee and this legislature

to defend our next generation.

The admonition from the Book of Deuteronomy still echoes across the centuries to you on this committee and to each of us in this room:

"I call heaven and earth to witness against you this day, that I have set before you life and death, blessing and curse; therefore choose life, that you and your descendants may live." (30:19)

We pray that today we will do no less than choose life.

Exhibit 4

C P BROOKE, MD, JD, FCLM
MEDICAL-LEGAL CONSULTANT
FIFTH & ORANGE
MISSOULA, MONTANA 59801

19 January 1981

PHONE (406) 549-6411

TO WHOM IT MAY CONCERN:

I wish to voice my support for the Resolution calling for a Constitutional Convention on the subject of a Human Life amendment. I wholeheartedly support Representative Helen O'Connell and her efforts to obtain such a resolution and urge the 1981 Montana Legislature to endorse legal protection for the unborn.


C-P BROOKE

NEVA L. KEITH
Chief Civil Court
EARL J. PAYSON
Chief Criminal Clerk
CAROL L. HUNT
Court Clerk & Secretary
KINE E. REESE
Court Clerk

Municipal Court

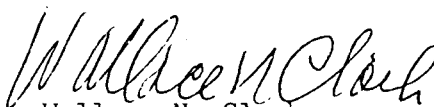
CITY OF MISSOULA

WALLACE N. CLARK
Judge
MUNICIPAL COURT
201 West Spruce
City of Missoula
Phone 543-5147 - 543-5148

January 21, 1981

To whom it may concern:

I wish to voice my support for the Resolution sponsored by Representative Helen O'Connell calling for a Constitutional Convention to draft a Human Life Amendment. I urge the Nineteen eighty-one session of Montana to endorse such a resolution and extend legal protection to unborn persons.


Wallace N. Clark
Judge, Municipal Court.

Law Offices
Skelton & Cooley
214-215 Radio Central Building
127 East Main
Missoula, Montana 59801

Robert R. Skelton
Paul Neal Cooley

406-728-0800

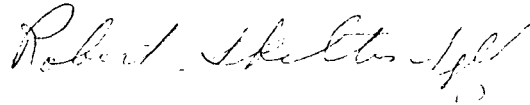
January 21, 1981

To Whom It May Concern:

I wish to voice my support for the Resolution calling for a Constitutional Convention on the subject of a Human Life Amendment. I wholeheartedly support Rep. Helen O'Connell and her efforts to obtain such a solution and urge the 1981 Montana Legislature to endorse legal protection for the unborn.

Sincerely,

SKELTON & COOLEY



Robert Skelton

RS/jlf

WILLIAMS LAW FIRM, P.C.

510 Glacier Building
Missoula, Montana 59801
Telephone 406/721-4350

Shelton C. Williams
Richard Ronney
Dan G. Cederberg

January 19, 1981

RE: HUMAN LIFE AMENDMENT

TO WHOM IT MAY CONCERN:

I wish to voice my support for the Resolution calling for a Constitutional Convention on the subject of a Human Life Amendment. I wholeheartedly support Helen O'Connell and her efforts to obtain such a resolution and urge the 1981 Montana Legislature to endorse legal protection for the unborn.

WILLIAMS LAW FIRM, P.C.

By 

Shelton C. Williams
510 Glacier Building
Missoula, MT 59801

LAW OFFICES OF
GARNAAS, HALL, RILEY & PINSONEAULT
215 WEST BROADWAY
P. O. BOX 8777
MISSOULA, MONTANA 59807

PHONE 728-6800

HAROLD L. GARNAAS
LYMAN J. HALL
J. ROBERT RILEY
H. J. "JACK" PINSONEAULT

January 21, 1981

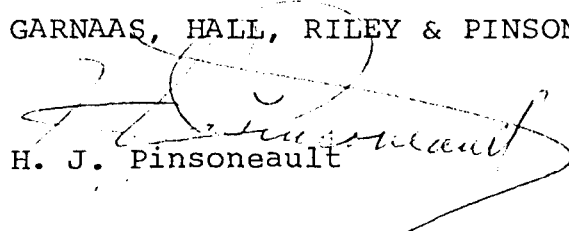
TO WHOM IT MAY CONCERN:

I wish to voice my support for the resolution calling for a Constitutional Convention on the subject of a Human Life Amendment. I wholeheartedly support Rep. Helen O'Connell and her efforts to obtain such a resolution and urge the 1981 Montana legislature to endorse legal protection for unborn persons.

Thank you.

Very truly yours,

GARNAAS, HALL, RILEY & PINSONEAULT


H. J. Pinsoneault

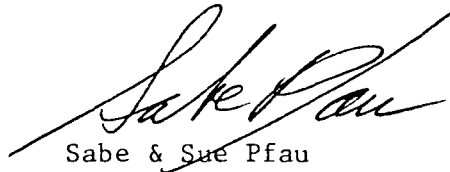
HJP:dmp

1905 Meadowview Court
Missoula, Montana 59801
January 21, 1981

TO WHOM IT MAY CONCERN:

We would like to take this opportunity to express our support for any resolution which would limit abortions. It is our firm belief that abortions should be granted only if the life of the mother is in danger. We feel that the unborn child has a right to life and that abortions should not be used as a form of birth control which we feel is happening now.

Most Sincerely,



Sabe & Sue Pfau

The War of the Export Loans

The U.S. Export-Import Bank has begun extending more attractive loans to U.S. exporters—to the dismay of France, West Germany, Japan and other major exporting countries. These countries—especially France—have subsidized their own export firms for years with much cheaper loans than the Eximbank's. U.S.-initiated talks on the problem collapsed recently when the French vetoed an agreement that would have roughly equalized European, Japanese and U.S. export credits. Washington retaliated by providing loans on longer terms than any other country offers. Trade sources say that the new Eximbank terms have already resulted in sales by U.S. companies of \$325 million worth of machinery to traditional French markets in Argentina and the Ivory Coast. The other industrial nations hope that France will admit defeat and call for renegotiation of the credit rates.

Big Labor's Return to Politics

Lane Kirkland, successor to the late George Meany as president of the AFL-CIO, has told associates that he wants labor to play an active role in revitalizing the Democratic Party. As a first step, Kirkland may muster his organization's backing for Charles Manatt as chairman of the Democratic National Committee. Manatt, a Los Angeles lawyer, is the front runner for the job, and AFL-CIO support would probably be decisive. It would also signal Big Labor's overt re-entry into Democratic politics after a dormant period brought on in the early 1970s by Meany's disaffection with the party's liberal trend.

Monitoring TV for Sex and Violence

The Rev. Donald E. Wildmon, head of a TV-watchdog group called the National Federation for Decency, plans to expand his operation. He is forming the Coalition for Better Television, composed, he says, of "scores of national organizations" and "thousands of local churches." The Moral Majority and Phyllis Schlafly's anti-feminist organization, Eagle Forum, are said to have joined Wildmon's coalition. Wildmon, a Mississippi Methodist minister, has invited network TV sponsors to a Washington meeting at which the coalition will disclose its plans. They will include monitoring TV programs on a massive scale and boycotting products advertised on shows that contain, as Wildmon puts it, "excessive and gratuitous sex and violence and profanity."

A Carter Bequest to Georgia

Jack Watson, the Carter Administration White House aide who ended up as Jimmy Carter's chief of staff, is expected to run next year for governor of Georgia, with Carter's backing. A Texas native reared in Arkansas, Watson settled in Atlanta in 1966 as a member of Charles Kirbo's law firm. Some Atlantans want him to run for mayor, but Watson has made it clear that he is interested only in becoming governor.

Waldheim and the Wesolowska Case

Many United Nations employees are angry at Secretary-General Kurt Waldheim for what they consider his feeble intervention in the case of Alicja Wesolowska. She is the 36-year-old Polish woman imprisoned by her government since August 1979 for allegedly spying for the West while working as a U.N. secretary

in New York. Waldheim has insisted on a low-key approach to Polish authorities, and Lowell Flanders, head of the 4,000-member U.N. staff union, complains: "Waldheim's quiet diplomacy is so quiet that we are fearful no one is hearing it." Wesolowska's U.N. colleagues observed a one-day fast last week to call attention to the hunger strike she recently launched. They also cabled appeals on her behalf to Pope John Paul II and to Lech Walesa, leader of Poland's rebellious workers.

Blacks on the Right

Stanford University economist Thomas Sowell and other black leaders plan a new black organization, as yet unnamed, to be launched in March. It will aim to provide a conservative alternative to such liberal civil-rights groups as the NAACP and the Urban League. "We've had enough social experiments with blacks as guinea pigs," says Sowell. "We want to enlarge the opportunities for black people to solve their own problems." Sowell's group expects to establish branches in half a dozen cities initially.

The CIA's Ironic Ground Rules

Though critics accuse the CIA of censoring detractors and okaying loyalists when former agents turn author, one ex-CIA man can't get required clearance for a favorable book on the agency. William Hood's book is about Piotr Popov, a Soviet intelligence agent who spied for the United States in the 1950s, until he was caught and executed; the episode is still so hush-hush that the CIA won't acknowledge it. Meanwhile, the agency has approved two articles by Philip Agee, the renegade agent who in previous writings has blown the cover of CIA field officers. Agee's articles blast the agency but spill no secrets.

The Soviet Union's Dying Infants

A leading U.S. expert on Soviet population trends reports that babies in the Soviet Union are dying in "shockingly large numbers." In the past decade, according to a study by Murray Feshbach for the Smithsonian Institution, the U.S.S.R. became the first industrialized nation to record a long-term rise in infant mortality. The latest figures show a death rate of about 35 per thousand, more than twice the U.S. rate. Many Soviet infants die of health problems caused by their mothers' alcoholism, or by frequent abortions (Soviet women average six), which tend to induce premature births and high mortality rates in subsequent pregnancies. Feshbach also says that Soviet babies are often placed in day-care centers and fed inferior formulas, making them vulnerable to influenza and other epidemic diseases.

Paula Hawkins Vs. the Bureaucracy

Sen. Paula Hawkins, a newly elected Florida Republican, plans to plunge right into battle with one of the sacred cows of the Washington bureaucracy—the National Cancer Institute, which spends about \$1 billion a year. Hawkins thinks that bureaucratic infighting and jealousy hamper the NCI's effectiveness, and she wants to shake up the cancer-research agency with public accusations of foot-dragging. As head of a new Senate subcommittee empowered to investigate the Federal establishment, she intends to hold hearings at which NCI officials will be asked why they haven't made more progress in the search for a cancer cure.

BILL ROEDER with bureau reports

Honorable Chairman and members of the board, My name is Marilyn Fernelius from Missoula, Montana.

In discussing this controversial issue I feel it is important to speak about the essential role that adoption plays. I realize that the decision to afford a baby a secure adoptive home is a difficult one for a girl to make. But adoption is a more humane way of actually helping with the problem of the so called "unwanted babies" which term, is a fallacy. There is no such thing as unwanted babies as long as we provide the means for adoptions.

At the present time there are long waiting lists for couples who are willing to open their hearts and homes to babies that mothers do not want the responsibility of raising. Our neighbors waited three years to adopt their first baby and another three years to adopt their second one.

There are many agencies that are prepared to help with the adoptive process. Lutheran Social Services, LDS social Services, Catholic Charities, Birthright and Heartbeat Associations and there are also private individuals who donate time and expenses in meeting the needs of pregnant women. Bishop Eldon Curtiss, of Helena just last week at the march for Right to Life said that he would take all the babies that anyone didn't want.

The mechanics for adoption is in gear and yet millions of Americans find adoption increasingly difficult, partly due to abortion on demand. From 1957 to 1970 the number of adoptions rose annually from 91,000 to 175,000. However since 1970 when some states had abortion on demand the trend has reversed. During the first 5 years of massive legalized abortions, annual adoptions decreased 20% to 140,000. The number of adoptable infants declined approximately 50% during the same period. In a recent year there were 800,000 adoptive parents and only 1,000 adoptive babies. The decline of adoption has continued until the present time.

Also the legislative process is taking a look at making it easier for families to adopt. Senator Orrin Hatch and 10 of his colleagues are co-sponsoring a bill that would make it possible for families to deduct the expenses of adoption agency fees, court and attorney's costs and other expenses that are directly related to legal adoption of a child.

We need to place more emphasis on educating young women who are pregnant that adopting their baby to loving, caring homes is an act of love on their part. We need to deal with the current trends that say it is easier to deal with aborting babies than it is to let other adopt their unborn baby.

We must, as a civilized nation, have as our priority, the respect for life rather than the destruction of life.

Thank you

Statistics received from

Gallagher, Ursula M., "Adoption Trends" Childrens Bureau, Office of Child Services
HEW, 1971, p. 1

Adoptions in 1974 (DHEW pub no. (SRS) 76-03250, NCSS Report E-10 (1974)

Adoptions in 1975 (DHEW pub no. (SRS) 77-03259, NCSS Report E-10 (1975)

I understand that you are dealing with a difficult and complex issue here this morning. An issue that has probably touched some of you personally. Since I am not a doctor or lawyer, I cannot offer you expert testimony in a professional sense. I speak for myself and others like me; women who have changed their minds about abortion on demand. At one time I believed the slogans that justified every woman's right to have an abortion. I needed the slogans, they helped me rationalize my own actions. Time and circumstance caused me to look at the Reality behind those slogans. I came face to face with Truth and had to admit that I was wrong. The testimony I wish to offer you is drawn from my . experience as a person behind the abortion statistics.

The winter I was seventeen, a well meaning woman at Family Planning in Bozeman refered me to an abortion clinic in Spokane. She advised me to take along identification falsifying my age. And she put me in touch with Zero Population Growth which paid for my abortion. All knowledge of this was kept from my parents.

My parents taught me about reproduction and Family planning taught me about contraception. Sex, not ignorance, got me pregnant. I did not know that an eight week old fetus has features, fingerprints, and brainwaves. I did not know that the DNA rearranges itself, thereby creating an individual unique in all of time and space. I did not know that I had become the biological mother of another human being; however newer or smaller than myself. Instead of these biological facts, I was offered the slogan, "every woman has a right to control her own body". My tiny offspring was refered to as tissue. This implied that I was only dealing with

my own body. The term "tissue" conveyed a value judgment to me. It was not a value judgment that I would have made after reflecting on the facts. Apparently, no one involved with the abortion wanted to upset me with facts that might bias me against the option. And in ignorance, I ended an individual's life at the Beginning, and that end was not without pain.

I was encouraged by well meaning adults to no nobler actions than Selfishness, Lies and Irresponsibility. Well intentioned adults taught me that it is a satisfactory solution to solve one's problems by taking another's Life--especially if that other life is dependent on you.

Now I am angry at a society that teaches it's children that legalized killing is ever an acceptable solution and pretends that this particular brand of killing is somehow different than a lunatic pulling children off the street to murder. This legalized killing is often justified with the slogan, "Every child should be a wanted child". Why should my want's have become the measure of another's Life? Now that I am a parent, a sad realization has struck home, there are always times when parents don't want their children. I don't want my daughter when she wakes me up at 5:00 in the morning. I don't want her when she pours her oatmeal on the floor. My want's don't justify neglecting my responsibility towards her. Parenthood has always involved sacrifice for the sake of the future generation. Now that we have elevated the concept of "wantedness" in the parent-to-child relationship, why draw the line at birth? Any argument for abortion based on the concept of "wantedness" will serve equally well for infanticide or mandatory euthenasia.

The United States Supreme Court did me no kindness by allowing abortion on demand: Abortion for any sort of reason, or for no reason at all. It gave well meaning adults the option of feeding me misleading information at a time when I was vulnerable from fear. Fear of choosing between accepting early the responsibility of motherhood and the agony of giving up a child. Abortion is really a means of Avoiding Choice. The problem of choosing what to do about the baby is eliminated by sacrificing an innocent human life on the Alter of Selfishness and Ignorance. Society makes this terrifying spectacle acceptable by allowing it to be legal.

For what reason did society give a frightened seventeen year old the right to take a life at the counsel of strangers? After considering all the abortion slogans available, one by one I had to discard them as being verbal word games, akin to Newsspeak. Perhaps there was some truth in the slogan that a "fetus is not a human". The light of fact caused this rationalization to crumble too. All empirical evidence from science shows that a fetus is a member of the human species. I thought that a line could perhaps be drawn between the notion of "human being" and membership in the species. The idea of humankind defining itself apart from its species made me uncomfortable. I kept wondering just who ~~shall~~ write the definition and who besides the fetus would be left out. My crumbling rationalization collapsed during a conversation with a woman doctor. She sat not five feet away from my ten month old daughter and told me that she wasn't sure whether my daughter had yet obtained the status of a Human Being. It dawned on me then that abortion is not a solution to a problem, it is merely the elimination of a human being who is perceived to be the problem.

The first proponents of abortion on demand said it would be good for society because it would eliminate poverty, child abuse, and illegitimate children. In eight years of legalized abortion we have not solved our problems through abortion, but we have certainly eliminated a lot of human beings. Ten million deaths have occurred in the course of our experiment with legalized abortion. The evidence is in, abortion solves nothing, it is time for us to say that we were wrong.

I am emphatically Pro-Life now that I know the Reality behind the slogans. The irony is that the knowledge came too late to save my own child. I will carry through the rest of my life a longing for that little one that I will never know; and the sure and certain knowledge, that this one died at my command.

Understand that saying "I'd never have an abortion myself, but I support the right of others to choose" is no different than saying "I'd never kill an Indian myself, but I support the right of others to choose" or "I'd never keep a slave myself, but I support the right of others to choose." By making abortion for convenience legal, we have paved the way for people to measure life in terms of the ^{fully} sociological concept of "meaningfulness" and unwittingly opened the door for government to distinguish between a valuable class in society and a dependent extinguishable class. The ultimate question in politics is who shall kill whom.

I have little sympathy with the argument that women must have legal abortions or they will have illegal ones. I belong to that class of women who would never have considered an illegal abortion. Society made this action

acceptable to me by making it legal. Society could have prevented me from taking another's life. Women who are bent on getting rid of their problem, who seek out back alley butchers or induce themselves to abort may deserve our compassion and understanding, but society is not compelled to live at their moral standards. Shall we legalize drunken driving because some people want to do it?

The only legacy I can offer to child who died at my command is an attempt to save an entire generation in danger. In danger of being killed within the sanctity of mother's womb or in danger of being born into a civilization which no longer values individual human lives. A society that condones the termination of unborn children because they look different, or live differently, or are guilty of the crime of dependancy, is not a society that is safe for any of us. I don't want my daughter to have the option of aborting my grandchildren. I want her to grow up in a civilization that measures its humanity by its compassion for the weak and helpless in it; that measures character, as accepting, rather than avoiding responsibility.

I beg you to vote Yes on House Joint Resolution 15 and prevent future Montanans from being exploited by a web of lies and half truths. Give the citizens of Montana a chance to be heard in the halls of Congress. Give us the opportunity to protect ourselves from a Supreme Court that admits to confusion over the nature of human life.

Or like Pilate, ^{shall} we wash our hands and stand idly by as innocence is condemned and justice is formed by social expediency?

Shirley Ann Jones
1-1-80

Representative Kerry Keyser, Chairman
House Judiciary Committee
January 29, 1981

TESTIMONY OPPOSING HOUSE JOINT RESOLUTION 15

by
Rev. Jerry Keck

Mr. Chairman, Members of the Committee:

I am Jerry Keck. I have been a resident of Montana since 1972. From 1972 - 1977, I was minister of First Christian Church in Billings; from 1977 - 1979, I was campus minister at Eastern Montana College in Billings. Currently I live in Bozeman and work as a field representative for the Montana Pro-Choice Coalition.

The Montana Pro-Choice Coalition is a group of organizations and individuals from all parts of Montana who support a woman's right to choose a safe, legal abortion. Our members come from all age groups, all walks of life, both political parties, and a variety of religious backgrounds. Being Pro-Choice is not the same as being pro-abortion. A Pro-Choice person may defend the right of others to choose an abortion, yet would never choose one for themselves. We believe that Montanans deserve the right to choose a medically safe, legal abortion.

The human life amendment would protect the fertilized egg as if it were a person entitled to due process and equal protection of the laws. The call for a Constitutional amendment is based on a religious belief that the embryo is equal to a living, breathing human being.

To generate emotional support for this religious view, right-to-life organizations have widely distributed visual depictions of aborted fetuses, greatly distorting actual realities. 90% of all legal abortions occur during the first 12 weeks of pregnancy. At 12 weeks, a fetus is barely 2" long and weighs less than one ounce. A fetus is not viable (able to survive outside the womb) until 6 to 7 months into the pregnancy. The decision to terminate a pregnancy is almost always made long before that time.

I have in my files pictures of women who have died in illegal abortions. They would turn the stomach of every person in this room. I have chosen not to pass out those pictures because I believe that this issue should not be decided on the basis of emotion. A decision of this magnitude should be based on reason, social realities, and the rights of privacy and separation of church and state guaranteed under our system of constitutional law. You as legislators, and all of us in our society, must consider the concrete legal and social implications of adopting a human life amendment.

What are some of these implications? 7 out of 10 women now having legal abortions would resort to criminal abortion if denied the right of free choice. (Dr. Christopher Tietze, Population Council, 1978) This means that more than 700,000 women each year could be convicted of first degree (premeditated) murder. And are the medical providers, sympathetic friends, counselors, and ministers who assist or are supportive in obtaining an illegal abortion also accomplices to murder? If so, we are talking about literally millions of our citizens.

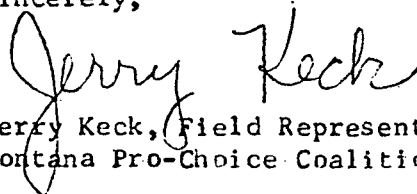
Let me share with you my experience of the kinds of people who seek abortions. While I was minister at First Christian Church, I counseled a couple and their 15 year old daughter who was pregnant. They all considered the situation a great tragedy. After carefully considering marriage, carrying the baby to full term, and abortion; abortion seemed the best decision for their daughter.

Or consider the 40 year old couple with 3 teen age children who discovered that their method of birth control had failed (IUD). They felt that they could not emotionally, physically and financially raise another child at this point in their life. They had already made the decision that the morally responsible thing to do was to seek a legal abortion. I provided them with information concerning the Blue Mountain Women's Clinic in Missoula.

I feel that these people and many others like them should not be looked upon as criminal. I feel that the rights of these living human beings to make choices about their own lives greatly supercedes any legal rights for a fertilized egg.

In conclusion, Mr. Chairman, and members of the Committee: the proponents of HJR 15 and the human life amendment would declare that the fertilized egg is equal to a living human being under the law. I sincerely respect their right to hold this religious view. However, the potential impact of such a view written into law is unprecedented. I urge you to defeat House Joint Resolution 15.

Sincerely,

A handwritten signature in cursive script that reads "Jerry Keck". The signature is written in dark ink and is positioned above the typed name and title.

Jerry Keck, Field Representative
Montana Pro-Choice Coalition

January 29, 1981

MEMORANDUM

To: The Honorable Kerry Keyser, Chair, House Judiciary Committee
Members, House Judiciary Committee

From: Larold K. Schulz

Re: HJR - 15

My name is Larold K. Schulz. I reside at 2510 Hoover Avenue, Billings, MT. I am the Senior Minister of the First Congregational United Church of Christ in Billings.

You are presently confronted with the awesome responsibility of deciding whether or not to support the calling of a Federal Constitutional Convention which would, among other options, consider amending the Constitution to "guarantee every person, from conception to natural death," the right to life. Unfortunately, I do not have time to lay out the many problems such a Convention would create. I do want to concentrate my remarks on the issue at hand; that is the fundamental right of a woman to control her own destiny.

It is my conviction that the only responsible position concerning the termination of pregnancy must take into consideration not only the rights of the fetus, but also the rights of all those involved -- the individual woman, her potential child, her family and society; in brief, the rights of the fetus are not superior to, and do not supersede, the rights of those already living.

Logic dictates that the rights of the fetus are contingent upon the welfare of the mother and family. This has been recognized by those who would permit abortions where pregnancy threatens the life of the woman. Practical experience with tragedies which frequently afflict human life has demonstrated that full-term pregnancy can result in a major threat to the life, health and ongoing welfare of all concerned.

My major reason for opposing any law which denies a woman the right to control her body is that this is an area of personal decision-making which cannot be legislated. The coercive power of the state should be limited in matters regarding personal morality. In fact, if there is not a general consensus in society with regard to the rightness or wrongness of a particular personal action; the use of law to coerce persons to conform may be ineffective and damaging to the observance of law.

The clearest example of an attempt to legislate personal morality was the passage of the Eighteenth Amendment to the Constitution which made prohibition the law of the land. While it appeared that there were many individuals and groups who supported passage of that Amendment, it quickly became apparent that a consensus did not exist. Many felt that someone else's standards were being imposed on them and rightly felt that the Eighteenth Amendment was a violation of their personal rights. A law, which on the surface, was supposed to fight "immorality" provided the incentive for increased crime and corruption. I trust that I do not have to point out the close parallel between this historical situation and the issue we are discussing today. (I would, however, point out that, on the basis of reliable surveys, it would appear that a majority of the voting public supported the passage of the Eighteenth Amendment, while somewhat less that a majority support an amendment which would deny women freedom of choice.

I believe that taking responsibility for ourselves, for the world in which we live, and for the future, is what God calls each of us to do. Therefore, I believe, that family planning is a God given responsibility, as well as a right. Decisions about bringing children into the world are important decisions in themselves, and for the common good. Given the world's need for food and other natural resources, this becomes an even more critical decision.

To me, and to my particular denomination, and to many other concerned people, the above comments hold within them the reasons why abortion in the early months of pregnancy is acceptable. The woman who carries the fetus is a full human being and usually has much potential for growth and development in her life. For some, that potential may be fulfilled by continuing the pregnancy to term, and bearing a child. For other women the continuation of pregnancy will deny or stifle potential. To insist on developing the unknown potential of the fetus while denying a woman the right to make a choice about her own life and her own potential, is a denial of her personhood.

Further, since there are many different views among philosophers, theologians, ethicists, physicians and scientists concerning when life begins, no law should be put on the books which requires any person to hold a course of action based on an arbitrary interpretation made by someone else. To do so is to violate the basic thrust of the First Amendment of the Constitution of the United States.

The fact that abortions may be made illegal will not prevent women from having them. It will prevent them from obtaining them under safe and sanitary conditions. Back room abortionists will take their toll by killing, maiming and dehumanizing those who come to them in desperation. The wealthy will be able to afford to pay for travel and other expenses which will give them access to proper medical care. As usual, it is the poor who will suffer.

In our pluralistic society, the law should not intervene in decisions regarding the reproductive processes of an individual. As we approach calendar year 1984, let us not forget the implications of the Orwellian 1984 and allow the state to take over control of what should be a personal and private decision by an individual.

Thank you for your attention. I will be happy to make clarifications or answer any questions which you may have concerning this matter.

LKS:bh

TESTIMONY ON HOUSE JOINT RESOLUTION NO. 15

JOHN H. MAYNARD - ATTORNEY
2212 CHOTEAU ST.
HELENA, MONTANA 59601
442-0585

MY NAME IS JOHN MAYNARD. I AM A LAWYER AND I LIVE HERE IN HELENA. I WOULD FIRST LIKE TO THANK YOU FOR THE OPPORTUNITY TO ADDRESS YOU THIS MORNING ON THE SUBJECT OF HOUSE JOINT RESOLUTION NO. 15.

I RECOGNIZE THAT THE ISSUE THAT LIES AT THE HEART OF THIS RESOLUTION, ABORTION, IS EXTREMELY CONTROVERSIAL. IT IS CHARGED WITH EMOTION AND HEARTFELT COMMITMENT ON BOTH SIDES. FOR MEMBERS OF THIS COMMITTEE, AS WELL AS FOR ALL THE MEMBERS OF THE LEGISLATURE, A VOTE FOR OR AGAINST THIS RESOLUTION BEARS THE POTENTIAL OF BEING THE MOST DIFFICULT, AND PERHAPS THE MOST FAR-REACHING VOTE YOU WILL CAST THIS SESSION. BUT WHEN WE ELECTED YOU TO REPRESENT US IN OUR GOVERNMENT WE NEVER TOLD YOU YOUR JOB WOULD BE EASY ONCE THE CAMPAIGNING WAS OVER OR THAT WE WOULD LEAVE YOU ALONE.

BECAUSE OF ITS SIGNIFICANCE, THOUGH, I THINK IT IS IMPORTANT TO EMPHASIZE THAT THE RESOLUTION BEFORE YOU TODAY DOES NOT PRESENT YOU WITH THE RELATIVELY SIMPLE QUESTION OF WHETHER YOU FAVOR OR OPPOSE THE CONCEPT OF LEGAL ABORTION. YOU WILL BE VOTING FOR OR AGAINST A GREAT DEAL MORE THAN THAT.

AS A LAWYER I WANT TO ADDRESS TWO CONCERNS I HAVE ABOUT

THIS RESOLUTION FROM A LEGAL PERSPECTIVE. THE FIRST CONCERN IS THAT A DANGEROUS AND UNPREDICTABLE PRECEDENT WOULD BE SET IF A CONSTITUTIONAL CONVENTION WERE CALLED FOR THE PURPOSE OF ADOPTING AN ANTI-ABORTION AMENDMENT TO THE UNITED STATES CONSTITUTION, THE ONLY POTENTIALLY BINDING EFFECT THIS RESOLUTION COULD HAVE ON CONGRESS. MY SECOND CONCERN DEALS WITH LEGAL PROBLEMS THAT WILL ARISE IN THE EVENT OUR NATION WERE TO ADOPT AN UNCONDITIONAL CONSTITUTIONAL AMENDMENT LIKE THE ONE PROPOSED IN THIS RESOLUTION.

TURNING FIRST TO THE CONCERN ABOUT A CONSTITUTIONAL CONVENTION, AS YOU ARE AWARE, ARTICLE V OF THE UNITED STATES CONSTITUTION PROVIDES THAT CONGRESS SHALL PROPOSE AMENDMENTS TO THE CONSTITUTION WHENEVER TWO-THIRDS OF BOTH HOUSES DEEM IT NECESSARY. THIS IS THE METHOD BY WHICH OUR CONSTITUTION HAS BEEN AMENDED 26 TIMES. THIS METHOD OF PROPOSING AMENDMENTS INCLUDES NO ROLE FOR STATE LEGISLATURES, REGARDLESS OF THE LANGUAGE APPEARING IN THIS RESOLUTION THAT MIGHT SUGGEST OTHERWISE. HOUSE JOINT RESOLUTION NO. 15, IF PASSED, WOULD ONLY HAVE CONSTITUTIONAL EFFECT UNDER THE SECOND METHOD FOR PROPOSING AMENDMENTS FOUND IN ARTICLE V. THAT ALTERNATIVE METHOD REQUIRES CONGRESS TO CALL A CONVENTION FOR PROPOSING AMENDMENTS WHEN REQUESTED BY THE LEGISLATURES OF TWO-THIRDS OF THE STATES. THIS METHOD OF PROPOSING AMENDMENTS HAS NEVER BEEN USED AND THE PROSPECT OF SUCH A CONVENTION RAISES GRAVE QUESTIONS WHICH AT THIS TIME HAVE NO ANSWERS.

WHAT CONSTITUTES A VALID APPLICATION TO CONGRESS BY A STATE LEGISLATURE? MUST THE APPLICATIONS CONTAIN THE SAME WORDING? IS CONGRESS REQUIRED TO CALL SUCH A CONVENTION IF IT RECEIVES THE APPLICATIONS OF TWO-THIRDS OF THE STATES? THOUGH THE LANGUAGE IN THE CONSTITUTION APPEARS MANDATORY, WHAT RECOURSE DO THE STATES HAVE SHOULD CONGRESS REFUSE? THE FEDERAL COURTS? MUST ALL THE APPLICATIONS BE SUBMITTED TO THE SAME CONGRESS? FOR HOW LONG ARE THEY CONSIDERED VALID? COULD SUCH A CONVENTION BE LIMITED TO ONE ISSUE GIVEN THE EXPRESS PROVISION IN THE CONSTITUTION THAT IT IS TO BE A CONVENTION FOR PROPOSING AMENDMENTS?

THE LAST CONCERN IS PERHAPS THE MOST DISTURBING AND THOUGH THE RESOLUTION ATTEMPTS TO DEAL WITH IT IN PARAGRAPH 4 ON PAGE 3 CAN THIS RESOLUTION RESTRICT THE MORE GENERAL LANGUAGE FOUND IN THE CONSTITUTION? EVEN IF THE CONVENTION COULD BE LIMITED IN SCOPE, THE PROCEDURES FOR AMENDING OUR CONSTITUTION WOULD NONETHELESS HAVE BEEN DEVELOPED AND THE OTHER CONVENTIONS THAT WOULD FOLLOW WOULD NOT BE SO LIMITED. OUR CONSTITUTION COULD BECOME VULNERABLE TO COUNTLESS CHANGES, AND ITS MOST PRECIOUS QUALITY, ITS STABILITY FOUNDED IN ALMOST TWO CENTURIES OF GRADUAL DEFINING AND REFINING OF BASIC PRINCIPALS COULD BE LOST. THE "PANDORA'S BOX" OF A CONSTITUTIONAL CONVENTION SHOULD BE LEFT CLOSED.

MY SECOND CONCERN, AS A LAWYER, IS THE EXTENT TO WHICH CURRENT LAWS WOULD HAVE TO BE CHANGED IF AN AMENDMENT SIMILAR

TO THE UNCONDITIONAL AMENDMENT PROPOSED IN THIS RESOLUTION
BECOME THE SUPREME LAW OF THE LAND.

WOULD PREGNANT WOMEN BE SUBJECT TO LAWS RELATING TO CHILD
ABUSE? WOULD COURTS BE REQUIRED TO APPOINT GUARDIANS FOR
UNBORN CHILDREN AND REPRESENT THEM IN ACTIONS FILED AGAINST
THEIR MOTHERS? WOULD INQUESTS BE REQUIRED TO DETERMINE IF
A MOTHER WHO SUFFERED A MISCARRIAGE WAS GUILTY OF NEGLIGENT
HOMICIDE?

OR CONSIDER FOR A MOMENT THE DILEMMA OF A DOCTOR, PRO-
HIBITED FROM PERFORMING AN ABORTION IN ORDER TO PRESERVE THE
LIFE OF THE MOTHER EVEN THOUGH THE FETUS HE WOULD BE PROTECTING
IS INCAPABLE OF LIVING OUTSIDE THE MOTHER'S WOMB? IF HE
ALLOWED THE MOTHER TO DIE AND THEN THE FETUS DIED AS A RESULT,
WOULD THE DOCTOR BE GUILTY OF ONE COUNT OF CRIMINAL HOMICIDE,
OR TWO?

THE LAW THAT PRESENTLY AFFECTS THESE SITUATIONS AND
COUNTLESS OTHERS HAS DEVELOPED GRADUALLY OVER SCORES OF YEARS.
THAT BODY OF LAW, FOR THE MOST PART, BALANCES INTEREST INVOLVING
HUMAN LIFE WITH REASON AND COMPASSION. TO SWEEP IT ALL AWAY
WITH A CONSTITUTIONAL AMENDMENT WOULD CREATE A GREAT DEAL OF
CONFUSION AND UNCERTAINTY.

MONTANA'S CURRENT LAWS RESPECTING ABORTION, FOUND IN TITLE
50, CHAPTER 20, OF THE MONTANA CODE ANNOTATED RESTRICT THE
AVAILABILITY OF LEGAL ABORTIONS IN MONTANA TO THE EXTENT
PERMISSIBLE UNDER DECISIONS OF APPROPRIATE COURTS. FURTHER

RESTRICTIONS, IF THEY ARE APPROPRIATE, SHOULD COME THROUGH THE COURTS, ONE STEP AT A TIME AND WITH AN OPPORTUNITY TO FULLY ASSESS THE RAMIFICATIONS OF EACH STEP.

HISTORICAL TESTIMONY

My name is Virginia A. Knight and I am a Helena attorney. I am going to talk for a short while on the history of abortion in Montana before the 1973 Supreme Court decision. It is important that we all recognize what occurred before 1973 because those conditions will undoubtedly return if abortion is made illegal once again.

All of you know that illegal abortions occurred in Montana and elsewhere before the Supreme Court ruling. You might even know someone who, for their own personal reasons, had an illegal abortion. Abortions were available in practically every community. There are records of abortion clinics in Miles City, Butte, Anaconda, Helena, Great Falls, Shelby, Billings and Bozeman. Most the individuals who performed abortions were never discovered, or if they were, they were able to convince prosecutors to leave them alone, through bribery or other means. There have been at least six trials of abortionists in Montana in this century. The individuals that were, in fact, prosecuted for performing abortions were not brought to trial for the fetal death, but rather for the often times resulting death of the mother.

The abortions were performed with a variety of methods. Sometimes women were instructed to drink ergot, a poison which would kill them if they drank too much. Ergot caused a miscarriage to begin which would then be followed by an emergency operation at the hospital.

Another method was to pack the vagina and possibly portions of the uterus with sponges and gauze, leaving in the sponges and gauze overnight, and upon their removal miscarriage would occur. The unsanitary conditions of the sponges and gauze and the entire packing process often led to peritonitis and death for the woman.

In the 1960's, the D and C method was commonly performed by most practitioners. A D and C, is a medical procedure which under normal conditions is performed in a hospital. It involves the scraping of the walls of the uterus, thereby dislodging the fetus from the uterine wall. The danger of D and C is that person performing it must soundout the depth and shape of the uterus for the instruments used may perforate the uterus, leading to the death of the woman. Most of the women who died at hands of unskilled practitioners were either young, poor or minorities. Other times, women have tried to self-induce abortion, using

everything from coat hangers to throwing themselves down a flight of stairs.

The lesson to be learned from all of this is that there is no way to prevent abortions from occurring, whether illegal or not. The women who will suffer most if we re-criminalize abortion are poor women and very young women. Mature, financially responsible women will go to Mexico or Canada as they did a decade ago and obtain an antiseptic abortion. The poor and the young will not. They will be forced to turn to the network of underground abortionists which existed historically here in all communities of Montana. The choice then, is not whether abortions will be performed in this country or not, but rather under what conditions they will be performed. The choice ultimately is one between backrooms or sterile offices. Thank you.

JAMES H. ARMSTRONG, M.D.
795 SUNSET BOULEVARD
KALISPELL, MONTANA 59901

Telephone 352-7560

January 20, 1981

Rep. Kerry Keyser, chairman
Judiciary Committee
House of Representatives
Capital Station
Helena, Montana 59620

Dear Committee Members:

I am concerned about the efforts of the "Right to Life" movement to change the effect of the Supreme Court decision which has permitted safe and legal abortion, leaving this decision to an individual woman and her doctor during the first trimester of pregnancy. A woman should have the freedom to chose whether abortion is appropriate or inappropriate for her individual situation.

I am a family physician having been in private practice in Kalispell for approximately seventeen years. I am certified by the American Board of Family Practice, and am a Fellow in the American Academy of Family Physicians; a member of the Flathead Medical Society, Montana Medical Association and the American Medical Association, and was President of my local medical society for two years. I am the immediate past president of the Montana Academy of Family Physicians. For six years I was a member of the Board of Trustees of Montana Physicians' Service (Blue Shield). Currently I serve on the Maternal and Perinatal Welfare Committee of the Montana Medical Association. Also, I am presently a member of the District 5 School Board in Kalispell, Montana. I am an ordained elder of the Presbyterian Church in Kalispell, and served on the Ministerial Relations committee of the Glacier Presbytery of Montana.

My church is in favor of a woman's right to choose, and is opposed to the Right to Life Amendment.

Following the Supreme Court decision on abortions, and Judge Smith's ruling on the Montana abortion law in 1973, I consulted with my colleagues in Kalispell, and we felt that abortions should be available in our community. Through my experience performing abortions during the past seven years, I have become acutely aware of the immense need of Montana women to have this procedure available in their home communities, done safely and at a reasonable cost.

I am sympathetic to the feelings of those who believe abortion is wrong for them, and in a number of instances have helped a woman reach this decision, but those who feel this way should not determine that it is wrong for another woman to be able to

JAMES H. ARMSTRONG, M.D.
795 SUNSET BOULEVARD
KALISPELL, MONTANA 59901

Telephone 756-7560

	<u>1974</u> <u>+75</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>
Total abortions	530	336	322	377	371	351
single	62%	62%	65%	67%	64%	60%
married	23%	21%	20%	17%	22%	25%
divorced, widowed + separated	15%	17%	15%	16%	14%	15%
having prior children	33%	33%	34%	32%	38%	37%
age 13-19	43%	32%	39%	33%	32%	33%
age 20-25	33%	47%	38%	37%	39%	39%
age 26-49	24%	21%	23%	30%	29%	28%
no church affiliation	33%	33%	27%	43%	49%	50%
Protestant	41%	39%	45%	31%	33%	29%
Mormon	25	3%	2%	3%	1%	3%
Catholic	25%	25%	26%	23%	17%	17%

This simply represents the experience in my office and is not a demographic analysis.

My name is Wayne E. Pennell. I am a physician practicing Obstetrics and Gynecology at the Fort Missoula Physicians Center, Missoula Montana.

I would like to speak against HJR 15, legislation that would abolish freedom of choice where abortion is the issue. I feel strongly that freedom of choice and the right to privacy should be guaranteed by a democratic society, not jeopardized!

The concept of legislating morality, to me means that a few of us has the answer for all of us.

I contend that none of us has the right to inflict our own personal philosophy upon all mankind, and to do so is the greatest immorality of all.

Abolish abortion if you must, but be assured that it will not be so-- illegal abortion will flourish. It will be costly performed by incompetent doctors, under unsterile conditions with much higher risk, and in some cases lethal to the woman.

We hear more and more of child abuse. What better circumstance could invite such irrational, inhumane behavior than a socially inflicted reproduction, because there is no choice.

Above all, I ask your consideration for the abnormal or complicated pregnancy. Consider the mongoloid pregnancy; as well as massive radiation, excessive medication and German Measles in the 1st trimester. Do you feel comfortable coercing abnormal reproduction? Consider the medically complicated pregnant woman; the severely hypertensive patient, the diabetic, The eighteen year old paraplegic that happened to be pregnant before the

and many other medical circumstances, You might say abortion is appropriate if the pregnancy threatens the life of the woman, I then, am expected to know who will die, who will almost die, and who will not die if abortion is not performed. Think about it. Give me a reasonable law with which to work or give me a crystal ball.

I also ask you to consider the times in which we live. Our environment has limited capacity. Can we afford literally thousands of unwanted children with our ever diminishing resources?

It is no less justified for our environment to support a consuming and polluting human being from rape or incest, than from any other instinctive sexual act- be it just or unjust.

If by chance you feel compelled to recommend legislation depriving freedom of choice and the right to privacy to all women; I hope that each of you can look everyone in the eye, including your wife and your daughter and say: I am proud to live in a free democratic society.

God bless you and may your conscious guide you carefully in this decision.

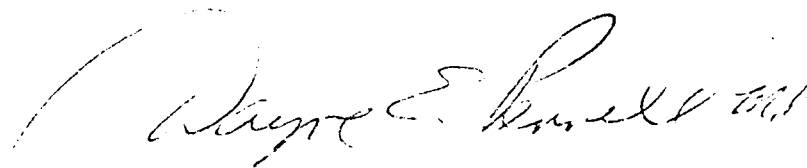
A handwritten signature in dark ink, appearing to read "Wayne E. Russell". The signature is fluid and cursive, with a large initial "W" and "E".

Exhibit 13

Victoria Chapman Butler
P.O. Box 8526
Missoula, MT 59807
(406) 728-5409

Chairperson, members of the House Judiciary Committee, ladies and gentlemen. My name is Victoria Chapman Butler. I am married and reside in Missoula.

I am happy to be speaking today. The abortion issue strikes very close to home....I had an abortion in 1977.

Because I was able to obtain a safe and legal abortion, I can stand here before you now and share with you the feelings I had when I found myself surprisingly pregnant, the feelings I had when I sought an abortion.

First, I knew I did not want a child. The circumstances surrounding my unplanned pregnancy are private, and are not the issue here. What is important is that I was pregnant and did not want a child. At the age of 20, I was not emotionally, financially or physically prepared to care for a child. Least of all was I prepared for a nine-month pregnancy.

I hold the belief that in one's life, it is necessary to be responsible for those things that one chooses. I chose an abortion, and I still feel it was a responsible decision.

It was to my advantage that abortion was safe and legal at that time. It still is, thanks to the work of many dedicated men and women. Still, I^{am} frightened by the reality that people who hold different beliefs than I do about the beginnings of human life would want to impose those beliefs on me by banning abortion.....I should say making abortion illegal since abortions will continue whether they are legal or not. They can not be effectively banned.

By making abortion illegal, MY life would have been endangered, as would be lives of millions of women who would seek an abortion.

You see, pregnancy is not just a nine-month biological experience. The responsibility extends to the entire life of a child who will someday be an adult needing to cope with the world at large. The ability to be a productive adult in society stems, I think, from the support, love, and the extent to which the child was originally wanted.

--more--

Victoria Chapman Butler
P.O. Box 8526
Missoula, MT 59807
(406) 728-5409

I do not promote abortion, and I would never encourage any other woman to seek an abortion. The decision is too personal, and too agonizing to share with anyone but the person directly involved. Ultimately, however, the woman alone must decide. The right to obtain a safe and legal abortion should not be decided by a belief that no one can prove about life's beginnings. I am not sure when life begins.

One thing I am sure of, I am alive and standing here before you today.

I may not be if abortions were not safe and legal.

Thank you.

Victoria C. Butler

TESTIMONY

ON

HOUSE JOINT RESOLUTION NO. 15

By

Marilyn Greely

Mr. Chairman and members of the Judiciary Committee, my name is Marilyn Greely from Helena. I am a Registered Nurse.

By putting the fertilized egg from conception in a class equal to a person under the law, "the human life" amendment would impose on all Americans the religious beliefs of some and would invest the government with more control over women's bodies and lives than has ever before been contemplated.

Under the proposed amendment, women could be subject to criminal and civil penalties for obtaining illegal abortions regardless of the reasons. In my experience, I became pregnant several years ago with a Hydatidiform mole - a degenerative process in which the embryo dies and the uterus becomes filled with a cystic mass of tissue. It was a medical necessity to have a D & C at that time even though my husband and I recognized that I was in effect having an abortion. I am pleased that I had the legal option at that point to decide. I could have gone to "term" with this "Molar" pregnancy which was no alternative for myself or my husband.

Under this proposed House Joint Resolution No. 15
I would have been forced to jeopardize my own health and the
welfare of my family.

Thank you.

Statement of The Rev. William A. Burkhardt, Minister, Plymouth Congregational Church,
U.C.C., Helena, Montana

Members of the Committee:

My name is William Burkhardt. I am minister of Plymouth Congregational Church here in Helena.

You have my sympathy. Some of us have been here again and again over the years...trying to express our concerns on a most emotional issue with some degree of rational restraint and clarity.

I am here to oppose the resolution which would call for a constitutional amendment for the purpose of restricting or prohibiting the right of a woman about to choose a legal and safe abortion...in consultation with her doctor.

I support the Supreme Court decision of January, 1973.

I represent a religious community which in its national synod is in support of the law of our land. We are joined in that position by a majority of mainline Protestant and Jewish communities of faith in this nation....and also by a growing group called "Catholics for A Free Choice"...who stated in 1975:

"We affirm the religious liberty of Catholic women and men and those of other religions to make decisions regarding their own fertility...free from church or government intervention in accordance with their own individual conscience."

A vocal and determined minority is working very hard to coerce all of us by law to conform to their theological and moral opinions regarding abortion.

I am proud to be part of a society which allows all of us to express our convictions openly...and try to persuade others of the merits of our position.

But moral persuasion and legal coercion are two very different things. It would be a very tragic mistake, if a determined minority succeeded in writing into law provisions which coerced individuals to conform to someone else's conscience in an area of life in which men and women of sincere moral and religious purpose differ so radically.

We do well to remember that our law does not coerce anyone to have an abortion...

It leaves that decision with each woman and her doctor, without interference by the state up until the sixth month of pregnancy.

Our laws do not prevent any of us from working to develop better contraception or help for pregnant women who wish to carry their pregnancies to full term...

We are free to persuade, educate, and influence the religious and moral conscience of our friends and neighbors.

We are not free to coerce and compel each other in so personal and private an area of our lives.

I think most Americans want it this way.

We affirm the right of a woman to make her own decision regarding the continuation or termination of a problem pregnancy.

The belief in personhood at conception is a religious belief held by the Roman Catholic Church. Most Protestant and Jewish denomination regard fetal life in the first few weeks as a potential human being...not a fully human person.

We oppose writing the religious beliefs of a few into a law which is binding on us all.

We support the separation of church and state on this issue.

I hope you will work for the defeat of this resolution.

Thank you.

Exhibit 16

January 28, 1981

TO: House Judiciary Committee

Attention: Representative Kerry Keyser, Chairman

RE: HJR 15

Dear Rep. Keyser:

In considering HJR 15, I fear that little thought is being given to the impact such an amendment would have on individuals and society as a whole.

Most people in the United States believe that there should be criminal laws against physical crime such as murder. Yet there is a major split in belief as to whether a woman should have a right to terminate her pregnancy. The whole issue crystalizes around the question of when a fetus can be considered a human being. Many believe that it is at the point of conception, others that it is at the point the fetus becomes viable (able to survive on its own without unusual forms of life support) and many believe it is at birth. Montana law already protects a fetus and does not allow abortion after the fetus is viable unless an abortion is necessary to preserve the life or health of the mother. Section 50-20-109 Montana Code Annotated.

The proposed amendment would protect "all innocent human life, including unborn children." No mention is made of abortion, or health of the mother. The question becomes two-fold: (1) When is a fetus a human being? and; (2) Who will make that determination?

From the amount of publicity this bill is receiving, both pro and con, it is clear that the determination of human life is a very personal one, usually an emotional one, and in most cases a deeply religious one.

Some people may disagree with the United States Supreme Court's decision in Roe vs. Wade. There, the Supreme Court held that first trimester abortions are the decision of a woman and her physician and that such decision is an individual's right under the due process clause of the fourteenth amendment. Where even churches are split down the middle on this issue, it is clear that allowing any one group to make the decision, basing that decision upon religious and personal beliefs, is to sever the constitutional separation of church and state.

Our founding fathers came to this country to escape such religious persecution. They came to this country to exercise their right of free choice and throughout history there has been a long standing republican tradition against governmental

interference in individual lives. Laws are enacted to protect people's rights. There are laws against murder because 99% of the people oppose murder. But when there is a major split as there is on whether a fetus should be given status of personhood, a criminal law such as the human life amendment will and can only infringe on the basic fundamental beliefs and rights of many individuals.

Individual rights are not the only issue; the amendment will have many ramifications upon society as a whole. Giving a fetus absolute personhood will also give it standing to sue in a court of law. A person born with birth defects caused by defective drugs is already protected by law. These people can and do sue. But to give a miscarried fetus the right to sue because of an automobile accident or some other unfortunate circumstance opens up a vast pandora's box of legal problems. Not only will plaintiffs be required to prove that a defendant was negligent but also that the plaintiff was a person. Lawsuits will undoubtedly be brought against third parties, but the question arises as to whether lawsuits will also be brought against the mother who negligently falls down a flight of stairs. Furthermore, to what extent would a state have authority to regulate the life of a mother while she was pregnant? Would this include keeping a woman from smoking and drinking? These are all matters which would have to be settled before any amendment could be effectively implemented and given the nature of our litigious society if these matters were not settled before the amendment was placed into effect the courts would be deluged by a landslide of litigation.

Finally, I am against HJR 15 for deeply personal reasons. Four and a half years ago I was told by doctors that I had terminal cancer. After major surgery and two years of intensive chemotherapy I have now been told that I whipped the problem. However, another one has arisen. No one really knows exactly what effect the chemotherapy will have upon my ability to have healthy, normal children. When my wife and I decide to have children, and if we are able to tell from medical procedures that a fetus is hopelessly deformed, we feel it is our constitutional right to have the choice of terminating the pregnancy.

I respectfully submit that Montana's present law on abortion protects the unborn child as much as can be constitutionally permitted without infringing upon an individual's right of privacy and personal freedoms. Please leave that choice with the individual.

Sincerely yours,


R. H. BELLINGHAM

Ladies and Gentlemen: I'd like to make three points in opposition to this proposed call for a constitutional convention.

First, the calling of a constitutional convention opens the entire constitution to amendment and revision. As one who believes that we have the greatest form of government in the world, because of the Bill of Rights, I fear an open convention. The current mood in this nation, I believe would give us a new constitution stripped of these Rights, and therefore lose our greatness as a nation.

Secondly, I want every child to be wanted. It is difficult enough for parents to raise wanted children in this world. Just ask those who work in schools, orphanages, and penal institutions about all of those unwanted children they have to work with. How their hearts go out to those emotionally disturbed human beings. Those who want forced birth of children, those conceived in rape, incest, ignorance, or failure of accepted birth control mechanisms are wrong. When a doctor tells a woman she will die in another pregnancy or have a child that will be malformed because of blood types, should be forced to have that child? The idea that there are plenty of couples who would like to adopt these children is specious. As long as the child is blond, blue-eyed, lily white wasp, yes. But what about all the other children that wait and wait in foster homes and orphanages for a real home? What about those 1/2 servicemen and 1/2 non-American from the areas around the hundreds of overseas military bases? There are hundreds of thousands of them available. There are also millions of refugee orphans. Everyone of them could use tender loving care too!

Last, the idea that they are taking a life is also specious. Where are these people when capital punishment is about to be exercised or debated in legislative halls? Where were these people when registration and for the draft to Korea, Viet Nam and Carter's non-war draft? Where are these people when we are considering legislation for massive increases in megaton missiles, neutron bombs, nerve and poison gas bombs at the expense of appropriations for food, energy, and medical care for poor children and the aged?

No Ladies and Gentlemen, these people are not giving you their real reason for this legislation. It is to force their brand of religious doctrine as the only orthodox one for the total society. As Supreme Court Justice Jackson once said, "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein."

Robert M. Wallace

TESTIMONY
ON
HOUSE JOINT RESOLUTION NO. 15
By
Pat Bauernfeind ,

Chairman Keyser and members of the House Judiciary Committee, my name is Pat Bauernfeind and I am a resident of the Montana City, Montana area.

For a number of years I worked in the medical field, both in hospitals and clinics, as a medical secretary, medical record librarian and office manager.

Early in my career in the medical field when abortions in Montana were illegal I had occasion to type two autopsies, both on young women who had had illegal abortions. One of these women left behind three young children. Her cause of death was severe infection due to an abortion improperly performed. She, like most other women having abortions at that time, was hesitant and afraid to obtain good medical advice following the abortion; she would have to admit she had done something illegal, and she would have to disclose the source of the abortion. By the time this woman did obtain good medical care it was too late, the infection was so severe she couldn't be helped and an autopsy was performed.

Shortly after being exposed to the autopsy reports of these young women who had obtained illegal abortions I was

asked by members of the medical community if I would help them verify two locations where abortions were allegedly being performed. I agreed and soon found myself traveling to one of our Montana cities, up the stone stairs of the address that had been given to me. I knocked at the door of the small older home and it was cautiously opened. Scared, I inquired as to whether this was the place where I might obtain a much needed abortion. I was taken inside, asked a number of questions, the lady then went into another room and talked to a man sitting in this little room. She was an elderly woman, probably in her late fifties, the location was in a residential area not far from the downtown area.

After talking with this elderly man she came back and said they would perform the abortion. No medical examination was given. I explained that I would have to come back with the money (she wanted cash of course).

I returned for the abortion (bear in mind I was not pregnant), I was taken into a room on the main floor of the house, which contained a couple of basin bowls and a very old table on wheels probably used at one time to transport patients in a hospital from their room to surgery and back. I was prepped and draped, cursorily examined and the woman was about to do the abortion when I sat up and announced I had just changed my mind.

The entire atmosphere of this was very secretive, unsanitary and quite frightening.

Subsequent to this I was sent to another city in Montana, a college town, to try to get an abortion. I was not as successful on this trip - the location was in an old hotel, the alleged

performer of abortions was a chiropractor. I think I was more scared and not as good an actor on this occasion.

I am not questioning the right or wrong of an abortion. I do not believe that morals can be dictated by any governing body. According to House Joint Resolution No. 15 millions of abortions have been performed in the United States since the abortion decisions of the Supreme Court of the United States on January 22, 1973. This is because the abortions are done legally under controlled circumstances which include a good reporting system. How many abortions were performed in the United States prior to 1973, illegally and not only not reported but hidden, covered up, how many serious complications to these hidden abortions, death?

I urge this committee to veto House Joint Resolution No. 15, to keep abortion legal in the State of Montana and the United States. Women will continue to have abortions, whether they are legal or not. Certainly it is more desirable to have an abortion under controlled circumstances where good counseling can be provided, sanitary conditions prevail, the doctor is aware of what stage the pregnancy is in and all precautions against potential complications can be taken.

The fact that an abortion is illegal does not prevent the pregnant woman from obtaining an abortion and it could well be the cause of her death.

PETITION

We, the undersigned, respectfully submit the following for the consideration of the Legislature, in particular, the House Judiciary Committee:

First, the attempt to criminalize abortion will not in fact stop abortions, but only increase the number of dangerous illegal abortions or other unsafe methods of terminating a pregnancy or the number of suicides;

Second, and more importantly, regardless of one's view of the morality of abortion from a personal standpoint or a social-moral/philosophic-religious standpoint, the effort to make such conduct CRIMINAL is misguided and wrong, for it is highly improper to attempt to enforce a criminal law when there is a serious split of opinion as to such a serious question, leading to such problems as nonenforcement or, worse, selective (i.e., discriminatory) enforcement, all of which creates disrespect for the law.

We, therefore, the undersigned, do strongly oppose the passage of HJR15 for the reasons stated above, and because it is a very dangerous measure totally apart from the above reasons, since it threatens to rend, and very possibly destroy, a constitutional fabric which is the creation of centuries of work and the envy of nations throughout the world.

James T. Ranney
 Albert W. Stone
 Lester P. Rusoff
 W. L. Lott
 W. J. Patterson
 Noel L. Garrigue
 Emil German
 Larry McElhannon
 Carl W. Tobias
 Margaret H. Brown

200 Eddy St., Apt. 3-E
Missoula, Montana 59801

January 26, 1981

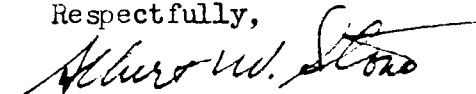
The Judiciary Committee
House of Representatives
State Capitol
Helena, Montana 59601

Dear Fellow Montanans:

I am concerned about the proposed further intrusion of the Federal Government into the lives of individual Montanans, through any anti-abortion amendment or Convention, as I am concerned over such intrusions in other matters (such as, for me, water rights). Our Big Brother in Washington already regulates, controls, subsidizes, penalizes, allows and prohibits more than its legitimate share of our personal lives.

This is a far greater intrusion into the souls of Montanans than is the federal ownership and control of public lands. We should not now ask for the further edict and policing by the Federal Government of a matter so intimately personal to Montanans as our family lives.

Respectfully,


Albert W. Stone.



COLLEGE OF LAW
THE UNIVERSITY OF WYOMING
LARAMIE, WYOMING 82071

January 16, 1981

Senator Dave Nicholas
Senate Chambers
Capitol Building
Cheyenne, WY 82002

Dear Dave:

As a lawyer and constitutional law scholar I would like to express my opposition to Senate Joint Resolution No. 1 requesting Congress to convene a Constitutional Convention for the purpose of amending the Constitution to prohibit abortion. In taking this position I express no view about the underlying subject of abortion; rather I believe endorsement by Wyoming of this resolution could have grave consequences for the nation as a whole and for the state of Wyoming. I arrive at this conclusion after reviewing the legal and scholarly literature, both pro and con, written on the Article V Constitutional Convention question.

Article V of the Constitution provides that Congress, upon receipt of applications from two thirds of the states, must convene a Constitutional Convention for the purpose of proposing amendments to the Constitution. To date this provision has never been utilized because Congress has never received the requisite number of applications. Thus there is no precedent to guide either Congress in convening a Constitutional Convention or the Convention itself in carrying out its responsibilities. Attempts during 1971 in the Senate to delineate legislatively the roles of Congress and a Convention under Article V met with a flurry of protests and never passed the House. Consequently, the only certainty about the Constitutional Convention envisioned in Article V is that Congress must call such a convention upon the application of 34 states, and that the final product of the Convention is subject to ratification by three fourths of the states.

The uncertainty which accompanies endorsement of a Constitutional Convention resolution is thus a major problem, and one which portends serious constitutional and political consequences. Given this uncertainty, the paramount question which arises is the scope and authority of a Constitutional Convention. While some scholars have argued that limited

state resolutions, such as the one presently under consideration in Wyoming, could effectively limit a Convention to narrow questions; others, more convincingly to my mind, have demonstrated that narrow limitations on such a Convention are inconsistent with the original intent of the framers who drafted Article V and the reality of an independent Constitutional Convention. The country's only experience with a Constitutional Convention was in 1787 when the entire Articles of Confederation were rewritten. That convention did not confine itself to the narrow problems which had arisen with the Articles rather it drafted an entirely new Constitution. History, therefore, provides precedent for an unlimited convention.

Under Article V Congress, once it calls the convention, loses control over it. Likewise the states as entities have no control over the convention. As Professor Gunther, a notable constitutional authority and widely regarded as a moderate voice in constitutional interpretation, recently stated: ". . . the convention is a separate, independent body ultimately not controllable by the applying states or by the Congress issuing the call." Gunther, *The Convention Method of Amending the Constitution*, 14 Ga. L. Rev. 1, 13 (1979). While political realities might dictate, as Professor Gunther also suggests, that the delegates to a Convention would restrict themselves to relatively limited issues consistent with the sentiments of the constituency which selected them, it is clear that they would have the authority and flexibility to address these issues in their entirety. See also, Dellinger, *The Recurring Question of the "Limited" Constitutional Convention*, 88 Yale L. J. 1623 (1979). What even this limited approach might mean, for instance, in the context of an anti-abortion constitutional amendment, would be the possible recission or revision of the Fourth Amendment provision against unreasonable searches and seizures in order to provide for enforcement of an anti-abortion amendment. Needless to say, an unlimited convention might revise any number of constitutional provisions including even the First Amendment or those provisions providing for the powers of the states.

The only safe conclusion to be drawn is that any Constitutional Convention convened pursuant to Article V would be an independent body operating beyond the control of Congress or the states. Significant constitutional changes, not necessarily in the national interest or Wyoming's interest, beyond the originally limited intention of those states requesting a convention could result. In response to the argument that either Congress, the Supreme Court or the states could seek to control a "runaway" convention, it can be acknowledged that they probably would seek to control the Convention. But, as noted, they do not stand on very firm footing in doing so. The Supreme Court consistently has taken the view that constitutional amendment questions are within

the province of Congress, not the Court, and therefore cannot be reviewed judicially. Coleman v. Miller, 307 U.S. 433 (1939). Assuming, then, that Congress or the states might attempt to intercede, the result would be a constitutional confrontation likely to generate divisiveness and acrimony at a time when cool reflection and calm were called for in the face of so grave a task as amending the Constitution. These very real possibilities, I suggest, argue persuasively against the proposed resolution.

In addition, from Wyoming's perspective, an independent Constitutional Convention is not a very appealing prospect. Critical to Wyoming citizens is the question of representation at such a Convention - a question that is unresolved presently since Article V provides no guidance on this matter. Recent Congressional legislation which passed the Senate (where Wyoming is equally represented with the larger states) essentially provided for representation on the basis of population. This suggests that if Congress were finally put to the test of devising a Constitutional Convention delegate selection procedure it is quite likely that a population apportionment system would emerge as the basis for selection. Wyoming, as the second least populous state, likely would find its interests rather poorly represented under such a system. Practically, in the heat of an unlimited convention, this might mean that well represented, populous, energy dependent states might seek constitutional changes to enhance their control over states like Wyoming by undermining the degree of state control over local resources and, perhaps, limiting the taxing authority. Such a prospect does not bode well for Wyoming, and suggests that the risk of joining in the call for a Constitutional Convention should be carefully and soberly considered.

Finally, it should be recognized that the alternative, often utilized system of Constitutional amendment provided for in Article V which provides Congress with the authority to initiate constitutional amendments has worked well repeatedly and is an entirely logical and responsible method for accomplishing constitutional change. Professor Black best summarizes the logic of this approach in his article, Amending the Constitution: A Letter to a Congressman, 82 Yale L. J. 189 at 200-201:

"The first-named and hitherto always used method of amendment-passage by two-thirds of each House of Congress and ratification by three-fourths of the States-would seem prima facie adequate to every real need, and entirely likely to be responsive to that clearly predominant popular will which ought to exist before a Constitution be amended. History has confirmed to the hilt

this prima facie impression; the American Constitution has proven to be the most successful political instrument ever devised in all history, and piecemeal amendment by the first method named in Article V has proved, as one might easily have predicted, to be entirely adequate to every real need. What catastrophe, what misfortune-what seriously undesirable condition even-has ever resulted from difficulties about amending the Constitution? . . . On the contrary, the hitherto used and time-proven method is quite desirable and practical, responsive enough when one is dealing with so successful a Constitution, and just as obedient to the will of the people, fully represented as they are, State by State, in Congress and in the ratifying legislatures, as any system can be without destroying stability. Nothing 'desirable or practical' is to be served by the alternate route, except a possible need, which now seems likely never to arise, to take care of a general dissatisfaction with the national government, or a breakdown thereof."

While I do not advocate that the Constitution be regarded as sacrosanct in the sense that no change is ever appropriate, I do believe, in accord with Professor Black, that it should be changed only with great care and deliberation, and then only to the limited extent that experience conclusively supports.

In conclusion, it is clear that the Constitution affords no real guidance as to the management of a Constitutional Convention. History, the original Constitutional debates, and the text of Article V suggests that such a Convention would be an independent body and probably unlimited, as a practical matter, in the scope of its deliberations. Less populated states like Wyoming, might find themselves seriously disadvantaged in representing their own interests in a convention likely to be apportioned on the basis of population. Moreover such a convention portends possible damage for the nation as a whole and, raises the spector of a political confrontation between the Convention, Congress and the states. Surely, the national divisiveness and bitterness likely to result from such a confrontation is not something that responsible citizens willingly wish to visit upon a nation which so recently has been rocked by the shocks of Viet Nam, Watergate, political assassination and economic uncertainty. For these reasons, I urge you to oppose Senate Joint Resolution No. 1, a perhaps well intentioned, but ultimately ill advised method for securing constitutional change.

Sincerely,

Robert B. Keiter
Associate Professor



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Exhibit 20

I WRITE YOU AS A CITIZEN OF MONTANA, A PROTESTANT CHRISTIAN AND A PHYSICIAN WITH A DEEP CONCERN ABOUT THE ABUSE OF OUR FUNDS. ALREADY TAX MONIES APPROPRIATED FOR ADC ARE BEING USED TO KILL THOSE CHILDREN ADC IS SET UP TO HELP. PREGNANT GIRLS GET PROOF OF PREGNANCY AND APPLY FOR FUNDS TO CARE FOR THEIR PREGNANCY, ONLY TO USE THE FUNDS TO PAY FOR THE DEATH OF THE CHILD. I AM AGAINST ANY TAX MONIES TO BE USED FOR ABORTIONS OTHER THAN THOSE TO SAVE LIVES OR PREVENT PERMANENT HEALTH DAMAGE. I AM, IN FACT, OPPOSED TO ANY ABORTION ON OTHER GROUNDS.

WHEN DOES LIFE BEGIN? DOES IT BEGIN WHEN A SEED IS PLANTED OR WHEN IT BEGINS TO SPROUT OR WHEN THE SPROUT EMERGES FROM THE EARTH? AT WHAT STAGE DOES HUMAN LIFE BEGIN, WHEN THE ZYGOTE STARTS TO GROW, WHEN THE ORGANS ARE FORMED, WHEN THE CHILD EMERGES FROM THE PROTECTION OF THE MOTHER'S UTERUS OR WHEN THE CHILD CRAWLS, SPEAKS, OR WALKS?

FOR 24 YEARS I HAVE TRAINED, WORKED AND LIVED TO EASE PAIN, PROMOTE HEALTH AND SAVE LIFE. EVERY EFFORT HAS NOT BEEN SUCCESSFUL, BUT EACH WAS AN ATTEMPT. NOW I MAY BE WORKING WITH A PATIENT TO PROLONG A USEFUL LIFE OF 55 TO 70 YEARS ANOTHER 5 TO 20 YEARS WHILE DOWN THE HALL, 2 OR 3 LIVES ARE COLDLY, ASEPTICALLY SCRAPED WRIGGLING INTO A BASIN OR SUCKED IN A BLOODY FROTHY AMORPHOUS GEL INTO A BOTTLE. PROLONGING THE LIFE TAKES DAYS OF EFFORT AND TENS OF THOUSANDS OF DOLLARS, TERMINATING A LIFE TAKES A FEW HUNDRED DOLLARS AND LESS TIME THAN THIS LETTER TAKES TO READ. WHICH WOULD BENEFIT SOCIETY MORE?

I HAVE HEARD MANY REASONS FOR ABORTION. MANY PEOPLE RECOUNT REAL PROBLEMS AND INJUSTICES, MANY ARE MERELY MATTERS OF CONVENIENCE - ONE WAS SO TRIVIAL THAT THE MOTHER DIDN'T WANT A BIRTHDAY FALLING IN THE CHRISTMAS SEASON. BUT TO ALL THESE REASONS, I ASK - HOW MANY WRONGS DOES IT TAKE TO MAKE A RIGHT? OUR SOCIETY IS ACCOUNTABLE FOR ITS ATTITUDE ABOUT LIFE AND YOU ARE EVEN A GREATER REPRESENTATIVE OF OUR SOCIETY. I ASK THAT YOU USE YOUR INFLUENCE TO BLOCK SO SHAMEFUL A USE OF TAX MONIES. RESPECTFULLY,

STEPHEN P. ROBINSON, M.D.
302 BEVERLY HILLS BLVD
BILLINGS MONTANA 59101

1529 Chateau Street
Helena, Montana 59601
January 29, 1981

Exhibit

Montana State Legislature
Judiciary Committee
State Capitol
Helena, Montana 59601

Dear Chairman Keyser:

Please support H. J. R. 15.

This is certainly a grassroots effort to combat the worst human holocaust ever in world history — and "legalized" by the U. S. Supreme Court!

This carnage must stop!

We, by the Court's decision, have been teaching that it is all right to kill and that the unborn have no Constitutional rights.

We must reverse this mentality of our country and once again recognize everyone's rights, especially the most basic right — the right to life.

Protect these innocent unborn by voting Yes to H J R 15.
Thank you.

Sincerely,

Mrs. A. J. Hubbard

Two Bishops Address March For Life

(Special to The Wanderer)

WASHINGTON, D.C. — The Bishops of Arlington, Virginia, and Baton Rouge, Louisiana, were among more than a dozen leaders from political and religious life to address this year's March for Life. Most Rev. Joseph V. Sullivan of Baton Rouge called abortion "the paramount issue facing this country today." Bishop Thomas J. Welsh of Arlington termed the Supreme Court's Black Monday decision of 1973 "the greatest violation of civil rights in the history of this country."

Following are the complete texts of the addresses of Bishop Sullivan and Bishop Welsh:

BISHOP SULLIVAN:

"Abortion is the paramount issue facing this country today.

"To deal with the issue, legislation is needed. Many oppose pro-life legislation, saying essentially 'you can't legislate morality.' Often, those who make that point are strongly in favor of any number of laws based on moral principles, laws such as those relating to equal rights.

"Since Hammurabi's time, men have known that the law is a teacher. The law in this country must be changed so that it will once again teach citizens that abortion

is wrong. As they absorb that lesson, the people of this country will less frequently resort to abortion.

"What kind of change in the country's laws is needed? Since the U.S. Supreme Court decided that there is no constitutional protection afforded the unborn, the answer is obvious: the Constitution must be amended.

"But which amendment should be enacted? What is the proper wording for the protection to be inserted in the Constitution? Obviously, the only good amendment is a comprehensive one. There can be no exceptions, for the right to life is given to each person at conception. Any exception clause would undermine that principle. To the objection that such an amendment would condemn women to bear children at the risk of their lives, I would point out that, on the basis of a competent medical opinion, there are no indications for abortion. No pathological condition known to medicine is cured or alleviated by abortion. To the question: What about tubal pregnancies? The answer is: the removal of a fallopian tube in which there is implanted a conceptus is not an abortion.

"I have no hesitation whatever in personally endorsing the paramount human life amendment submitted to Congress by Sen.

Jesse Helms and Cong. Robert Dornan, and I urge its quick approval and submission to the states for ratification."

BISHOP WELSH:

"The Supreme Court's decision of 1973 which legalized the killing of children within their mother's womb was the greatest violation of civil rights in the history of this country since it brutally withdrew from its unborn citizens of every sex and race the right to be born once they have been conceived. This right to life for which we march is a God-given right and the most basic of all our rights, for the other rights, important as they are, would be meaningless if we were not alive to exercise them.

"In just two years we will sadly be observing the tenth anniversary of this decision which launched the greatest human carnage the world has ever suffered and flawed the great moral fiber of our country. We call on our new President and the new Congress, together, with men and women of all faiths, to keep 1983 in mind. The only way to properly commemorate this decision in 1983 is to obliterate it with ratification of an amendment to the Constitution which will forever guarantee the right to life to every individual from the very moment of conception."

Rep. Kerry Keiser - Chrm.
Members of the Committee

Exhibit 22

1/29/6

I strongly urge support of H. J. R. 15.

Life, Liberty and the Pursuit of Happiness
How precious the words for those who were
not condemned to death by an erroneous ¹⁹⁷³ U.S.
Supreme Court decision legalizing abortions.

The simply must speak for those who can't.

The infamous Dred Scott decision of 1857
by a very fallible U. S. Supreme Court, decreed
that slaves were a mere possession and as
such had no more rights than an animal and
therefore could be sold and treated accordingly.
But due time a conscientious U. S. citizenry demanded
a review and change of this dreadful decision.

We are a Christian Nation - a nation that recoils
at the thought of hostages and holocausts that
affect life. The Nazis exterminated over 6 million
Jews. They were horrified. Yet, we tolerate our
unborn to be a hostage to the whim of one parent
and are now witnessing not 6 million but over
10 million exterminations since the heinous 1973
U. S. Supreme Court ruling.

Dr. Nathanson, after performing 16,000 abortions, was
filled with remorse at the slaying of innocents and has
recently published "Aborting America" to alert America of our
doctrines. As an avowed atheist he clarifies that it is not
religious issue but truly an issue of life and death.
We do not choose to abort, thus opposing. Then we become more
horrible than our enemies.

READER'S ALLEY

Legislature missed chance

Dear Editor:

The Montana Legislature recently passed up an opportunity to fight abortion on demand. I wonder if many of them have an understanding of what the 1973 decision on abortion really means.

Mr. Harper of Helena, feels it reflects a moral right to privacy. The men who framed the majority opinion on this subject made it very clear that the decision has nothing to do with the morals of society.

This decision is in fact, the most noteworthy departure from the application of Judeo-Christian morality in the history of this nation. In approaching this decision,

the court recognized the plight of the unwillingly pregnant female. They also recognized the Congress of the United States for what it is, a very weak and unresponsive group of men and women, collectively speaking. They knew they were dealing with an issue that is as much theological as social. Their determination to proceed with it and the way they handled it is a testimonial to their ability to knowledgeably and openly function as an oligarchy in matters they deem to be too pressing to be left to the people, and their stratified representative systems.

The Montana Legislature, philosophically, just kissed the Supreme Courts hind end. They also sealed up their memory to future generations as being so in-

tenso in their mediocrity that the man who breaks a deadlock does so out of his own self-stated lack of endurance, than out of any reason remotely resembling functioning mentality. So much for our legislature.

The Supreme Court, however, is composed of men who all exhibit above average intelligence. They are also good salesmen. They took a right that the Constitution does not even refer to, (privacy) via the inference of this right in the 14th and 5th amendments, they suddenly raised the right of privacy to such a level that it now guarantees a female privacy from the fetus she is conceiving, during the first three months of pregnancy.

They accomplished this by stating that a fetus is not a legal person, in the whole sense, but the mother is. The court was intensely concerned with keeping the mother happy and healthy, because they were able to perceive a concrete legal responsibility from the state to the mother, who is a person in the whole sense.

They aptly pointed out that the best minds of theology, philosophy and medicine, cannot agree on what point of development human life begins in the fetus. Thus, it was lack of knowledge, rather than knowledge of what a human being really is, that acted

as their franchise to proceed with this bloody departure from the vast majority of recent law on this subject. In past years, there has been an instinctive acquiescence on the part of lawmakers and medicine to our ancient assumption of all human life as being a creation of God. All people who subscribe to supernatural religions, at least those based on the concept of the all powerful God of the old and new testaments, have traditionally, perhaps instinctively, felt that the human fetus deserved the utmost care and protection.

There were properly recognized exceptions, wherein medicine and theology generally agreed. This 1973 decision, however, was a landmark in its removal of the human fetus from any position other than a mechanical equation defining the fetus as a legally inferior being.

Theology is interested in what man really is. The Judeo-Christian teachings on this subject range from the ancient biblical idea that mankind is the result of two sinful and disobedient parents, who cursed the human race, to the Latter-day Saints, who teach that each fetus is a vehicle for an ancient

preexistent being to prove himself in an important test. The question of what man really is is certainly not clear in the supreme courts thinking, nor is the answer known to man in general. The court has thrown theology out of the picture on this one. It was wrong in so doing.

The destructive forces that will inevitably generate from this decision, will threaten the very roots of our systems in due time. The supreme court was concerned with a social problem which was putting a lot of pressure on our court systems. They sought the simple and obvious solution and dressed it in attractive and seemingly benevolent explanations. Our legal systems in prior decisions have always tried to avoid simple and obvious decisions in regards to human life.

In 1930, Obersturmbannfuhrer S.S., Werner Heyde, had an equally simple scheme for stepping up racial purity in Germany. In our time, euthanasia was thus practiced, for the good of the state of course, with the same theme of some people not being human beings in the whole sense. I am sure those who support abortion, which is probably the opposite of euthanasia,

would find the extermination of this approximate 200,000 Germans to be rather logical, after a they were most criminals, idiots and other such social misfits. The legal point is that the holocaust began with just such Godless and simplistic reasoning as we have seen excersized by our own Supreme Court in regard another much weaker, legally endowed section of humanity, the early and utterly defenseless human fetus. I do not judge the females who have chosen abortion. They, themselves and God are welcome to do that. It is, however, the responsibility of each female to consider the point that our Supreme Court forgot, the question of what man really is and whether or not any mortal is truly qualified to judge which fetus should live and which should be killed.

Tom Stanger
P.O. Box 5267

WITNESS STATEMENT

Name Sandra Kelley + Brian Kelley Date Jan 29, 1981
Address 905 4th Ave W., Kalispell Support ? ☒
Representing Self + unborn children Oppose ? ☐
Which Bill ? HJ 15 Amend ? ☐
Comments:

The attached papers are our statement. Some copies have been left on the desks of some committee members. The list of names given me was incomplete so I am submitting additional copies. In addition, we want to be sure that this is included in the record as official testimony.

It is important to point out that the learning problems encountered by my son are the same kind of learning problems experienced by Einstein, Edison + Nelson Rockefeller. They were forced to learn outside the system, but learn + cope they did - making valuable contributions to society. How many more like them have already been killed? Legislators have an obligation to society to protect + preserve what is most necessary and valuable to society: life itself.

Sandra Kelley
Brian Kelley

Please leave prepared statement with the committee secretary.

Brian
First
Birthday



Brian
Age 14



V28/81
Exhibit of

I support a Human Life Amendment
because I think abortion is
a form of a, bloody morallless
first degree murder. God has
his own way its called born dead
and thats the only time ~~the~~ a baby
should die if at all.

Brian Kelley

Brian Kelley

Sixteen years ago this boy's mother contracted German measles during the 10th week of pregnancy. An abortion was suggested by the doctor at the clinic in Colorado. It was never considered. Brian was born an apparently normal child. He was 12 and 13 years old before his handicaps of learning disability, cerebral palsy and vision problems related to the cerebral palsy were discovered - obviously mild handicaps, but requiring special services, nonetheless. His abilities, however, far outweigh his disabilities. He is a unique person in our family and contributes something that none of the others can. We are thankful every day that he came to live with us. When you meet him and talk with him, remember that there is no difference between killing him now because he happens to have a few handicaps, or killing him before birth because he might be born handicapped. Even more abhorrant is the killing of perfect children, simply because they happen to pose an inconvenience for their parents - this is called "abortion on demand".

The United States is becoming a nation of older people. Soon everyone will be on Social Security and there will be no one to pay the taxes, no one to manage the business, fight the wars. Why? Because all the children have been killed before birth, 10 million in the last eight years.

Sandra Kelley
Sandra Kelley
Brian's mother

I feel compelled to add my voice to those who urge that a decision about abortion be left to the pregnant woman. I am mainly concerned with that decision as it applies to teen-agers, since that is the age group I have spent the most time working with.

I am a Registered Nurse, and I have 2 daughters. I have spent most of my professional career working with young people, in various settings; I am currently working in Family Planning.

I was raised a 'Mormon', and I have a strong respect for the value of human life. However, for anyone who finds it easy to see everything in black and white, as I once did, I have a request: please spend some time working with young people. Become a volunteer in a Teen Clinic or other setting where you will personally experience discussing options with a pregnant 15-year-old. Experience with her, if you can, the impact of being pregnant at that age, with all the ramifications that has on her life. Others will present this panel with statistics and reports relating to teen pregnancy and maternal & infant health, child abuse, etc. I can only say: please experience the realities of these problems before making a decision which will have such a great and far-reaching impact on the women of this country.

It distresses me when people choose sides on the issue of abortion - and those who favor choice are said to be 'in favor of abortion'. I don't think anyone is in favor of abortion; I don't personally know of anyone. It is not a recommended method of birth control, it is not pleasant to contemplate or observe - and the decision to have an abortion is never an easy one; a woman who experiences it does not forget or look back on it with any degree of satisfaction. But she must be allowed to make that choice.

My personal preference would be that no young person would have sexual intercourse before the age of, say, 21; and that every precaution be taken to prevent an unwanted pregnancy. I would hope that all of us could work together on things like providing Family Living courses in the schools, being available for non-judgmental counseling or 'listening' sessions, being sure that birth control methods are easily available, etc. Knowing human nature, even all that will not eliminate all unwanted pregnancies, but it would go a long way toward making abortions much less common.

We all approach this issue with a wide variety of experiences, beliefs, emotions - it is difficult. I believe in a God who is both merciful and just, and I am willing to leave the judgment as to whether abortion is wrong and those who choose it should be punished, to Him. I would not presume to make that judgment. I am also opposed to banning abortion; I do not think that any of us have the right to invoke the enormous consequences in human suffering and turmoil that would result. The woman who is pregnant with an unwanted pregnancy must consider and deal with those consequences; we have no right to make that decision for her.

Louise Flanagan
Louise Flanagan
Missoula

January 28, 1981

Honorable Kerry Keyser
Chairman, House Judiciary Committee
State of Montana Legislature
Helena, MT 59601

Dear Mr. Keyser;

I take this opportunity to offer this testimony in opposition to House Joint Resolution 15. HJR 15 is a confusing resolution as it includes within it two very separate issues, 1. the calling of a Constitutional Convention and 2. the banning of abortion or the endorcement of the Human Life Amendment..

Let me address the issue of a Constitutional Convention first. It would not be in our interest as citizens of the United States or as citizens of the State of Montana to call a Constitutional Convention. There is no legal precedent for calling a Constitutional Convention since the first one held in which our Constitution was written. Article V of the Constitution is silent about the procedures for convening, conducting and constraining a Constitutional Convention. This means that if one were to be called, large sums of money would have to be spent on legal consultants to ascertain what these procedures would be. All kinds of issues would be open for debate and the entire text of the Constitution would be put to question. I think that as our Constitution stands now, it is sufficient to provide the basic principles of the law for the United States. I feel very leary about having a new group of unknown people setting about to rewrite the Constitution. Montana itself would probably have very little representation since we have a comparatively small population. Voting for the convening of a Consitutional Convention is voting to expend a large sum of money and time to do something that is not necessary either for the good of our nation or the good of our state.

Now I will address the second issue of the endorcement of the Human Life Amendment. I am against the Human Life amendment because I do not believe in government interference of the private life of an individual. This is a basic tenent of the Republican party which I value greatly. If members of the Republican party were to let this right be infringed upon, I would feel let down by those very people who have been elected to maintain it. Please take my plea to keep government separate from individual personal rights in full earnestness and sincerity.

Thank you.



Dr. Ruth Kornfield
Billings, Montana

Exhibit 27

HARDIN CLINIC

619 WEST DIVISION
HARDIN, MONTANA 59034
AREA CODE 406
TELEPHONE 665-2205

R. WHITING, JR., M. D.
DANIEL J. GEBHARDT, M. D.
PETER TAUBENBERGER, M. D.

26 January 1981

Kerry Keyser, Chairperson
House Judiciary Committee
State Capitol
Helena, Montana 59601

Dear Mr. Keyser:

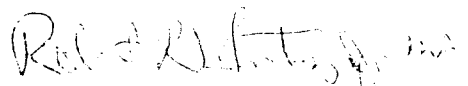
I would like to lend my voice in opposition to House Bill HJR 15 and support pro choice. As a physician, during the last 20 years I have seen the problems which have occurred when abortions were illegal in Montana. I have personally taken care of several complications of improperly done, illegal abortions before they became legal. These will occur again in Montana if abortion is made illegal and not performed by well trained competent physicians in a proper environment.

I have also seen the problems which have occurred to girls and women who have born unwanted children and ended up on welfare with abused children who do not grow up in a proper home environment. I have seen young girls end up not finishing high school and being thrust into motherhood before they are emotionally ready. I have seen the financial hardships brought on by an unwanted child added to a home already unable to cope with the number of children present in the family.

I also have personally seen a patient in her late 40's who was forced to bear a child in this community before abortions were legal. The daughter became mongoloid and has been at Boulder School for the last 11 years with undue hardships on the family and tremendous expense to the state. As you know, the chance of chromosome abnormalities and mongoloid children after the age of 40 is much higher than in a younger group, and this also would be a problem if abortions were made illegal.

The decision whether or not to bear a child should be left to the individual in question and not up to the government to legislate the morality of such a decision.

Sincerely,


Robert R. Whiting, Jr., M.D.
RRW/ceh

GEORGE F. SHECKLETON, M.D., P.C.

General Preventive Medicine
114 YELLOWSTONE AVENUE
BILLINGS, MONTANA 59101
(406) 245-8495

EXHIBIT 65

27 January 1981

Kerry Keyser, Chairman
House Judiciary Committee
State Capitol Building
Helena, Montana 59601

Dear Mr. Keyser,

I am writing to oppose any changes in state law which would limit the right of women to abortion. In my years of experience as a physician and as Health Officer in Yellowstone County, I have been involved in dealing with the impacts of unplanned and unwanted pregnancy. It is clear that the outcome of the unwanted (and often teenage) pregnancy is often catastrophic for mother, family, society, and the unwanted child. Many studies have demonstrated the increase in mental retardation, child abuse and neglect, welfare dependency, etc. which are associated with carrying unwanted pregnancies to term.

Thank you for considering this statement and bringing it to the attention of your committee.

Sincerely,



George F. Sheckleton, M.D., M.P.H.

Testimony Against HJR-15

January 29, 1981

Dorothy Lee Woods

The following testimony is very intimate. It involves one of the most troublesome times in my life. I've chosen to make this part of my life public today because I almost died from complications following an illegal abortion. Though I believe that the choice to end a pregnancy is always a hard one to make, I know from experience that it is a choice that will always be made -- no matter what the law says. I also know from experience that if abortion is again made illegal, our lawmakers will be sentencing millions of women to serious injury or death.

I was raised in a fairly typical family. My parents, my church and even my school provided some education about sexuality. By the time I was a college freshman, I'd heard a lot about sex, but I knew very little accurate, factual information. Like many, many others, I was not really prepared for sexual maturity when that time came.

Again, like many of my peers who were also sexually active, I worried about becoming pregnant. I knew a little about birth control, probably more than most of my friends. I also knew first hand and from others about how hard it was for a single woman to get it. (This was in the late 1960's in a liberal college town.)

I became pregnant, while using a diaphragm, when I was 19 years old. To this day the decision whether to give birth, keep the child, give the baby up for adoption, or have an abortion remains the most painful and difficult choice I have ever had to make.

I chose not to give birth for many reasons. Though the father of the child and I cared for one another deeply, we agreed that we did not want to be life-long mates. Neither of us felt prepared to raise a child alone. Our families were not able to provide the support, either emotional or financial, that made caring for a child seem possible. I knew that going through a pregnancy would mean leaving school and losing a scholarship, making my own future very uncertain. Even though I knew I could survive pregnancy and childbirth, to bear a child at that time felt as though my life, as I could comprehend it, would end.

Once the decision for abortion was made I encountered an even more chaotic world. I felt more alone than I'd ever imagined possible. Most of the people I confided in were very supportive and wanted to help me through the ordeal as best they could. To my surprise, many of them knew others who had had abortions or had gone through the experience themselves.

In spite of this caring involvement (which many women in my position do not have), no one could offer much help. I could fly to England for a legal abortion, as the wife of one of my professors had done, if I could raise \$2,000 and wanted to go alone. I was planning to go to Mexico until word came back that the clinic had been raided and closed. I contacted a nameless doctor in Chicago, but backed out when I was told to come alone to a certain street intersection where I would be met and blindfolded and taken to an undisclosed motel. No doctor that I talked to nor the university hospital in that town could or would offer information.

Finally a friend found out about a surgeon out of state who had done an abortion for an unidentified friend of a friend. I was given the address and told he didn't make appointments for this procedure. On my second trip I found the doctor available. The price had doubled to \$800, but he was willing to take \$400 and go ahead if I signed a promisory note. I also signed a waiver for his liability for any resulting complications.

Immediately I began to question his integrity and his competency, but I was too scared to say or do anything. When I was on the operating table and unable to move he began making suggestive remarks. In tears, I asked him to go on with the procedure.

When he did a vaginal examination he said, "Just how pregnant do you think you are?" I told him what my doctor had told me. He said, "Well, he may be right, but I don't know if we can get this." I asked him to stop and tried to sit up. I said he could keep the money but if it wasn't absolutely safe I didn't want to go on. In an intimidating manner he told me to lie back down and that of course he would do nothing to endanger me.

In a very few moments he said he was done. He gave me a shot of something "just in case." As he walked out of the office he told me the cramps would start in a few hours and could last a couple of days before I miscarried. This was the first I knew that he would not actually remove the fetus.

I left feeling humiliated and scared. The following days were the most frightening and painful I have ever experienced. No one knew for sure what had happened or what would happen. What did happen was that I went through 48 hours of labor that I wasn't prepared for in any way. At times I thought I was dying. I finally miscarried a fetus that was obviously older than my doctor's estimate.

Still feeling weak and upset, but thinking the worst was over, I rested for another day and returned to school and work. A couple of days later my temperature shot up. The doctor I went to was sympathetic--she was at the Student Health Service and had seen several women in my situation. She sent me to the hospital immediately.

I had systemic blood poisoning from an infected uterus. My temperature was 106° and my other vital signs were weak. As I was being prepared for surgery, I heard my admitting physician say to someone outside my room, "She may well die and if so, it's what she deserves." When my mother finally got there we found another doctor who was more understanding. His estimation was that immediate surgery would be too risky and that they should first try to stabilize my condition with intravenous antibiotics. Once I made it through the operation, which took place the next day, there were still a few terrible hours of delirious fever and uncertainty. From there I made a steady recovery.

Having lived through this experience, I believe that abortion must be kept safe and legal. Laws will not keep people from having abortions. Any woman who makes the agonizing choice to abort a child deserves to be treated with respect and caring by those who choose to become involved.

My feelings about abortion have changed somewhat since the time I have just talked about. I have grieved the loss of that child and in my grief have looked back and wondered, "What if. . ." I will never know. Now, twelve years later, I am married and the mother of a two year old boy. Giving birth and caring for my son are among my deepest joys and greatest satisfactions. Through the experiences of motherhood I daily re-affirm my belief in the sanctity of life.

I also know that I don't live in a perfect world. Human life could be supported by our society in many ways that it is not. If every woman knew that sexuality, pregnancy and childbirth would bring her no shame; if she knew that her unborn child would live in dignity and relative security; if she could give her baby to another to care for with the chance to be involved in that child's life; then maybe fewer women would feel compelled to choose abortion. These conditions do not now exist for most women.

As for me, I know that my decision to have an abortion did not involve the senseless taking of life. It was a decision involving the lives of many people. It was a decision so complicated and involving such profoundly personal and moral questions, that no government could rightfully make the choice for me.

136 Alderson
Billings, MT 59101
January 27, 1981

Kerry Keyser, Chairman
House Judiciary Committee
State Capitol
Helena, MT 59601

Dear Mr. Keyser:

Please Oppose HJR-15.

I need to choose whether to have a baby or not.

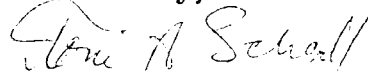
I need to have control over my own body.

I cannot have my fate and future sealed by someone/thing/law beyond my own personal control.

Government is certainly necessary; government regulation over my own health and body is going too far. The trend for less government regulation and intervention definitely needs to continue in this instance.

Please urge your colleagues on the Judiciary Committee to oppose this bill, HJR-15.

Sincerely,


Toni A. Scharff

D. E. Adams, Counselor
111 So. 24th St. W.
Suite 201-A, P.O. Box 20074
Billings, Mt. 59104

Testimony for Hearings on HJR15

To: The House Judiciary Committee
Rep. Kerry Keyser, Chairman
Dear Rep. Keyser:

As a counselor, I know that abortion must remain a legal option for Montana citizens. I have come into contact with several girls and women whose lives would literally have been destroyed had the option for abortion not been available. In particular, I have worked with a young woman who was pregnant when she was twelve years old as a result of a long history of sexual use by her father. She later told me that had an abortion not been obtainable quickly that she would have killed herself rather than carry through with that pregnancy. As it was, she did not have the resources to petition any decision-making board (had it existed) in time to obtain an abortion before the fetus was quite well developed.

She did have an abortion. She and the rest of her family were able to receive counseling. The incestuous situation no longer exists.

At present, she is leading a relatively normal life as a successful high school student. She now has as good a chance as any other American youngster to become a productive member of our society.

I urge you to consider very seriously the extremely damaging consequences HJR 15 would have on every child who is a victim of this kind of a situation. These children need more options, not more government regulation and red tape.

Very Truly Yours,



D. E. Adams, M.S.R.C.

January 19, 1981

Kathy Lawrence
115 LaSalle Rd. #15
Kalispell, Mt. 59901

To Whom It May Concern:

Freedom! The pursuit of life, liberty and happiness. This is the country where we are free to choose the outcome of our lives in so many ways; Education, Career, Marriage, Sex, and Childbearing to name a few. We all have choices, priorities or preferences pertaining to our own lives. The beauty of choice in this country is not just choice by blind guess but by educated knowledge.

However, now we find that some of our choices you want to damn because they don't agree with yours. I feel you don't realize that you won't be able to keep us from making our choices, but will merely take us back to the dark ages where the education is the missing part of our decisions.

When a woman decides not to bear a child that she has conceived either for selfish or unselfish reasons, and she has no place to turn, history both recent and ancient shows that she will still carry out her decision. However, without the aid of an educated physician, we're back to the "back alley butchers" or self inflicted abortions where the risk to the mother is too great. Yes, many of you will shout, "They'll get what they deserve for taking a defenseless life!". However, does the unwanted child who is brought into this world get what he deserves? Everyday more and more reports of child neglect, abuse, or molesting. This is the world of the unwanted child. For many adoption is out of the question, as it was for me with my first child, as I was married, and my child has suffered as a result. For the first months of his life, when he needed love the most, he was neglected. Child neglect is very damaging and only time will tell the damage I inflicted upon my son. No, I am not proud of the fact, but I am willing to see the obvious in that I know I should not be a mother to anymore children. Many women should never be mothers and they are aware of that any many shouldn't be mothers until it is more timely and these are the ones we plead for. My story is from my heart. I knew having another child was out of the question for me, but my doctor refused sterilization until I was a little older. Therefore, I used the prescribed birth control feeling confident I was doing the right thing. However, nothing is perfect, and once again I was pregnant. I was frightened and bewildered. Where would I turn from here? I called the Family Planning program in my town. They directed me to a doctor who could explain everything. I had already decided I would terminate because I did not want another baby, but the question was, "how?".

I went to this doctor and they reconfirmed my fears, I was pregnant. The tears I shed were not for an unborn child, but for myself. I didn't want a child, what would happen to me? What would they do to me? Would they think I was "bad" and uncaring? Would I be turned away because my life wasn't in

January 19, 1981

danger? No, here is where my decision and choice was aided by education. They sat down with me and asked me what I wanted to do. It was my choice with no pressures. Once it was established that I did want the abortion, they quieted my fears by taking plenty of time to explain and answer my questions. I went away a little bewildered, but at least knowing someone would be able to help me.

My appointment was for two days later. I was again very frightened. I knew it had to be done, but was so scared about what to expect. I was concerned that maybe the actual procedure would be carried out coldly and I would lie there and cry while I was treated like an experimental animal. However, the opposite was true. The same ~~nurse~~ ^{PHYSICIAN ASSISTANT} who had explained everything before, did the abortion, and she was still very friendly and gentle and explained everything as it happened. I was so grateful as I didn't need another "Hell trip" as I had already put myself through one when I first learned of the pregnancy. I was also grateful that I had a reputable place to go. Because I had made the choice, and if I hadn't had a place to go, I know I would've either done it myself or found a nonphysician to do it. This way I could be assured no danger to myself.

Personally, I never hope for this to happen again as I do intend to be sterilized when it is timely, but in the mean time, I was grateful for the choice.

However, as I left the doctor's office that afternoon, I was very saddened. I was able to legally keep my life going smooth, but at that very moment in our state capital, those who oppose were marching to get abortion to be unconstitutional, to damn our freedom of choice.

I don't ask you to praise me or agree with me, but don't make my decision illegal.

This is my body, let me decide what will happen to it. If it makes you feel more righteous to damn us because we take a life, do so, but also think of the ones who would be damned by being forced into this world unwanted. Their lives are destroyed after birth and thiers is a long term destruction, where as abortion is done before the child can understand pain and hate, and then noone is hurt.

Don't keep us in the dark. We need willing educated physicians to be able to help us. Many can not because of conscience, and we do not say you are wrong for feeling that way. For what is right for one may not be right for another, but we don't need to be damned by having our decisions declared "illegal".

This letter doesn't quote facts in figures or statistics, but facts from the heart of someone who has been there. Don't illegalize abortion, it will be the worse thing you will ever do. If it is wrong for you, you still have no right to choose for me, and I choose a right to abortion.

Thank you for your time and consideration.

Sincerely,

Kathy

Woman's Center

P.O. Box 1125
Helena, MT 59601

Power Block #301
(406)443-0826

January, 12, 1981

Dear Montana Legislators,

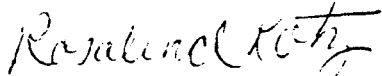
The Women's Center of Helena has asked me to write to you on behalf of its members. We represent a united front on the issue of a women's right to choose a safe and legal abortion.

At the Women's Center we advocate women's health and freedom which includes the right to a safe abortion and the freedom to make that choice for herself. These freedoms are basic and must be upheld.

We are opposed to any effort aimed at limiting the choice of options when it comes to pregnancy particularly a call for a constitutional convention or a human life amendment. We urge you to vote against these repressive pieces of legislation if they should arise and work to see that they don't.

It is imperative that the Supreme Court decision making it legal to choose an abortion be upheld. We do not want to see women being forced back into situations of having to choose illegal, unsafe, expensive abortions. We join with many others in Montana who are extremely concerned that our rights be upheld.

Sincerely,



Rosalind Kotz, coordinator

Exhibit 34

MUSSELSHELL COUNTY MEDICAL CENTER

Jeffrey L. Stone, M. D.
1207 2nd Street West
ROUNDUP, MONTANA 59072
Telephone 406/323-1111

January 26, 1981

Honorable Kerry Keyser
Chairman, House Judiciary Committee
State of Montana Legislature
Helena, MT 59601


Dear Mr. Kaiser,

Please allow me to offer this testimony in opposition to House Joint Resolution #15. It is my understanding that if passed, this resolution will support calling a Constitutional Convention to, in part, attempt to ammend the United States Constitution in such a way as to make it impossible for an American citizen to obtain a legal, medically safe abortion, under any circumstances. As a rural family practitioner, I am often faced with a patient with an unplanned pregnancy. I feel I am ethically bound to offer this patient any alternative that medical science has at the present time. Abortion, though not an esthetically pleasant alternative, is never-the-less, a scientifically proven alternative for the patient with an unplanned pregnancy. To deny such patients this medical option is to deny them their reproductive rights.

It is certainly a provence of State and Federal government to protect and defend it's citizens. How can the removal of the freedom to choose a medically safe abortion, which would then subject such a patient to the increased risks inherent with childbirth, not to mention the dangers of illegal, back alley abortions, possibly be in the public's best interest?

In conclusion, therapeutic abortion is a medically proven and safe procedure used as an alternative to unplanned pregnancy. Whether or not to choose such an alternative, should be as fundamental and individual decision as that of deciding whether to reproduce or not. To legislate such a decision is a grave enchroachment on individual reproductive freedom and scientific medical practice.

Most sincerely,



Jeffrey L. Stone, M.D.

JLS/ck

C.H. McCracken, M.D., M.P.H.

To: The House Judiciary Committee- Kerry Keyser, Chairperson

Testimony for hearings on HJR-15

As a pediatrician specializing in maternal and child health, I oppose HJR-15, and any other measures that would limit the alternatives available to women who have an unwanted pregnancy. For the health and well-being of the woman, she needs to be able to freely choose the alternative that is best for her, given her unique circumstances.

In 1979, 3,447 Montana residents chose abortion as the best alternative for them in a difficult situation.

Abortions are now being provided in this state, in a manner that is well controlled by trained physicians. Abortions done in this manner present less risk to the woman than carrying an unwanted pregnancy to term. We know that in the past, illegal abortions were a serious public health problem. It would be a shame to return to that situation.

For the general health of the people in our state, it is best to continue to allow safe, legal abortions and work for measures that would reduce unwanted conceptions. Restricting a woman's freedom to choose what is best for her has serious health consequences.

C.H. McCracken, M.D., M.P.H.

Meg E. Masters
547 Rimrock Road
Billings, MT 59102

To: The House Judiciary Committee- Kerry Keyser, Chairperson

Testimony for Hearings on HJR15

I am writing this as testimony, explaining why I oppose HJR15.

I am almost twenty-three years old. When I was twenty, I had the sudden misfortune of being involved in a car accident, which almost took my life. A severe blow to the head was one thing I incurred, resulting in a comatose period of time, and later, a paranoid schizophrenic manic depressive, absolutely crazy episode.

While on this episode, I became pregnant twice. Both times, I decided to have terminations of pregnancy. By no means did I desire to have abortions. It is my greatest desire to have a baby-- when I am mentally healthy enough.

Both times, I had the right to choose, and both times, I chose to abort. These extremely difficult decisions saved my life, in my opinion, and in those of my family and doctors. I was told by my doctors that pregnancy and birth would increase the severity of my mental illness.

Had I not had the right to choose, as I did, I am convinced that I would be dead, by now. I was depressed to the point of being out of touch with reality, when both pregnancies occurred, drifting in and out of serious periods of suicidal ideation.

Because of the negative social stigma attached to the word "abortion", I feel quite disgusting enough. I do not need any increase of self-disgust, as I feel, when I see the photograph of the pro-life billboard, located in Spokane. Nor do I care for the phraseology, "murder of unborn babies."

Yet, I feel certain that I have not committed the crime of murder. I have saved my own life, as well as the life of my baby from beginning in my own crazy world.

Should I have carried out my pregnancies, and then, given my baby up for adoption--the decision to do so would have caused me, simply, too much stress and guilt to deal with?

Am I correct in assuming that it would be preferable for a young woman to die, rather than an undeveloped fetus?

It is my understanding that it is an historical Republican ideal, that government shouldn't interfere with the people's right to make decisions about their lives.

--- Meg E. Masters

Exhibit 37

January 28, 1981

Representative Kerry Keyser
Chairman, House Judiciary Committee
Capitol Building
Helena, MT 59601

RE: HJR 15

Dear Mr. Keyser:

I am writing to express my concern, indeed alarm, that such an issue as abortion would be considered in amending our constitution.

Regardless of ones feelings about abortion itself this is certainly not appropriate to be considered in a constitutional amendment and I hope that you and your colleagues will take that into consideration as you look at HJR 15.

Respectfully yours,

Donald L. Hicks

DONALD L. HICKS, M.D.
P.O. Box 2555
Billings, MT 59103

lsg

January 29, 1981

Nancy Ritz
656 North Ewing
Helena, Montana 59601

To Chairman Keyser and Members of the Judiciary Committee:

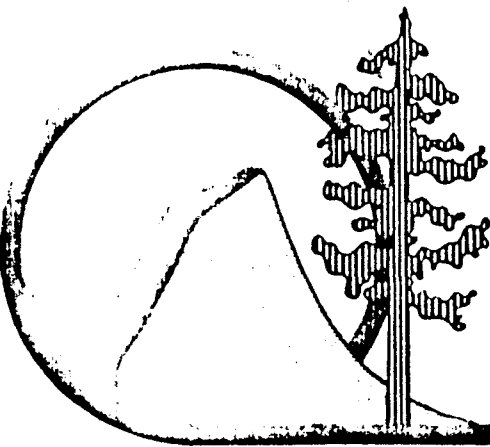
I am writing to urge you to vote against House Joint Resolution 15. In my testimony, I would like to address the issue of responsibility as it applies to abortion and birth control.

This summer I became pregnant. I had not intended to become pregnant--in fact, I was shocked when I began to suspect that I might be. The reason I was so surprised is that I have always been responsible about contraception. For over 4 years I have used the IUD, one of the most effective methods of birth control. When I became pregnant, my IUD was still in place. As a result of birth control failure, I found myself faced with the most difficult decision I have ever had to make. I was single and unprepared--both financially and emotionally--to have a child. Also, I work at a job which exposes me to a higher than normal level of radiation. I had in fact decided to leave the job if I ever became intentionally pregnant, since I was worried about exposing a developing fetus to potentially harmful radiation. When I discovered that I was accidentally pregnant, I had to consider that I had worked at this job during the first crucial 8 weeks of the pregnancy. After long, agonizing deliberations, I chose to have an abortion. I did not make the decision quickly or casually, as I would not make the decision to have a child quickly or casually. In this case, I felt that motherhood was not the most responsible choice for me.

I have shared with you the story of my accidental pregnancy because it illustrates a point that can't be made forcefully enough--that all women who have abortions are not irresponsible people who are careless about birth control because they know that abortions are easily available. I was using a method of contraception with a theoretical failure rate of 1 to 3%. And I am by no means an isolated case. Personally, I know at least two women who also had IUD failures--a young woman who became pregnant several months after her marriage and a single woman with severe health problems. Both of these women had abortions because, under their individual circumstances, they were unable financially, emotionally, or physically to have a child. The sobering fact is that, according to a study in "Family Planning Perspectives", one of three couples practicing birth control will have an unwanted pregnancy within a five-year period. 1980 statistics from a family planning agency in Montana reveal that of 96 women who had chosen abortion when their pregnancies were confirmed, 41.7% had been using birth control.

The unfortunate conclusion to all these examples is that responsible women who use birth control faithfully do have have unplanned pregnancies. And as long as even the most effective means of contraception are not 100% effective, women who are serious about family planning will be forced to make hard decisions about those unplanned pregnancies. In some cases, terminating a pregnancy is the most responsible ^{one} for a woman to make, and I urge you again to affirm a woman's right to make that decision for herself. Please vote against House Joint Resolution 15.

Nancy Ritz



Blue Mountain Women's Clinic

515 Kensington, Suite 24A

~~218 E. 10th St. Box 100~~ • Missoula, Montana 59801 • Phone: (406) 542-0029

January 21, 1981

Representative Kerry Keyser, Chairperson
House Judiciary Committee
Capital Station
Helena, Montana 59620

RE: Human Life Amendment, HB

Dear Representative Keyser and Committee Members:

I am writing on behalf of the staff of Blue Mountain Women's Clinic, as well as the 2,966 women for whom we have performed abortions in slightly less than four years.

Let me start by giving you a little background information. Our clinic is a private, non-profit corporation which is funded strictly through client fees; we do not receive public monies from any level of government. This arrangement is in keeping with our belief that the private sector can and must be responsive to the needs of the public, and that the private sector is conducive to innovation while still being accountable to the consumer.

Pro-choice advocates are sometimes depicted as immoral monsters who get sick pleasure out of what they are doing. We are depicted as a single minded bunch. Blue Mountain's staff members

come from a variety of backgrounds. More often than not, our only common interest is a commitment to individual rights, and that commitment has led us into the area of reproductive freedom. Our staff members come from backgrounds in business, education, social services, medicine, the arts, agriculture, and blue collar work. We were brought up Catholic, Protestant, Jewish. We are single, married and divorced, with and without children and grandchildren. It is obvious to anyone who has worked in this business that no one, except perhaps a deranged person, is pro-abortion. Abortion is not a happy experience, nor is the decision to terminate a pregnancy a whimsical one. In my three and a half years at Blue Mountain I have never met a client who has avoided giving gruelling thought to her choice. Most of us can barely tolerate the thought of having to make that decision for ourselves; none of us can abide the thought of making that decision for someone else.

Some folks seem to think that only someone who is misled or morally wanting would decide to terminate a pregnancy. What kind of woman would actually get an abortion? Our clients range in age from thirteen to forty-nine. They are childless or they already have twelve kids. They are homemakers, nurses, students, teachers, secretaries, mill workers, farm women, babysitters, social workers, forest rangers, politicians, doctors, artists, lawyers, railroad workers and welfare mothers. They are single, divorced, married, separated, widowed. Some are staunchly religious and some are not. They are at Blue Mountain Clinic as a result of taking chances, rape, poor timing, incest, birth control failure, or using products

that don't do what they claim they will. As you can tell, it is difficult to get a clear cut picture of the woman who chooses to have an abortion, save for the fact that she is in her reproductive years.

One accusation leveled at pro-choice supporters is that we encourage abortion as a method of birth control. Few women are that casual, and those of us who work with abortion view using it as a birth control method as either abhorrent or crazy. Our whole pitch centers around taking responsibility for one's own reproduction, and abortion represents a last ditch effort.

Religious grounds are often used as the basis for opposition to abortion. Questions to which mortals can never know the answers are bandied about, and even baldly answered by some. Is it not presumptuous to claim knowledge of the coming and going of souls? Is there a reason human beings were given the ability to manipulate the environment? Is abortion actually interference with God's plan? Is murder or war? Capital punishment? Are these things part of God's plan? Who, with absolute certainty, can profess to know the Maker's wisdom? If one believes there is a master plan for each individual, does that mean that my plan is identical to yours, superior to yours, or should be imposed on yours? Humility is a cornerstone of Judeo-Christian culture, and surely that humility must include acknowledging that we simply do not know either what is meant to be or what is best for someone else.

People worry about a connection between abortion availability and increased sexual activity in adolescents. Although many of us are befuddled about the sexuality of today's teenager and are

grateful that our own innocence prevailed so much longer in the old days, no amount of wishful thinking is going to change the facts: one in ten females between the ages of fifteen and nineteen will get pregnant in the next year. It makes no difference whether she lives in Missoula or Hysham, and it doesn't matter whether her father is a hired hand or an attorney. If she carries to term, the baby has a two to three times higher chance of dying in the first year than if the mother were twenty-one or older. The teen mother also faces a sixty percent higher death rate than the mother whose own body is fully developed. All these figures come from the Alan Guttmacher Institute, a research and public education corporation. With the removal of the social stigma attached to girls who "do it" before they are married, sexual activity among teens has mushroomed. A recent survey indicates that sixty-nine percent of single females between the ages of fifteen and nineteen were sexually active in 1979, and that twenty-two percent of the fifteen year old female population was sexually active in the same time period. The reality is that adolescents are engaging in sexual intercourse. The question, then, changes from whether they do to what we, as supposedly responsible adults, want to do about it. At our clinic we do offer abortions, but we do not offer them without birth control counseling. Lest you think that we want every teenage girl on the birth control pill, be assured that abstinence is one of the birth control methods discussed.

Vast amounts of energy are put into trying to come up with a scientific solution to the question of when life begins. Please keep in mind that the people doing this research are the same ones

who can't agree on when life ends. Which of us knows when life begins? Is it at conception, at a dozen cells, at birth? Infants born earlier than twenty-six weeks of age don't survive. Does an organism have to be autonomous to be considered a living being? We don't pretend to know the answers to these questions, either..

Finally, will banning abortion make it go away? Of course not. Somehow trading off the health and sometimes the life of a woman who wants an abortion for the sake of our own righteousness does not make sense. If we function according to conscience, our choice boils down to either having the life of the fetus on our moral shoulders if abortion remains legal, or having the lives of both the fetus and the mother on our consciences if we return to the back alley days. To those of us involved with abortion, soul searching leads to a strong conclusion: we must support the right of every individual to make reproductive choices whether we agree with them or not, and we must ensure that those choices do not put the individual at the mercy of a criminal element which would be only too happy to see abortion become illegal once again.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sara Mullen".

Sara Mullen
Executive Director

1723 St. Andrews Dr.
Billings, Montana 59101
January 27, 1981

Kerry Keyser
Chairperson, House Judiciary Committee
Montana State Legislature
Helena, Montana

Dear Chairperson Keyser,

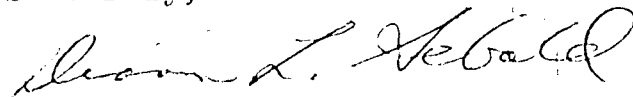
This letter is testimony for the hearing on HJR 15.

I am deeply concerned about the far reaching implications of this resolution calling for a constitutional convention and an endorsement of the right to life ammendment.

Not all pregnancies are planned. Even with couples practicing birth control, pregnancies can and do occur. For some women, pregnancy can seriously jeopardize their health. Serious problems could be created for these women even by an anti-abortion measure which leaves provisions for such women. With abortion illegal, someone would have to decide for women with serious health problems whether or not they can legally have such a procedure. While the deciding goes on, so does the pregnancy. I feel that this decision is best left to a woman and her physician.

We do not need more laws on our books. We need fewer. The abortion issue is not a decision that can be made on a broad basis for all women. We must continue to allow women to make this decision for themselves.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diann L. Sebald".

Diann L. Sebald (Mrs.)

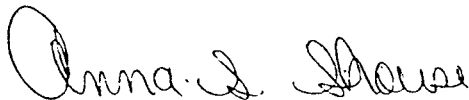
TO WHOM IT MAY CONCERN:

I strongly urge that HRJ 15 not be passed. Although there are many reasons why I think calling for a constitutional convention would be harmful, I will focus specifically on the dangers of taking away a woman's right to decide the fate of her own body. First as a career oriented woman I want to maintain my right not to bear children until I am ready to so. Probably this will be when I am in the end of the traditional "safe" childbearing years. I want to be able to have amniocentesis performed if I choose to become pregnant in my late 30's and certainly want ~~to~~ the option to abort a malformed or Down's Syndrome fetus. Also, in the intervening years, I want to have the option to abort a fetus should I become pregnant without planning.

EVEN IUD'S AND BIRTH CONTROL PILLS CAN FAIL!

Republican ideals have long held that there should be minimal government interference in the lives of individuals. To presume to legislate our reproductive rights over our own bodies is preposterous.

Let the United States of America remain a free country!

A handwritten signature in cursive script that reads "Anna S. Shouse". The signature is written in dark ink and is positioned above the printed name.

Anna S. Shouse

DAVID BROOK M.D.
GEORGE SINELNIK M.D.
DOUGLAS WEBBER M.D.
JOSEPH WEYDT M.D.

January 27, 1981

Re: HR 15

TESTIMONY, TO THE MONTANA STATE HOUSE JUDICIARY COMMITTEE

As a practicing Montana physician, I strongly urge you to recommend against HR 15, the so-called resolution for all human life, and against a call to a constitutional convention for a "human life amendment".

Abortion has become a highly emotional philosophical and religious issue. I find it impossible to be scientific or objective when discussing the moral issue, but must rely, like everyone else, on my own personal beliefs, values and sense of what is right. On this level, I believe abortion is necessary, a women's right, and that it certainly is not an affront to God or humanity.

Besides the strictly philosophical question, however, I urge the committee to consider the medical realities of abortion, an area with which I am thoroughly familiar, and within which one can be scientific and objective.

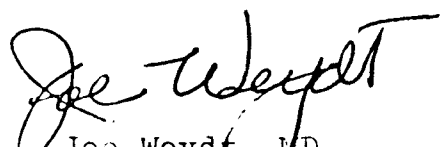
Today, abortion is a medically safe procedure. Despite the claims of some so-called "right-to-life" people, complications are rare, and almost always minor. Lasting emotional trauma is unusual, provided emotional counseling and support are available.

I trained and worked in various hospitals in San Francisco and northern California from 1966 to 1971, before the U. S. Supreme Court guaranteed the right to a safe abortion. I was involved in the care of some inner-city women who, because of the intense emotional and physical burden of unplanned pregnancy, had subjected themselves to backroom abortionists, or had instrumented themselves in a last-ditch effort to have an abortion, or had attempted suicide. I watched a woman die in an emergency room as a result of a self-inflicted coat-hanger injury; I saw another near death because of an infection after an unofficial abortion in the basement of her apartment. I'm not trying to be dramatic; these events are simply factual.

When abortion was liberalized in 1973, there was a dramatic drop, to almost zero, in these tragic incidents. Again, these are facts; the statistics are part of the record.

There is no doubt in my mind that women will continue to seek abortions and that they will continue to be performed. The questions are, rather, whether they will continue to be safe and medically-controlled, or whether this country will take a giant step backward and again force its women to submit to illegal abortion mills.

I appreciate your consideration of these facts and implore you to vote against recommendation of HR 15.


Joe Weydt, MD
Missoula, Montana

January 28, 1981

Dear Members of the Judiciary Committee;

I would like to speak against HJR 15 which proposes to support an ultimate decision to remove a woman's right to choose abortion, As an option to an unwanted pregnancy. Abortion is a continuing issue of debate in our society that is being argued from legislatures to pulpits and from women's groups to media talk shows. Due to diverse conflicts in moral, emotional and philosophical viewpoints, this issue has long been debated and unfortunately will probably continue to be an issue of heated dissention for quite some time to come. Unfortunately, in this focus of debate little attention is paid to women who've chosen abortions and how their decisions have effected them. I have been doing pregnancy counselling for 8 years now and I would like to speak for these women and men who have chosen abortion as their option for dealing with an unwanted or unhealthy pregnancy.

First of all, I feel it is important to stress that no woman or couple feels good about their decision to terminate a pregnancy. It is often a very emotionally draining experience, and thanks to current Montana legislation each woman in our state thoroughly evaluates this decision before she has an abortion, and gets assistance dealing with her emotions as well. I am amazed how many "Pro Life" people I've counselled for abortions these past years. Many people who never anticipated that their birth control would fail, that they physically would be unable to carry a pregnancy or that their own 15 year old daughter would come home pregnant. As in most cases of unwanted pregnancies I hear very emotional stories of how life would be for a child born to them at that time. They consider all options: new employment, day care, welfare, relatives help, budgeting changes, yet in the end feeling the best choice they can make for themselves is this point in their life is to terminate the pregnancy. A lot of time, a lot of thought and a lot of emotion goes into this decision. The important point is they were able to make this decision for themselves. No one else can feel or judge their personal situation as they can and no one else will have to live with the outcome of their decision.

In several of the women I've counselled over the past years, this decision was not a legal option for them and felt strongly enough about it that they choose it anyway. I'm talking about women who previous to the Supreme Court decision in 1973 choose to have an illegal abortion. To hear of the risks they took, the infections they fought and the life threatening situations they put themselves in to uphold their decision to abort scares me. Forbidding abortion won't stop abortions from being done but it will jeopardize alot more human lives. More than 8 million legal abortions have been performed since 1973. But figures reveal, almost that many, perhaps 6 million were performed in the 10 years prior to legalization. If you're concerned with human life, let's not ask women to resort to life threatening situations to make a choice they'll be determined to make regardless of its legality.

We need to recognize and accept that people will continuously make personal choices we don't agree with or that we wouldn't make for ourselves. We need to encourage a moral perspective that promotes individual freedom and choice as well as a respect for life, including a women who happens to be carrying an unwanted fetus. Rather than a dependency on religious and legal systems to determine our ethics, let's create an atmosphere through education and mutual support and caring where each of us can make those decisions for ourselves.

A handwritten signature in black ink that reads "Nanci Burns". The signature is fluid and cursive, with the first name "Nanci" and the last name "Burns" clearly distinguishable.

Nanci Burns, M.S.W.

Exhibit 44

206 W. Lawrence, #1B
Helena, MT 59601
January 26, 1981

Representative Bobby Spilker
801 Harrison
Helena, MT 59601

Dear Representative Spilker:

HJR 15 involves two very emotional issues where calm, rational discussion seems to have gotten lost in the shuffle. I would like to speak with the side of reason on abortion and retaining the U. S. Constitution as it now reads.

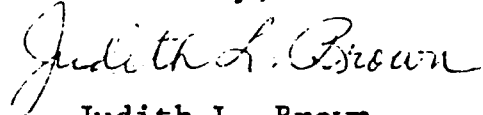
No one is in favor of abortion. It is an emotionally painful alternative when birth control methods fail. Unfortunately, accidents happen and a woman must decide whether she is fit to raise a child in the quality environment it deserves. Many times she does not believe she is fit; perhaps due to poor mental or physical health or even due to being the victim of battering from her partner or husband. She may fear that the physical abuse will be transferred to her child. Often, no matter the precautionary measures a woman takes she still becomes pregnant.

I do not believe it is our place to judge whether a woman can raise a child in a quality environment by trying to pass a constitutional amendment which would deny her access to a safe, legal abortion. Accidents will always happen. Such a constitutional amendment would force women back to the unscrupulous butchers and use of coat hangers to abort an unwanted pregnancy.

We must continue to allow safe facilities for abortion and sensible information on birth control, so that we may all continue to live in this great country where freedom of choice is the cornerstone of our existence.

Please do not allow HJR 15 to pass.

Sincerely,



Judith L. Brown

cc: House Judiciary Committee
Kerry Keyser, Chair

TESTIMONY IN OPPOSITION TO HOUSE JOINT RESOLUTION 15

Charlotte Henson
24 S. Hoback
Helena, MT 59601
January 27, 1981

As a teacher, mother, and friend of women who have had abortions, I am opposed to H.J.R. 15 which calls for a Constitutional Convention to add a Human Rights Amendment (Anti-abortion) to the Constitution. I have never had an abortion but I've had many friends who have. Not one of these women wanted or liked the idea of abortion but fear of pregnancy made them choose it. Many of them had illegal abortions. If an expensive and time-consuming anti-abortion amendment is passed, women will again return to illegal abortions. I will use my personal experience as an example.

In 1969 when I was a freshman at Ohio State University I had two extremely frightened friends become pregnant. One was not even aware of accessible birth control and when discovering her pregnancy, tried unsuccessfully to commit suicide. When she got out of the hospital she went home to her family and we never heard from her again. The other girl who got pregnant from her one and only act of intercourse heard about a "doctor" in Pittsburgh who dealt in "problem pregnancies". For the three hundred dollars she borrowed from her sister, he performed an illegal abortion. Luckily, he knew what he was doing.

In 1972 my best friend discovered she was again pregnant. She had already had a child out of wedlock when she was 19. The thought of another welfare child terrified her. I don't condone her lack of responsibility in getting pregnant, but it was a fact. She went to a "doctor" in Columbus, Ohio. Unknown to him or her, she was allergic to sodium pentothal. After an injection she lost consciousness and the doctor hurriedly had her mother and brother carry her out of the office. Even though she didn't regain consciousness for 24 hours, fear of their illegal act kept her relatives from calling a legitimate doctor or taking her to a hospital. Luckily Julia didn't hemorrhage and survived the allergic reaction.

In 1974 when I was student teaching, a seventh grade girl in my school fatally hung herself in a closet at home. She thought she was pregnant. While teaching the last three years in Montana I've been amazed at how sexually active today's teenage girls are.... and how ignorant of birth control. Many girls were happy to find they were pregnant, but others, the ones I worry about most, were scared out of their wits. These are the kids who throw themselves downstairs, drink too much, or hang themselves in closets when they discover they are pregnant.

I don't like the thought of abortion. I don't know of anyone that does. But abortions will continue to happen, legally or illegally. I believe we should continue to allow safe, legal means to end a pregnancy for the unhappy women who are scared enough to take whatever means possible to end unwanted pregnancies.

Charlotte Henson

Exhibit 46

To: Members of House Judiciary Committee

Re: House Joint Resolution 15

As a former educator and counselor with victims of sexual assault and incest and as a survivor of child sexual assault, I would like to address these issues as they relate to abortion. Perhaps all of you are not aware of how prevalent as well as traumatic sexual assault and child sexual abuse are. Following are local and national statistics:

1. In 1977 it was revealed in testimony given to a Senate subcommittee that at least 1 out of every 4 girls are sexually abused in childhood, 85% of those by family members or friends.

2. Incest is not an isolated incident (in 67% of all cases there is a 1-14 year duration) and the majority of victims (81%) are 12 years or older.

3. Rape is the most frequently committed violent crime in America occurring every 3 minutes and it most often occurs between acquaintances.

4. In 1978, there were 146 reported rapes in Montana. The FBI estimates that only 1 out of every 10 rape incidents are reported and in the last 10 years, the number of reported rapes has increased 100%.

What do these statistics have to do with a human life amendment? What you are being asked to consider is "an amendment to the United States constitution that would protect all innocent human life, including unborn children."

As a human services worker, I am also asking you to protect innocent human lives - those of victims of sexual assault and sexual abuse. The president of the National Right to Life Committee, Dr. Carolyn Gerster, has admitted to the fact that pregnancies do result from these crimes. In fact, as many as 9,000 victims of rape face unwanted pregnancies each year. In our society it is both common and acceptable to place the responsibility and blame for sexual assault and sexual abuse on the victim. Do not sentence her also to compulsory pregnancy resulting what has already been a often violent and damaging incident. These victims are indeed innocent human lives needing your protection.

I urge you to vote against House Joint Resolution 15.

Ann Luithly
817 Dearborn
Helena, MT 59601

Ann Luithly

To: Kerry Keyser, Chairman, Judiciary Committee

From: Helena Women's Political Caucus

Re: HJR 15

The Helena Women's Political Caucus supports the position that every woman has the right to responsible reproductive freedom including the right to determine size of family, appropriate methods of contraception, and termination of pregnancy. We oppose any Constitutional amendment, legislation, or interpretation of existing laws which would inhibit or infringe upon a woman's right to reproductive freedom. We further oppose the calling of a Constitutional Convention for the purpose of an anti-abortion amendment.

Helena Women's Political Caucus
Box 1099
Helena, MT 59624

1/28/81

To: Judiciary Committee

From: Ann L. Gidel

Subject: Testimonial against passage of HJR15

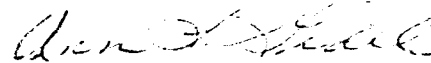
This is to testify against the passage of Bill #HJR15 proposing a Human Life Amendment to the Constitution.

Illegal abortions were often performed prior to the Supreme Court's decision legalizing abortion. Illegal abortions will again become more prevalent if a Human Life Amendment is passed. Illegal abortions present a medically dangerous situation for a mother not wanting a child. They can and do lead to septicemia, hemorrhage, and death for a mother in some cases. Although there are many birth control methods available today (some of which could become illegal with an amendment giving a fetus citizenship on conception), I believe we must be realistic in recognizing that all women will not use them, and also the fact that no method is 100% fool proof. Unwanted pregnancies will occur, and unsafe illegal abortions will follow in many situations.

It is very idealistic to believe that a woman not wanting a child can put it up for adoption. The emotional trauma of giving up a child at the end of nine months of pregnancy is much greater than the emotional trauma of a first trimester abortion. The majority of mothers will opt to keep the child and the child may continue to be unwanted. This may subject a child to abuse, incest, or poverty, all situations that a child should be spared.

I feel I can justly portray my feelings on abortion as I was in a situation where I was very thankful to have a safe, legal abortion available to me. I contracted Rubella about two weeks after I conceived. Rubella can result in stillborns or congenital defects of infants born to mothers who are infected during the early months of pregnancy. Knowing there is a 20-25% chance of anomalies in the fetus, I opted to have a therapeutic abortion. There is no way I could have endured a malformed child, knowing it was probably due to my having had Rubella. I had a therapeutic abortion at a clinic where I received excellent counseling before and after the procedure. It was carried out in an aseptic, medically approved, safe, and legal manner.

In conclusion I feel that every woman should have the right to choose with regards to abortion. Those people who do believe a fetus is a human being on conception need not have abortions. That is their choice. Those who know a fetus is incapable of living on its own the first trimester of pregnancy (and therefore not a human being) should have the option of abortion available in a safe and legal manner as their choice. I believe the laws must be realistic. Unwanted pregnancies occur and will continue to occur. The only humane way to deal with these situations is the availability of safe and legal therapeutic abortions.


Ann L. Gidel

January 29, 1981

Exhibit 49

Members of the Judiciary Committee,

I hope you will vote against House Joint Resolution 15. In this time of ever shrinking freedom and privacy, the decision regarding whether or not to continue a pregnancy must be left to a couple and their physician, rather than the state. This country is based upon religious freedom and the right of the individual to make his or her own moral judgements. I would hate to see us now begin legislating morality based on the whims of a fanatical group of people who see themselves as an enlightened minority. This would be only the first step. What liberty would they decide to deprive us of next?

Respectfully,

Claire Cantrell

Claire Cantrell
914 Peosta
Helena. Montana

Chair Rep. Kefauver, and members of the Committee,

I am writing to ask you to vote against H.J.R. 15, the call for a Constitutional Convention to Ban Abortion. I have two strong reasons in asking your opposition to this invasion of our privacy.

The first reason is that this bill if passed and implemented, would put the federal and possibly, state, government in direct control over the lives of women and their families.

The freedom to choose whether one ~~must~~ have an abortion or not is one of our basic rights that so many men and women have fought for throughout our nation's history. Whether we personally approve or disapprove of

religious beliefs being imposed over an entire group's population (a population, which according to the latest national polls, has 70% plus support for a woman's right to choose a safe & legal abortion) is contrary to the basic tenet of separation of church & state. I urge all of you who claim to support keeping the government out of the lives of its citizens to soundly defeat HJR 15.

The second reason is a personal one. 1967 at age 18, young, naive, not educated in birth control I became pregnant - prior to the 1973 Supreme Court decision which upholds the woman's right to privacy in choosing whether or not to have an abortion. I did have a choice - that of having an unwanted child, going through the incredible stigma of being an "unwed mother" or most likely being killed or maimed by an illegal abortion. I chose

^{rejection}
the horror of being an unwed mother - an experience that still haunts me today, 14 years later. The experience of childbirth - when that child was not wanted - was so frightening that I cannot even find the thought of giving birth to any "wanted" children. I desperately would have wanted a choice back in 1967 and am grateful that at least women now - so far - have that choice. Please do not take that choice away from women and their families by supporting H.J.R. 15.

I urge you to support the necessities of separating church and state, the right to privacy, and a woman's right to choose. Please defeat H.J.R. 15.

Thank you.

Jan Strout
Bozeman

MISSOULA PLANNED PARENTHOOD

Exhibit 51

235 East Pine • Missoula, MT 59801 • 728-5490

STATEMENT FOR THE HOUSE JUDICIARY COMMITTEE
January 29, 1981

by
Robert M. Smith, Executive Director
Missoula Planned Parenthood

Members of the Judiciary Committee:

I urge that proposed HJR-15 be tabled in this Committee for two primary reasons:

1. The Constitutional amendment it calls for represents an unwarranted intrusion into the rights of privacy and choice of Montanans--and of all Americans--in that it seeks to interject the Federal Government between an individual's personal, moral and medical decisions; and

2. The Constitutional Convention it alternately requests would cause us to enter an uncharted area of Constitutional law, in an effort to thwart the will of the people, as expressed in their elected Congressional delegation repeatedly turning down such an amendment every session.

As to the first issue--that of the denial of privacy and choice--I would echo the editorial in yesterday's "Missoulian" that pointedly reminded us: "(The amendment) is not aimed at regulating abortions. It doesn't mean restricting them to certain situations. It means a total, flat-out ban. It means that, in the area of reproduction, there is no right to privacy. It means that the beliefs of some of us must become the practice of all of us."

Since 1973, general public opinion on legal abortion has remained remarkably constant. Statistics every year through 1980 show that between 70% and 90% of the public agrees with the Supreme Court decision concerning abortion; and that, currently, only 8% of the American public believes what HJR-15 calls for--a total ban on the right to choose abortion under at least some circumstances.

The wording of the proposed amendment in HJR-15 speaks of protecting "all innocent human life", a phrase that often is used in a specific religious context. As a United Presbyterian minister myself, I refer the Committee to the document entitled "We Affirm . . ." (attached), in which major religious denominations call for the freedom of all women to make their choice

Constitutional Amendment By Convention: An Untried Alternative

As a basic document granting powers to the national government and protecting the rights of its citizens, the U.S. Constitution has stood the test of time. It has served the nation well as the framework for a governmental system that has had to deal with many varied events and crises in our history.

Still, the framers of the Constitution understood that even the best-crafted document in the world would need to be modified occasionally to meet changing societal needs. They therefore provided amending procedures that offer two routes for *proposing* amendments and two routes for *ratifying* them, as Article V describes:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress: Provided that . . . no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

So sound was the work of the framers that the Constitution has in fact been amended only twenty-six times.* Congress, as Article V directs, has chosen the method of ratification for each amendment. All 26 amendments adopted and the pending 27th one were acted upon under the first alternative in Article V—they were proposed by Congress after approval by two-thirds of each house.

All amendments except the 21st were ratified by the legislatures of three-fourths of the states after Congress submitted the amendments for approval. The 21st, repealing Prohibition which had been established by the 18th, was approved by ratifying conventions in three-fourths of the states.

The alternative procedure for proposing amendments—a constitutional convention called by Congress on application of two-thirds of the states—has *never* been used. However, periodically a move for an amending convention gains momentum, usually fueled by groups motivated by a single issue. The groups may be opting for this amending route because they are unable to get "their" amendment approved by the needed two-thirds of each house of Congress or may for other reasons prefer to work through state legislatures rather than Congress.

A current move for an amending convention once

again is focusing public attention on this untried alternative. The impetus has come from groups dissatisfied with a 1973 Supreme Court decision guaranteeing women freedom of choice in deciding about abortions.

The prospect of a convention called to propose amendments to the U.S. Constitution raises very grave questions, the answers to which are clouded in legal debate and political uncertainty. A brief look at the experience the nation has had in dealing with petitions for an amending convention—limited though it is—may be useful before considering some of these unanswered questions. (Readers should distinguish between an amending convention for the U.S. Constitution and state constitutional conventions for changes in state governmental structure. The latter are common in state political history.)

Background

Although the convention method for proposing amendments has never been used, since the nation's beginning more than 300 applications on varying subjects have gone to Congress from state legislatures asking for amending conventions. But applications on any one subject have never reached the requisite number. Sometimes pressure for an amending convention has been used as a tactic to try to get Congress to approve an amendment; such seems to have been the case with direct election of U.S. senators. Sometimes support on an issue has been so spotty that only a few legislatures have applied to Congress for a convention on that issue. In other instances, the timeliness of an issue has faded and it has dropped from the national political scene.

Among the issues that have prompted convention applications, besides those already mentioned, are world government, school prayers, revenue sharing, school busing, taxes (various aspects), presidential tenure and treaty procedures. Not every application has been tied to a single subject. Some twenty have called for a general constitutional convention.

The most widely supported effort to use the alternative amending method came in the 1960s over the issue of equitable apportionment of state legislatures. In 1964 the Supreme Court ruled that both houses of state legislatures had to be apportioned on the basis of population. In opposition to this ruling, thirty-two states (just two short of the required two-thirds) applied to Congress for an amending convention to allow state legislatures to have the seats in one house apportioned on a basis other than population, for instance, along county lines.

Because it is the closest the U.S. has ever come to using this method, the prospect generated wide public debate and discussion of this amending method. As legal scholars, members of Congress and concerned citizens made state legislators aware of the

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* Five other amendments were approved by Congress but not ratified by the states. The 27th amendment—the Equal Rights Amendment—is still pending.

serious uncertainties surrounding this untried alternative, the drive for an amending convention ran out of steam (although one more state applied, another one withdrew its original application).

Once again, the prospect of an amending convention looms, as groups in some states press their legislatures to ask Congress to call a convention for amending the Constitution to overturn the Supreme Court abortion-rights decision. By April 1978, at least ten states had sent to Congress applications for such an amending convention. Further, resolutions calling for such a convention have been introduced in over twenty other state legislatures. Now, as in the sixties, concerned citizens and legislators are discussing basic questions about this alternative amending process, quite aside from the particular issue involved. Materials published during the sixties controversy are therefore relevant once again.

Unanswered questions

"The convention route to proposing constitutional amendments is uncharted," as law professor Arthur Bonfield tersely stated (*Michigan Law Review*, 1968). The record of the framers of the Constitution on this amending method is fragmentary. The wording of this alternative in the Constitution is vague. Historical guidelines are virtually nonexistent. It is little wonder that the periodic emergence of the possible use of this method stirs such doubts in experts' minds. The questions that emerge provoke differing answers by legal commentators.

What constitutes a valid application to Congress by a state legislature for an amending convention? Scholars don't agree. Some maintain that applications from the state legislatures merely have to be on the same subject or same "grievance." Other experts, however, think that all applications from state legislatures on a subject have to have substantially the same wording in order to be counted by Congress as a call for an amendment on that subject. Nor is there agreement on the specific form of the application, although most experts think this matter should be left up to individual legislatures.

If the required two-thirds of the state legislatures do adopt a resolution calling for a constitutional convention, is Congress obliged to call one? Again, experts disagree. Most point to the language of Article V, which says Congress "shall call a convention for proposing amendments" on application of the requisite number of legislatures. However, as one authority noted, if Congress were to fail to call such a convention, redress might not be available in the federal courts, if the courts ruled this a "political" question not suitable for judicial settlement. If that is true, then the only redress for those citizens or legislatures that felt aggrieved would be at the polls when members of Congress are elected.

Must all applications for a convention on a given issue be submitted to the same Congress (to the 95th, for example)? This issue of the timeliness of the petitions from the states is also unsettled. Some experts think that the seven-year period sometimes allotted for ratification of an amendment is a suitable outside limit for receipt of the applications by Congress. Others point out that, if Congress itself wants to propose an amendment, it must do so within the two-year life span of a Congress. They feel that proposals from states for a convention should have the same strictures. Still others suggest up to three years, since this is the possible time period required to get a convention application passed by each state legislature, inasmuch as some meet only every other year. The shorter time period places on those seeking a convention the burden of demonstrating the strength of their support.

"an amending convention were called, could it be limited to a single issue or might it deal with any matter it chose?" In the minds of those concerned that a convention to amend the U.S. Constitution would open up a "pandora's box," this question is perhaps the most critical. As with the other questions, the answer is unclear because the procedure is unused, uncharted and thus, to many, uninviting. Many authorities think that a conven-

tion could and should indeed be limited to the subject on which it was called. They reason that it would not be legitimate to open up a constitutional convention to any other topics, because support for those subjects would not have been demonstrated in two-thirds of the states, as required in Article V.

Others think that, once convened, a constitutional convention could not be limited in its scope. Some, such as Yale law professor Charles Black, could imagine no other cause for using this alternative process than the desire for a general convention, since the option of having Congress propose and approve all the "piecemeal" amendments has always proved satisfactory to the needs of the country (*Yale Law Journal*, 1972).

How would delegates be selected and how would votes in the convention be allocated? These questions, too, defy easy answers. Most experts agree that delegates to an amending convention would be elected, but by what specific means is not clear. Neither is it clear how the votes in a convention would be allocated. For example, the American Bar Association stated in 1974 that the only equitable apportionment of convention votes would be on the basis of population. They suggested that the standard applied to the allocation of seats in the U.S. House of Representatives would be a useful guide. Others have proposed that each state should have one vote, a method unattractive to those in large population centers. Still others have suggested using the electoral college model, whereby the votes for each state would equal the sum of its senators and representatives. This allocation, of course, would repeat the distortions that exist in the electoral college vote.

What would be Congress' role in this amending method? Most scholars would agree that Congress is responsible for weighing the timeliness of various applications and ruling on whether the required number have been received. Many, but not all, experts feel Congress has further supervisory responsibilities in the process as well—to set some procedures for calling and conducting a convention and to specify how and when delegates would be selected, where and when they would meet, how they would submit any agreed-upon amendment to Congress for transmittal to the states for ratification, etc. But the experts do not agree on the specifics of these procedures, nor do they agree on what kind of convention majority should be required to adopt a proposed amendment—a simple majority or two-thirds. They do not even agree about whether Congress or the convention should establish these procedures.

Professor Black wrote in 1972 that no Congress should seek to bind a future Congress by passing a law to establish any of these procedures. He argued that existing political issues at the time should determine how a convention would be set up and what its procedures would be and that only an affected Congress should enact them. Further, he said that to enact procedures for a convention in the abstract would be to invite their use.

The debate over Congress's role vis-a-vis a constitutional convention is not academic. In the 90th and 91st Congresses and again in the 95th, bills have been introduced to establish procedures about a convention. The earlier bills did not muster sufficient support to pass Congress, even during the apportionment controversy.

Would disputes over calling a convention and over its procedures be reviewable by federal courts? Again, no agreement exists. Whether the federal courts could rule might depend on the nature of the dispute, who would be bringing a suit, and against whom.

A final thought provides additional perspective on the matter of constitutional change: "The Constitution we now have is much more than the few hundred words of the Philadelphia draftsmen. It is the entire fabric of usage, understanding, political behavior, and statutory implementation, erected on that base and compounded with the glosses of many judicial decisions" (R.M. Carson, *Michigan Law Review*, March 1968). That being the case, it is easy to understand why the possibility of using an amending method never tried in our 200-year history produces a climate of uncertainty and uneasiness. □

PROTESTANTISM AND ABORTION

Testimony presented by
Theresa Hoover

Statement of the
Religious Coalition for Abortion Rights
before the
Subcommittee on Civil and Constitutional Rights
of the
Committee on the Judiciary
U.S. House of Representatives
March 24, 1976

I am Theresa Hoover, Associate General Secretary of the Women's Division, Board of Global Ministries of the United Methodist Church. I am also Chairperson of the Racial Justice Commission of the Young Women's Christian Association, and a national sponsor of the Religious Coalition for Abortion Rights. I welcome this opportunity to address your Subcommittee on this most important subject of amending the Constitution to prohibit abortion rights.

The Coalition was founded two-and-a-half years ago, when it became evident that there would be continuing efforts by a vocal and determined minority to overturn the Supreme Court decisions of January 22, 1973. The membership of the Coalition has grown to 23 national Protestant, Jewish, Catholic and other religious organizations—all with different positions on abortion and widely differing perspectives and views on when abortion is morally justifiable. This diverse membership gives the Coalition a unique character, the very nature of which explains our presence here today in opposition to any constitutional amendments which would limit abortion rights.

Let me begin by explaining this diversity. Within our Coalition, some organizations believe that abortion is justified only in cases of rape, incest, or when the life of the woman is threatened by pregnancy. Others believe, with equal conviction, that only a woman and her doctor should decide when abortion might be advisable. But despite our differences on the issue of abortion, we are agreed that every woman should have the legal choice with respect to abortion, consistent with sound medical practice and in accordance with her conscience and religious beliefs. None of our member groups would wish to impose its teachings concerning abortion on other individuals or religious groups, and we do not wish to have the teachings of another religion on this matter imposed on us through law. We believe this to be essential for the preservation of the principles of the First Amendment—that "Congress shall make no law respecting an establishment of religion; prohibiting the free exercise thereof."

There has been a tendency to simplify and distort the

position of those who believe that enactment of a constitutional amendment outlawing abortion would abrogate the right of religious groups who support abortion rights to follow their own teachings concerning abortion. We do not seek to force those who disagree with us or those who would not themselves ever undergo an abortion to do so. But we are committed to safeguarding the right of each faith group to support or oppose abortion according to its own doctrines, a right upheld by the Supreme Court decisions of 1973. We would oppose any efforts towards forced abortion equally as vehemently as we oppose efforts to deny the option of abortion.

It must be emphasized that our opposition to the proposed constitutional amendments stems from the recognition that the question most basic to the abortion debate is the question of when life begins. We believe this to be above all a theological question on which each denomination or faith group must be permitted to establish and follow its own teachings, but *must not* be allowed to impose them through law on society at large.

Judaism and Christianity have differing interpretations on the beginnings of life, and within Christianity there are also divergent beliefs on this point. While some Christian denominations hold that life begins at conception, others believe that life cannot be considered to be present until the point of viability, i.e., when the child in the womb is capable of existing independently of its mother. This latter theory must be considered to have considerable validity even by those who believe life begins at conception, for even they do not baptize

or hold funerals for the products of a spontaneously aborted, pre-viable fetus. Some Christians believe that starting at conception, human life becomes increasingly important as the fetus develops, and at viability fetal life is considered to hold equal value with that of the mother. Still another theory favored by many modern theologians is that life is a developing continuum in which conception and viability are points along the way. Implicit in this concept is the belief that rationality and relationality—the ability to make moral decisions and to be aware of self—are major determinants of human personhood. Judaism has still other beliefs on the beginnings of life.

Clearly, these examples illustrate just how diverse is the religious opinion on the question of when life begins. It is not for any of us to evaluate these theories of life, nor to judge which is most credible or valid. To do so in any debate would be to insult those of us who hold any of these beliefs. And yet enactment of a constitutional amendment embodying one theory of life would be far more than an insult: it would constitute the denial of one of our most basic freedoms—the right to practice our religions freely. As the U.S. Commission on Civil Rights stated in its 1975 report, *Constitutional Aspects of the Right to Limit Childbearing*,

... so long as the question of when life begins is a matter of religious controversy and no choice can be rationalized on a purely secular premise, the people, by outlawing abortion through the amending process, would be establishing one religious view and thus inhibiting the free exercise of religion of others.

In addition to the question of when life begins there are a number of other important religious principles and traditions held by many of our members upon which their positions on abortion rights are based and which must, therefore, be equally respected and protected.

● Many Protestant denominations have a strong tradition of advocating individual responsibility in matters concerning family, sexuality, and community. This derives from their belief that God, through Jesus, encourages the freedom of humans to exercise responsibility and make responsible personal decisions. For instance, one of our Coalition members, the American Baptist Convention, adopted a position in 1968 favoring abortion rights under certain conditions. It begins with this statement: "Because Christ calls us to affirm the freedom of persons and the sanctity of life, we recognize that abortion should be a matter of *responsible personal decision*." (Emphasis added.)

It should be noted, moreover, that for many religious groups, the right to privacy is intrinsic to this decision-making process. It is expected that a woman, guided by her religious beliefs and teachings and by her own conscience, will make a responsible decision concerning a problem pregnancy. But she has the right to make that decision in private consultation with her doctor, without the interference of other persons or the state. Were a constitutional amendment enacted, the American Baptists and the many other denominations which share this particular religious concept of choice and privacy would be prevented from exercising their convictions and only those forbidding abortion could follow their religious teachings.

● While reverence for life is an essential and fundamental principle of our Judeo-Christian heritage, religious organizations may differ in how each interprets and seeks to safeguard this tenet. Many Protestant organizations express their concern for living children and set forth other considerations

which should be taken into account. A statement entitled *Freedom of Choice Concerning Abortion* adopted by the General Synod of the United Church of Christ, June 29, 1971, says:

An ethical view does not require an undifferentiated concern for life. It places peculiar value upon personal life and upon the quality of life, both actual and potential . . . The implication is that factors other than its (the fetus) existence may appropriately be given equal or greater weight at this time—the welfare of the whole family, its economic condition, the age of the parents, their view of the optimum number of children consonant with their resources and the pressures of population, their vocational and social objectives, for example.

Still other concerns on the quality of life are reflected in the *Resolution on Responsible Parenthood* adopted by the 1972 General Conference of the United Methodist Church:

... Because human life is distorted when it is unwanted and unloved, parents seriously violate their responsibility when they bring into the world children for whom they cannot provide love . . . When, through contraceptive or human failure, an unacceptable pregnancy occurs, we believe that a profound regard for unborn human life must be weighed alongside an equally profound regard for fully formed personhood, particularly when the physical, mental and emotional health of the pregnant woman and her family show reason to be seriously threatened by the new life just forming.

● Another basis for the support of abortion rights among our member organizations is a concern for the health and welfare of women. They are recognized as creative, loved and loving human beings who have achieved full personhood. In the sight of most Protestant denominations, to equate personhood with an unborn fetus is to dehumanize the woman, to consider her a mere "thing" through which the fetus is passing. To deny this essential tenet of our beliefs—the concept of personhood—would constitute a gross violation of our Christian faith.

As concerned, responsible organizations, we cannot dismiss lightly the many possible health reasons which would lead a woman to choose abortion. A woman suffering from heart disease, diabetes, or cancer could suffer grave, if not fatal, risks if she continued a pregnancy to term. And a woman who is the carrier of a genetic disease, such as sickle cell anemia or Tay-Sachs, which may be transmitted to the fetus, should not be compelled to bear that fetus if she does not choose to after medical tests have confirmed that the fetus is affected. We cannot in good conscience force a woman who has been raped to carry the possibly resulting pregnancy to term. To do so would be to totally disregard the anguish women suffer in such circumstances.

One concern for women's welfare is not limited to physical health. We recognize that a woman rightfully has hopes and concerns in her life which do not and cannot include an unplanned pregnancy. While there are several alternatives which she may explore in the event such a pregnancy occurs, we believe that abortion should be one of the choices available to her. And should she choose abortion, safe, legal abortion services are her right.

● Our member organizations know that laws prohibiting abortion have never in the past and will not in the future stop abortions. Such laws merely make abortions extremely dangerous and/or expensive. Upper-income women will be able to travel to countries where abortion is safe, or will pay a doctor to perform a safe abortion in this country, disguising the operation under any number of acceptable euphemisms for abortion. Lower-income women, on the

her hand, unable to travel and lacking access to local facilities, will either bear an unwanted child or resort to paying exorbitant prices for the services of an unscrupulous abortionist under totally unsafe conditions.

Many of our member organizations specifically acknowledge the risk of such prohibitive laws in their positions affirming abortion rights. The statement on *Freedom of Personal Choice in Problem Pregnancies* adopted by the United Presbyterian Church, USA, in 1972 says,

Prohibitive and restrictive abortion laws have perpetuated inequality between those who can afford an abortion and those who cannot, leading to grave risks to the emotional and physical health of the woman, her family, and the community and aggravating already grave social problems.

All these factors are cornerstones upon which the convictions concerning abortion rights are founded. We believe they must be respected, and those who follow and practice them must be allowed to continue the exercise of these beliefs as guaranteed by our Constitution.

It should be made clear that none of our members advocates abortion or considers it an easy solution to a problem pregnancy. Certainly none considers it a desirable means of

knew, would perform safe, albeit illegal, abortions. In essence, the Clergy Consultation Service, as it came to be called, was a movement based on conscience which helped untold numbers of women in tragic circumstances.

Since the Supreme Court decisions, many of our member groups continue to provide caring, responsible and informed counseling to women who seek it. In this way, a woman can be advised of the full range of alternatives and she may be assured of support when she most needs it. The General Assembly of the Presbyterian Church in the United States in 1970 adopted a resolution which included a passage along these lines:

The Church should develop a greater pastoral concern and sensitivity to the needs of persons involved in "problem pregnancies." Such persons should be aided in securing professional counseling about the various alternatives open to them in order that they may act responsibly in the light of their moral commitments, their understanding of the meaning of life, and their capacities as parents.

It is important to stress at this point that statements such as the one just quoted are not arrived at lightly. Nor are they the beliefs of just the leadership of these organizations. The positions of each of our member organizations on abortion rights—as on any issue before them—are arrived at

**Whatever its position on the abortion issue,
each religious organization must respect the right of others to believe differently
if we are to retain the freedoms of our democratic pluralistic society.**

birth control. But each is aware that there are circumstances under which abortion may well be the most acceptable among a series of difficult alternatives, and each believes that women should have the full range of choices available to them—including safe, legal abortion.

Our member organizations are actively involved in seeking to insure that the need for abortion is reduced by advocating responsible family planning and working for the development of support services. These include improved health care for the poor and increased child care for those women who must work to support their families and those who choose to pursue careers while still having young children at home. Most of our members encourage their constituents to adopt and practice those values which are most conducive to achieving a society where abortions will not be necessary. As an example, the recent statement adopted by the Union of American Hebrew Congregations' Commission on Social Action states,

It is our responsibility to educate our people fully in the moral aspects of birth-control, and abortion decisions in accordance with the values of our Jewish tradition. Society must provide birth control information and services and guarantee their accessibility to all people in this country and must fully alleviate the social and economic conditions which often make abortion a necessity.

Long before the 1973 Supreme Court decisions, thousands of clergy recognized that women facing unwanted pregnancies would, if desperate enough, risk possible death at the hands of an illegal abortionist or as a result of their own attempts at self-induced abortion. Rather than condemn them to such harsh fates, these clergy counseled the troubled women and referred them to responsible doctors who, they

only after careful study and reflection, debate, and finally, approval by a majority of the delegates at a national representative assembly. This involvement of the laity in decisions is a strong tradition within Protestantism. Positions supporting abortion rights arrived at in this manner are held with just as much integrity and conviction as are the beliefs of those opposing abortion rights.

Because convictions on this issue are so strong, and because emotions around it run so high, we are concerned about the divisiveness that would be unleashed in this country should any constitutional amendment banning abortion pass the Congress and be submitted to the state legislatures for ratification. Certainly conflicts which would arise are apt to weaken the all too fragile ties now existing among religious groups in this country. Far better that our energies be devoted, in the spirit of ecumenism, toward removing the conditions which make abortion necessary, and that on this issue, we agree to disagree.

Whatever its position on the abortion issue, each religious organization must respect the right of others to believe differently if we are to retain the freedoms of our democratic pluralistic society. Mr. Chairman, I cannot believe that this Subcommittee, the Congress, or the American people wish to erode one of the most basic rights of this democracy—the right to the free exercise of religion—by enacting a constitutional amendment prohibiting abortion. The 1973 Supreme Court decisions permit each faith group to follow its own teachings and beliefs; no one is forced to do otherwise. We therefore strongly oppose any constitutional amendments which would deny our rights to practice the tenets which are so much a part of our religious beliefs, in this matter of abortion.

Religious Liberty and Abortion

Excerpts from a speech delivered
by

Elizabeth Miller

Secretary of Issue Development, National Ministries
American Baptist Churches, USA

at the New England Conference of the
Religious Coalition for Abortion Rights
North Andover, Massachusetts
November 4, 1976

Religious liberty in the United States found its major prophet in Roger Williams, a young Puritan minister who came to this State of Massachusetts seeking freedom. Here he found that religious requirements were enforced by the state and after preaching against this invasion of personal liberty, founded the first colony to grant complete religious freedom and also founded the first Baptist church in this country. Rhode Island became a center of Baptist growth and of Baptist concepts with regard to the fundamental rights of persons. This concern with rights was so strong that when Rhode Island finally ratified the Constitution, it insisted that a Bill of Rights be added to it. Rhode Island included four articles to be included in that Bill of Rights: freedom of religion, freedom of speech, freedom of the press and the right of trial by jury.

The Baptist Position

According to Dr. Robert G. Torbet, Baptist historian, "Baptists have . . . a conviction that religious liberty must be granted in society, because this is the only principle by which freedom for all people can be preserved in the body politic . . ."

"They see that the church does have the right to express approval or disapproval of events in the general community, particularly if they affect the moral good of society. But they readily admit that the church should not seek to force its standards upon the public conscience. Indeed, they realize that the church, in claiming freedom for itself, must also defend and guard the freedom of all minority elements in the community . . ."

Public Morality and Personal Morality

In considering the relationship of law and morality, morality can be divided into two general types—public

morality and personal morality. By public morality, I mean those ethical and moral principles which guide a nation in setting its priorities, determining courses of action and judging the performances of public officials . . . The church has a responsibility to build among its constituency an understanding of the moral implication of issues such as these, and to speak prophetically to the state to call it to operate on higher moral principles.

With regard to personal morality, the state has a more limited role . . . This is the realm of personal decision-making influenced by the church or whatever other source the person seeks for guidance in setting his or her own standards. In this realm, the church should be actively influencing its constituents and, if it wishes, members of the general public, but it should not seek to enlist the coercive power of the state to enforce its views . . . The fact that a particular act is not illegal does not comprise endorsement by the law. Many things that are not illegal are regarded as immoral by various religious groups although groups differ in what they perceive as immoral.

In spite of the fact that they lack the coercive power of the law, religious groups through education, discussion, persuasion and the applications of their own sanctions are often quite effective in influencing their own constituency and sometimes the general public to reject behavior the group defines as immoral. In fact, if there is not a general consensus in society with regard to the rightness or wrongness of particular personal actions, the use of a law to coerce persons to conform may be ineffective and damaging to the observance of law. It may also result in limiting the effectiveness of the religious group in influencing its own constituency.

A Precedent to Heed: The Failure of Prohibition

The most prominent example of an attempt to legislate morality was the passage of the Eighteenth Amendment to the Constitution which made Prohibition the law of the land. While persons from all religious groups were included among those supporting Prohibition, one of the major factors in its passage was the strong support given by evangelical Protestant groups, including Baptists.

The passage of the Eighteenth Amendment appeared to be the culmination of a long process which had built a national consensus for prohibition.

A consensus, however, did not exist. While there was a strong enough majority to get a law passed, a sizable minority did not agree. They felt enraged that someone else's standards were being imposed on them and they felt the Eighteenth Amendment was a violation of their personal rights. They felt that the government had no right to interfere in what was essentially a private matter and as a result, there was widespread violation of the law.

Further, the fact that a large minority of the population was not willing to observe the law, provided the opportunity for an underworld business to develop to meet the demand for alcoholic beverages. Church groups which had looked upon prohibition as a way to fight crime and corruption, now found themselves in the tragic situation of discovering that the law they had worked so hard to pass was now itself providing the opportunity for a major increase in crime and corruption.

Legislating Morality and Legalizing Abortion

According to Protestant perceptions, God's love frees persons to become fully human and to increase their areas of responsibility as they participate in God's mission. Thus, taking responsibility for themselves, for the world in which they live and for their future is essential if persons are to make their best contribution to

the work of God in the world.

It has been natural, therefore, for Protestants to accept family planning as a responsibility as well as a right. Decisions to bring children into the world are important decisions in themselves and increasingly in relationship to the need for food and other resources by the world community.

Protestants have also seen sexual intercourse and sexual relationships as having a larger purpose than simply procreation. Sexual intercourse for procreation probably plays a limited role in most sexual relationships. More important is the role sexual intimacy plays as men and women deepen their relationships to each other, rejoice in their growing knowledge of each other and celebrate their life together.

The above concepts hold within them some of the reasons why abortion during the early months of pregnancy has been acceptable to Protestants. Family planning is already recommended and is usually practiced. There is no particular point at which it can be said that an embryo or fetus becomes a full human person. Rather



The RCAR logo combines the symbols of two great religions. The Christian cross is made up of many branches rather than two strokes to represent the many sects of Christianity. Its lower branch is part of a menorah, symbol of the Old Testament, representing both the Jewish faith and the roots of Christianity. Resting on a base of three vertical bars (ancient symbol of an active intellect), the cross and menorah are intertwined to demonstrate the unity of purpose of the Coalition.

the fetus is in the process of becoming human. While the fetus has the potential of becoming human, it is only the potential.

The woman who is carrying the fetus is a full human being and also usually has much potential for growth and development in her life. For some, that potential may be fulfilled by continuing the pregnancy to term and bearing a child. For other women the continuation of pregnancy will deny, stifle or warp their potentials. To insist on developing the unknown potential of the fetus while denying the woman the right to make a choice about her own life and her potential is a denial of her personhood.

Further, since there are many different views among theologians, philosophers and scientists concerning when life begins, no law should be put on the books which requires all persons to hold to a course of action based on a particular interpretation

A constitutional amendment that gave protection from the moment of conception would eliminate some of the most commonly used means for family planning. The elimination of the most widely used methods of family planning would not be acceptable to either women or men and the law would not be observed.

Further, the fact that abortions are illegal will not prevent women from getting them. Women will have difficulty getting abortions under safe medical conditions. Back room abortionists will begin practicing and many women will die and more will be maimed and injured. The wealthy will be able to find good abortionists or go out of the country to have them done in hospitals abroad. As usual, the poor will suffer the most.

Before the Supreme Court Decision, many of the finest, most sensitive and socially concerned Protestant clergy ran the risk of prison in order to help women who were desperately seeking an abortion. They counseled with them and if they wished an abortion, they directed them to a competent doctor who performed the abortion at a reasonable price under sanitary conditions If abortions once again become illegal, many of our finest Protestant clergy will again find themselves in the position where they will have to run the risk of prison to help women desperately seeking abortions.

While the law can play a teaching role, it can do so only to a limited degree with regard to personal morality. Where there is a broad general consensus the law may be able to undergird that consensus. When there are wide differences, however, and these differences are based on deeply held theological and moral convictions, it is most difficult for the law to serve as a teacher and an attempt to teach through law may put the law itself in disrepute. In that situation it is far better for the law to be neutral and differences to be subject to ongoing dialogue.

Our law depends heavily on precedents. In light of the decisions which lie ahead, the precedents we set should keep decisions concerning reproductive processes in the hands of the person or persons involved. We would not want to find ourselves trapped sometime in the future by discovering that we have given away control of our reproductive processes to a third party designated by the state.

Conclusion

In light of this discussion, the Supreme Court decision seems to be best for our pluralistic society. The decision of the Supreme Court does not determine whether abortion or any other act is moral or immoral. It simply defines the area in which the state has a legitimate interest and, therefore, the right to legislate.

Churches and other concerned groups have a responsibility to train their constituency and to keep before the general public their understanding of moral and ethical behavior as they relate to each other, to the world in which they live and to their creator.

*Torbet, Robert G., "Religious Liberty and Religion in the Public Schools," *Foundations*, January, 1961, pp. 4-6.

Members of the Religious Coalition for Abortion Rights

National Ministries
American Baptist Churches
American Ethical Union
National Women's Conference
American Ethical Union
American Humanist Association
American Jewish Congress
Women's Division
American Jewish Congress
B'nai B'rith Women
Catholics for a Free Choice
Division of Homeland Ministries
Christian Church (Disciples of Christ)
Episcopal Women's Caucus
Division for Mission in North America
Lutheran Church in America
National Council of Jewish Women
National Federation of Temple Sisterhoods
General Assembly Mission Board
Presbyterian Church in the US
Committee on Women's Concerns
Presbyterian Church in the US
Union of American Hebrew Congregations
Unitarian Universalist Association
Unitarian Universalist Women's Federation
Board of Homeland Ministries
United Church of Christ
Office for Church in Society
United Church of Christ
Board of Church and Society
United Methodist Church
Women's Division
Board of Global Ministries
United Methodist Church
Council on Women and the Church
United Presbyterian Church, USA
Program Agency
United Presbyterian Church, USA
United Synagogue of America
Women's League for Conservative Judaism
Young Women's Christian Association

Statement of Purpose

"The Religious Coalition for Abortion Rights is an organization of national religious bodies which, on the basis of constitutional guarantees of privacy and religious freedom, seeks to encourage and coordinate support for safeguarding the legal option of abortion; for ensuring the right of individuals to make decisions concerning abortion in accordance with their consciences and responsible medical practice; and for opposing efforts to deny these rights through constitutional amendment, or federal and state legislation."

Religious Coalition for Abortion Rights
100 Maryland Avenue, N.E.
Washington, D.C. 20002
(202) 543-7032

Administered by the Board of Church and Society
of the United Methodist Church

1976/1978

A-2011

THE ABORTION RIGHTS CRISIS

Supported by the resources and organization of the Catholic hierarchy and encouraged by the ultra-right, "pro-lifers" are conducting an unrelenting campaign to ban abortion and to restrict contraceptive practices.

January 22, 1979 marked the sixth anniversary of the Supreme Court decision which removed abortion from the realm of criminal law, establishing it as a legal medical procedure—a Constitutional right for all women. "We recognize the right of the individual, married or single, to be free from unwarranted government intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child," the Court held. "That right necessarily includes the right of a woman to decide whether or not to terminate her pregnancy." The Court ruled that during the first two trimesters of pregnancy the State could not interfere with the right of choice except to ensure the medical safety of the woman.

One might have expected that those six years would see the end of the abortion controversy, with abortion services accessible to all women who, as a matter of conscience, chose that option. Instead, a raging conflict surrounds the issue, arousing intense emotions and polarizing the citizens of this country. The abortion issue has become a major factor in political elections; it has seriously affected inter-religious relationships; and it is posing a threat to the basic principles of the United States Constitution.

The "Human Life" Amendment

The ultimate goal of those who oppose abortion rights is to amend the U.S. Constitution to prohibit legal abortion altogether. A number of these "human life" amendments, as they are called, have been introduced in Congress. One version states, in part, that "every human being . . . shall be deemed, from the moment of fertilization, to be a person and entitled to the right to life." Another declares that the word "person" as used in the Fifth and Fourteenth Amendments applies "to all human beings, including their unborn offspring at every stage of biological development."

The most serious ramification of the passage of such an amendment would be its infringement on the First Amendment principles of separation of church and state. There is no agreement among religious denominations as to when meaningful human life begins, a fact recognized by the Supreme Court when, in 1973, it declined to settle the issue: "We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary . . . is not in a position to speculate as to the answer." To place into the Constitution one theological definition concerning the beginning of life would compel every citizen to accept that doctrine,

even if it conflicts with the theology of his or her own religion.

If abortion were banned, those individuals whose religions teach that abortion may be considered as a morally acceptable solution to a dangerous or problem pregnancy would be unable to practice the tenets of their faith. The Baptist, Lutheran, Presbyterian, Episcopal, Methodist, Disciples of Christ, United Church of Christ, Brethren and Unitarian denominations, as well as Reform, Conservative and Orthodox Judaism, are among the religions that accept abortion as a moral alternative in some instances.

In addition, legal scholars are concerned that a "human life" amendment could affect our other civil liberties. These liberties have been secure in large measure because they have been guaranteed by a Bill of Rights which the American people have considered to be virtually unamendable. If the first clause of the Bill of Rights, which protects religious freedom, should prove so easily susceptible to amendment, none of the succeeding clauses would be secure.

The Constitutional Convention

The anti-abortionists have thus far been frustrated in their attempts to get a congressional vote on such an amendment. Consequently, there is a rapidly

growing movement to have 34 state legislatures pass resolutions calling for a national constitutional convention to draft an anti-abortion amendment.

This method of amending the Constitution has never been used, and there are no criteria for the conduct of such a convention in either the Constitution or current legislation. No one knows how many delegates there would be, how they would be elected or appointed, how long the convention would last or when it would occur. Most important, it is not clear that a convention can be called to deal with only one aspect of the Constitution. Many legal scholars believe that the convention provision of the Constitution (Article V) was meant to allow for a *general* convention which would redraft the entire document. Such a convention could radically alter the fundamental principles on which this country was founded and could endanger the civil liberties guaranteed by the Bill of Rights.

Anti-abortion leaders are optimistic about their ability to pressure the necessary number of state legislatures to call for a convention. One reason is the willingness of many state legislators to “duck” the issue of abortion—to avoid having to cast a yes or no vote—by voting to allow someone else to deal with it. These officials are often unaware of how serious the threat of a convention really is.

But the main reason for their optimism is that a convention can be called by a minority, rather than a majority, of the population. Unlike Congressional

under the Call for a Convention approach—because such an approach requires only a majority vote in each legislature and because Right to Life groups either have a majority or are very close to it in 2/3 of the states.

The Ellen McCormack Report, January 1977

Upon approval by a constitutional convention, a “human life” amendment would have to be ratified by 38 state legislatures. Anti-abortion leaders are confident that, for the same reasons, ratification would not be difficult.

The drive for a constitutional convention poses a double jeopardy, for if the number of states passing resolutions begins to near the required 34, Congress may pass a “human life” amendment in order to forestall the Pandora’s box of the convention. Dan Buckley, chairman of Americans for a Constitutional Convention, is quite frank about this tactic to “scare” Congress. A Congress faced with the threat of a constitutional convention, he says, is a Congress “faced with . . . giving up political power to a temporary assemblage brought into being by spontaneous popular sentiments.”

Implications for Civil Law and Contraception

Any amendment making the fetus a “person” with full constitutional rights would throw whole areas

“Pro-lifers who work toward the day when we shall no longer kill our unborn are only kidding themselves if they condone contraception.”

action, where representation is based on population (a 3/4 vote represents 3/4 of the population), in the convention process all states are counted equally (a 3/4 vote may represent only 1/4 of the population). Populous states like California and New York, which are heavily pro-choice, would carry no more weight than the less-populated mid-western and southern states, which are generally anti-abortion. Ellen McCormack, who ran for President in 1976 solely on an anti-abortion platform, explains it this way:

The State of Alaska—with one congressman—or the State of Rhode Island—with two congressmen—or the State of Nebraska—with three congressmen—would have as much influence as the State of California with 43 congressmen. Thus, while the three congressmen from Alaska and Rhode Island come nowhere near balancing out the 43 congressmen from California under the congressional approach, Alaska and Rhode Island do balance out California under the Call for Convention method.

The strength of Right to Life increases dramatically

of the law into chaos. Current laws governing property, inheritance, taxes and domestic relations recognize as persons only children who are born alive. If fetuses become legal persons, the laws must be revised to meet this new definition. Tests must be devised for establishing the existence of an embryo and determining the moment of conception.

The implications are awesome. Could a woman who suffers a miscarriage be charged with manslaughter or negligent homicide? Is a physician liable who prescribes for a pregnant woman necessary drugs or x-ray treatments which might damage the fetus? Would a fetus be considered a dependent under the income tax laws? Could a fetus inherit property?

A “human life” amendment which protected the fetus from the moment of conception would no doubt prohibit use of the two most effective contraceptives. Both the IUD and those birth control pills considered safest for the woman sometimes prevent implantation of a fertilized ovum—which under the amendment would be considered a person. In Australia, which

recently passed an anti-abortion law defining embryos and fetuses as children, the IUD has been defined as a murder weapon and its use is a criminal act.

Medicaid Funding of Abortions

Anti-abortionists have not restricted their efforts to making abortion illegal. They have been working at the federal, state and local levels to pass legislation which would severely impede *access* to safe and legal abortion.

Their most successful crusade thus far has been to limit—almost to the point of eliminating—public funding for abortions for poor women who must rely on the Medicaid program for their medical care. On the federal level, Medicaid is funded through the Labor/HEW Appropriations bill. Every year there is a protracted battle between the anti-choice House and the generally pro-choice Senate over the language of that bill. Under what circumstances will a poor woman qualify for a safe, legal abortion?

The 1979 bill allows Medicaid funds only for those abortions *necessary to save the life of the woman; in cases of rape or incest "promptly" reported to a law enforcement or health agency; and when two doctors certify that the woman would suffer "severe and long-lasting physical health damage" if the pregnancy were carried to term.* There is no help for the poor woman who is carrying a diseased fetus; no help for the poor woman or child who is afraid to report the

The battle over Medicaid funding has also been carried to state legislatures, which determine if the state will provide the matching funds required under the program. In June, 1977 the Supreme Court ruled that states are not required to provide funds for "non-therapeutic" abortions. As of October 1, 1978, only 6 states were providing full funding for all Medicaid abortions.

Anti-abortionists have succeeded in depriving thousands of vulnerable poor women, who are least able to deal with the problems of an unwanted or dangerous pregnancy, of their constitutional right to choose legal abortion. Medical observers have predicted that there will be a significant increase in the number of serious physical complications resulting from self-induced or "back-alley" abortions.

Other Restrictive Legislation

The 95th Congress (1977-78) added anti-abortion language to five bills in addition to the Labor/HEW Appropriations bill. The Legal Services Corporation Act bars public defense lawyers from working on abortion-related cases (thus a poor woman who is illegally denied an abortion does not have access to legal help); the Department of Defense Appropriations bill includes the same restrictions as the Labor/HEW Appropriations bill (this affects military employees and their dependents); the Pregnancy Disability bill, which ends discrimination against pregnant employees

Asked his position on abortion, Thoburn replied that women who are raped should get married rather than have an abortion.

rape or incest that caused her pregnancy, or who does not report it "promptly" enough; no help for the woman who is pulling herself out of poverty and for whom another child might mean quitting her job or job training and returning to welfare. The poor woman who cannot (or does not know to) find two doctors to certify that her weak heart, diabetes, etc. make an abortion necessary will not qualify for one, no matter how much "severe and long-lasting physical health damage" a pregnancy will cause her.

When HEW Secretary Joseph Califano issued regulations on the Medicaid program, he determined that "promptly" means 60 days. This places a special hardship on children, who do not recognize the signs of pregnancy that soon and who may be too terrified to report the rape or incest until forced to do so by the pregnancy. Mr. Califano also determined that the two certifying doctors must be independent of each other. The woman who lives in a rural or semi-rural area that is served by only one health facility is thus at a great disadvantage.

in terms of health benefits, allows employers to exempt those employees who choose abortion (an employee who has earned sick leave, for example, must be granted that leave for childbirth but may be denied it for an abortion); the Foreign Operations bill prohibits funding of abortion services for Peace Corps volunteers under *any* circumstance (this includes the woman *whose life is in danger* or whose pregnancy resulted from rape); and the Civil Rights Commission extension bill forbids the Commission to collect or analyze "information about [abortion] laws and policies of the Federal government or any other governmental authority in the U.S."—in other words, the Commission may not inform Congress or the Administration of the effects of anti-abortion legislation and policy.

State and local legislative bodies are confronting a plethora of bills designed to make it as difficult as possible for a woman to obtain a legal abortion. Stringent reporting regulations and requirements for parental and spousal consent or notification have been proposed in most states.

Local governments are being pressured to pass ordinances prohibiting public hospitals from providing abortion services. [In its 1977 decisions, the Supreme Court ruled that even those hospitals which are public and nonsectarian, receive public funds, and are equipped to offer abortions, are not required to provide abortion services.] Where successful, this campaign will have a widespread effect, especially in rural and semi-rural areas which cannot support a private clinic. It will prevent access to legal abortion not only for poor women, but for middle-class women who could afford the cost of an abortion, but not the cost of travel to a distant city to obtain it.

A model of a comprehensive local ordinance, drafted by the National Right to Life Committee, has been proposed in several cities, counties and states. Described as "leakproof" by its drafters, it defines the beginning of life as the moment of conception and requires, among other things, the "informed, written consent of the mother." This "informed" consent includes explicit discussion of fetal development accompanied by photographs, and information of the "potentially grave physical and psychological complications which can result from an abortion." There is no requirement to provide information of the far greater potential dangers of childbirth.

Other local restrictions include zoning laws which explicitly prohibit abortion clinics; death certificate and burial requirements for fetuses; and the denial of state family planning funds to family planning agen-

allowed to solicit contributions in Catholic churches. In one instance, the collection of a single diocese netted \$36,000.

The New York organization has also had an effect on the political structure of the state. In the 1978 election it ran candidates for governor and lieutenant governor, and received enough votes to qualify it to appear on the 1980 ballot in fourth place. According to Ellen McCormack, the New York Right to Life Committee will enter a candidate in every state election in 1980.

The Bishops' Pro-Life Plan

In 1975 the National Conference of Catholic Bishops adopted an unprecedented plan to involve the Catholic Church and its members in a campaign against legal abortion. The program called for public education to heighten opposition to abortion; a legislative campaign directed to the enactment of a constitutional amendment to prohibit abortion, and the adoption of federal and state laws and administrative policies to restrict access to abortion; and a political program to influence members of Congress and congressional elections.

These efforts were to be implemented through "a systematic organization and allocation of the Church's resources of people, institutions and finances at various levels." To carry out part of the plan, the Bishops established the National Committee for a Human Life

The Bishops' goal is a ban on *all* legal abortions, even those necessary to save the life of a woman.

cies that provide abortion services, abortion counseling or even abortion referral. In Minnesota, the state Supreme Court gave a Catholic newspaper the right to obtain and publish the names of doctors who have performed Medicaid abortions.

The Opposition

The so-called "right to lifers" have been able to launch these attacks against legal abortion on all fronts because they have built up well-financed and effective grass-roots lobbying organizations. The National Right to Life Committee, an umbrella organization of anti-abortion groups, boasts a membership of 11 million and an annual budget of \$3 million. It has affiliates in all 50 states, and claims to have 1800 local chapters.

State organizations have also been able to command considerable financial resources, raised through tax-deductible contributions to their "education funds." The National Catholic Reporter has revealed that the New York Right to Life Committee was

Amendment, which raised over \$900,000 in a 15-month period from Catholic dioceses.

The Bishops' goal is a ban on *all* legal abortions, even those considered necessary by a doctor to save the life of a woman. This was made clear by Cardinal Medeiros when, in testimony before the Senate Judiciary Committee in 1974, he stated that the Conference could not support or endorse legislation which would permit an exception to save the life of the woman. The basis of this absolutist position is the "Declaration of Procured Abortion" issued by Pope Paul VI in 1974. "Never, under any pretext, may abortion be resorted to," the Declaration said, even in those cases when "it may be a serious question of health, sometimes of life or death, for the mother."

The War Against Contraception

In August 1977 Archbishop Bernardin, then president of the Conference, announced the start of a greatly expanded anti-abortion program. Along with

abortion, he ruled out publicly financed family planning programs as "unacceptable governmental intrusion into family life." This call for an end to birth control services was echoed by March for Life leader Nellie Gray in a January 22, 1978 meeting with Stuart Eizenstat, President Carter's advisor for domestic affairs. She demanded that the federal government "get out of the business" of funding contraception. "[I]t may be a private matter, but we don't want it promoted."

Father Paul Marx of the Human Life Center has written: "Pro-lifers who work toward the day when we shall no longer kill our unborn are only kidding themselves if they condone contraception . . . contraception is the chief cause of the present moral chaos . . . Widespread contraception is the gateway to abortion."

Robert Marshall, legal counsel of the U.S. Coalition for Life, testified before a House subcommittee in 1977 that federal funds for contraception and population research "promote perversion, pornography and permissiveness." The only appropriate alternative to abortion, according to Mr. Marshall, is abstention.

Despite recent studies which indicate that 83% of all practicing Catholics use some form of birth control and that only 6% are using the approved rhythm method, the Catholic hierarchy seems intent on turning back the clock. Having failed to influence their own members through moral persuasion, they seek to use the force of law to impose their views on all citizens.

Amniocentesis

Not content with their opposition to abortion and contraception, ardent anti-abortionists have also focused their attention on a diagnostic aid which is used in the detection of genetic defects. Called amniocentesis, the procedure involves the withdrawal of amniotic fluid from the woman early in the second trimester of pregnancy. Analysis of this fluid can predict whether the fetus is a victim of Tay-Sachs disease, Downs syndrome, sickle-cell anemia or a number of other genetic diseases. If the fetus is so afflicted, the woman may choose to have an abortion.

Despite the fact that 97.2% of all pregnancies in which amniocentesis is performed end with the birth of a healthy infant, "right to life" organizations are waging a powerful campaign against the use of this medical procedure. Appearing to bow to "pro-life" pressures, the March of Dimes announced in February, 1978 that it would phase out funding for genetic services. There is no other agency in the country that funds amniocentesis.

The tragedy of this development is that many women who would like to give birth will choose abortion or may decide never to conceive because they fear fetal disease. Amniocentesis might have spared them the anguish of that decision.

One in thirty Jewish men and women, for example, are carriers of Tay-Sachs disease, for which there is no cure. It brutally destroys the nervous system of the child, causing painful death by the age of five. But a Jewish woman who fears that she is carrying a Tay-Sachs fetus might discover through amniocentesis that the fetus is normal. Amniocentesis would thus enable her to have a child.

Threats from the Right

The Catholic Church has not been the only organized opponent of legal abortion. The ultra-conservative right-wing forces in this country have seized upon abortion as a vulnerable social issue which they can use to gain political power.

Through the services of direct mail expert Richard Viguerie, mass mailings are sent to millions of citizens known to be sympathetic to conservative causes. The mailings solicit funds for the anti-abortion crusade and generate mail to Congress. Viguerie's mail campaigns on other issues, such as opposition to the Panama Canal treaties, have been so successful that members of Congress have been forced to count in terms of pounds, rather than numbers, of letters.

Viguerie is the financial supporter of The Conservative Caucus, a lobbying group which opposes, in addition to legal abortion, the graduated income tax, sex education, gun control, affirmative action, and the Equal Rights Amendment. It supports "law and order," school prayer and states' rights. Its congressional advisors include Senators Jesse Helms and Orrin Hatch and Representatives Lawrence McDonald and Robert Dornan.

Viguerie is also involved in the National Organization of State Conservative Parties, and its offshoot, the Conservative Party. The goal of these organizations is to elect federal and state legislators who agree with their goals. One candidate who received right-wing support was evangelist Robert Thoburn, elected to the Virginia legislature. Asked his position on abortion, Reverend Thoburn replied that women who are raped should get married rather than have an abortion.

Clearly, the campaign to make abortion illegal again is not purely a grassroots effort funded by the nickels and dimes of concerned citizens. Anti-abortion activities are being escalated with an infusion of big money supplied by power brokers who have little personal concern for the issue, but who view it as a means to manipulate political events. As former New Hampshire Senator Thomas J. McIntyre has observed of the right wing: "These people are simply building hysteria into the issues in order to be able to gain their votes and obtain their end, which is political power."

Those who are concerned about the preservation of religious freedom, the quality of life for families, and the health and well-being of women will have to increase their vigilance and their involvement in the struggle to preserve the right to choose legal abortion.

MEMBERS OF THE RELIGIOUS COALITION FOR ABORTION RIGHTS

National Ministries	Union of American Hebrew Congregations
American Baptist Churches	Unitarian Universalist Association
American Ethical Union	Unitarian Universalist Women's Federation
National Women's Conference	Board of Homeland Ministries
American Ethical Union	United Church of Christ
American Humanist Association	Office for Church in Society
American Jewish Congress	United Church of Christ
Women's Division	Board of Church and Society
American Jewish Congress	United Methodist Church
B'nai B'rith Women	Women's Division,
Catholics for a Free Choice	Board of Global Ministries
	United Methodist Church
Division of Homeland Ministries	Church and Society Unit
Christian Church (Disciples of Christ)	United Presbyterian Church in the U.S.A.
Episcopal Women's Caucus	Washington Office
National Council of Jewish Women	United Presbyterian Church in the U.S.A.
National Federation of Temple Sisterhoods	Women's Program Unit
General Assembly Mission Board	United Presbyterian Church in the U.S.A.
Presbyterian Church in the U.S.	United Synagogue of America
Committee on Women's Concerns	Women's League for Conservative Judaism
Presbyterian Church in the U.S.	Young Women's Christian Association

The Religious Coalition for Abortion Rights is composed of 27 national religious organizations, spanning 13 denominations, that are committed to safeguarding the option of legal abortion. Because each denomination views the issue from the unique perspective of its own theology, member organizations hold widely varying views as to *when* abortion is a moral alternative. But all agree that every individual must have the freedom to make decisions concerning abortion in light of his or her own conscience and religious beliefs, and in accordance with responsible medical practice.

The Coalition is organized at the national and state levels to protect the option of legal abortion for all women. Individuals may support Coalition activities by working with state RCAR affiliates; by participating in the Coalition's nationwide legislative alert network (Dispatch); and by subscribing to the Coalition's monthly newsletter (*Options*), which provides current information about the status of legal abortion.

For further information about the Coalition and its state affiliates, or about abortion as an issue of religious liberty, please contact the national Coalition office:

Religious Coalition for Abortion Rights
100 Maryland Avenue, N.E.
Washington, D.C. 20002
(202) 543-7032

"WE AFFIRM . . ."

Excerpts from statements about abortion rights as expressed by national religious organizations

*AMERICAN BAPTIST CHURCHES

Annual Meeting, 1968

Because Christ calls us to affirm the freedom of persons and sanctity of life, we recognize that abortion should be a matter of responsible personal decision.

*AMERICAN ETHICAL UNION

1965 (reaffirmed 1979)

Abridgement of individual civil and human liberties as guaranteed by the United States Constitution is a danger to all. Among those liberties that must continue free of threat is the right of every woman to self-determination insofar as continued pregnancy is concerned.

*AMERICAN ETHICAL UNION, NATIONAL WOMEN'S CONFERENCE

1976 (reaffirmed 1979)

We believe in the right of each individual to exercise his or her conscience; every woman has a civil and human right to determine whether or not to continue her pregnancy. We support the decision of the United States Supreme Court of January 22, 1973 regarding abortion.

We believe that no religious belief should be legislated into the legal structure of our country; the state must be neutral in all matters related to religious concepts. (1976)

The American Ethical Union wishes to express its disapproval of efforts to amend or circumvent the United States Constitution in such manner as would nullify or impede the decision of the United States Supreme Court regarding abortion. We further believe that denial of federal or state funds for abortion where they are provided for other medical services discriminates against poor women and abridges their freedom to act according to their conscience. (1979)

AMERICAN FRIENDS SERVICE COMMITTEE

1970

On religious, moral, and humanitarian grounds, therefore, we arrived at the view that it is far better to end an unwanted pregnancy than to encourage the evils resulting from forced pregnancy and childbirth. At the center of our position is a profound respect and reverence for human life, not only that of the potential human being who should never have been conceived, but that of the parent, the other children and the community of man.

Believing that abortion should be subject to the same regulations and safeguards as those governing other medical and surgical procedures, we urge the repeal of all laws limiting either the circumstances under which a woman may have an abortion or the physician's freedom to use his best professional judgment in performing it.

*AMERICAN HUMANIST ASSOCIATION

Annual Conference, 1977

We affirm the moral right of women to become pregnant by choice and to become mothers by choice. We affirm the moral right of women to freely choose a termination of unwanted pregnancies. We oppose actions by individuals, organizations and governmental bodies that attempt to

restrict and limit the woman's moral right and obligation of responsible parenthood.

*AMERICAN JEWISH CONGRESS and WOMEN'S DIVISION, AMERICAN JEWISH CONGRESS

Biennial Convention, 1978

The American Jewish Congress respects the religious and conscientious scruples of those who reject the practice of abortion. However, to the extent that they would embody their religious scruples in laws binding on all, we oppose them. We believe such laws violate the constitutional principle of separation of church and state, to which we are deeply committed.

We reaffirm our position that all laws prohibiting or restricting abortion should be repealed. We believe that it is the right of a woman to choose whether to bear a child and that restrictive or prohibitive abortion laws violate a woman's right of privacy and liberty in matters pertaining to marriage, family and sex.

AMERICAN LUTHERAN CHURCH

General Convention, 1974

The American Lutheran Church accepts the possibility that an induced abortion may be a necessary option in individual human situations. Each person needs to be free to make this choice in light of each individual situation. Such freedom to choose carries the obligation to weigh the options and to bear the consequences of the decision.

The position taken by the American Lutheran Church is a pro-life position. It looks in awe at the mystery of procreation and at the processes through which a human being develops, matures, and dies. It takes seriously the right of the developing life to be born. It takes into account the rights of the already born to their health, their individuality, and the wholeness of their lives. It allows the judgment that, all pertinent factors responsibly considered, the developing life may need to be terminated in order to defend the health and wholeness of persons already present and already participating in the relationships and responsibilities of life.

AMERICAN PROTESTANT HOSPITAL ASSOCIATION

1977

Voluntary abortion may be accepted as an option where all other possible alternatives may lead to greater distress of human life. Whenever pregnancy is interrupted by choice, there is a moral consequence because life is a gift. To this end, counseling resources should be available through medical centers to both individuals and families considering this alternative.

Circumstances which may lead to choosing to interrupt a pregnancy include medical indications of physical or mental deformity or disease, conception as a result of rape or incest, and a variety of social, psychological or economic conditions where the physical or mental health of either the mother or child would be seriously threatened. All reasonable efforts should be made to remove economic barriers which would prohibit the exercise of this option.

BAPTIST JOINT COMMITTEE ON PUBLIC AFFAIRS 1973

It was voted that the Baptist Joint Committee on Public Affairs go on record as opposed to the Buckley-Hatfield amendment and any like or similar constitutional amendments, and that the staff be authorized to take all available action to oppose them.

***B'NAI B'RITH WOMEN**

Biennial Convention, 1976 (reaffirmed 1978)

Although we recognize there is a great diversity of opinion on the issue of abortion, we also underscore the fact that every woman should have the legal choice with respect to abortion consistent with sound medical practice and in accordance with her conscience.

We wholeheartedly support the concepts of individual freedom of conscience and choice in the matter of abortion. Any constitutional amendment prohibiting abortion would deny to the population at large their basic rights to follow their own teachings and attitudes on this subject which would threaten First Amendment rights. Additionally, legislation designed to ban federal funding for health facilities for abortions is discriminatory, since it would affect disadvantaged women, who have no access to expensive private institutions.

***CATHOLICS FOR A FREE CHOICE**

1975

We affirm the religious liberty of Catholic women and men and those of other religions to make decisions regarding their own fertility free from church or governmental intervention in accordance with their own individual conscience.

CENTRAL CONFERENCE OF AMERICAN RABBIS

1975

We believe that in any decision whether or not to terminate a pregnancy, the individual family or woman must weigh the tradition as they struggle to formulate their own religious and moral criteria to reach their own personal decision . . . We believe that the proper locus for formulating these religious and moral criteria and for making this decision must be the individual family or woman and not the state or other external agency.

As we would not impose the historic position of Jewish teaching upon individuals nor legislate it as normative for society at large, so we would not wish the position of any other group imposed upon the Jewish community or the general population.

We affirm the legal right of a family or a woman to determine on the basis of their or her own religious and moral values whether or not to terminate a particular pregnancy. We reject all constitutional amendments which would abridge or circumscribe this right.

***CHRISTIAN CHURCH (DISCIPLES OF CHRIST)**

General Assembly, 1975

Therefore be it resolved, that the General Assembly of the Christian Church (Disciples of Christ)

1. Affirm the principle of individual liberty, freedom of individual conscience, and sacredness of life for all persons.
2. Respect differences in religious beliefs concerning abortion and oppose, in accord with the principle of religious liberty, any attempt to legislate a specific religious opinion or belief concerning abortion upon all Americans.
3. Provide through ministry of the local congregation, pastoral concern, and nurture of persons faced with the responsibility and trauma surrounding undesired pregnancy.

CHURCH OF THE BRETHREN

Annual Conference, 1972

Let it be clear that the Brethren ideal upholds the sacredness of human life and that abortion should be ac-

cepted as an option only where all other possible alternatives will lead to greater destruction of human life and spirit.

However . . . our position is not a condemnation of those persons who reject this position or of women who seek and undergo abortions. Rather, it is a call for Christlike compassion in seeking creative alternatives to abortion.

We support persons who, after prayer and counseling, believe abortion is the least destructive alternative available to them, that they may make their decision openly, honestly, without the suffering imposed by an uncompromising community.

Laws regarding abortion should embody protection of human life, protection of freedom of moral choice, and availability of good medical care.

EPISCOPAL CHURCH

General Convention, 1976

Resolved: That the Episcopal Church express its unequivocal opposition to any legislation on the part of the national or state governments which would abridge or deny the right of individuals to reach informed decisions in this matter and to act upon them.

***EPISCOPAL WOMEN'S CAUCUS**

Annual Meeting, 1978

We are deeply disturbed over the increasingly bitter and divisive battle being waged in legislative bodies to force continuance of unwanted pregnancies and to limit an American woman's right to abortion;

We believe that all should be free to exercise their own consciences on this matter and that where widely differing views are held by substantial sections of the American religious community, the particular belief of one religious body should not be forced on those who believe otherwise;

To prohibit or severely limit the use of public funds to pay for abortions abridges and denies the right to an abortion and discriminates especially against low income, young and minority women.

FRIENDS COMMITTEE ON NATIONAL LEGISLATION

General Committee, 1975

Members of the Religious Society of Friends (Quakers) have a long tradition and witness of opposition to killing of human beings, whether in war or capital punishment or personal violence. On the basis of this tradition, some Friends believe that abortion is always wrong.

Friends also have a tradition of respect for the individual and a belief that all persons should be free to follow their own consciences and the leading of the Spirit. On this basis some Friends believe that the problem of whether or not to have an abortion at least in the early months of pregnancy is one primarily of the pregnant woman herself, and that it is an unwarranted denial of her moral freedom to forbid her to do so.

We do not advocate abortion. We recognize there are those who regard abortion as immoral while others do not. Since these disagreements exist in the country in general as well as within the Society of Friends, neither view should be imposed by law on those who hold the other.

Recognizing that differences among Friends exist, nevertheless we find general unity in opposing the effort to amend the United States Constitution to say that abortion shall be illegal.

LUTHERAN CHURCH IN AMERICA

Biennial Convention, 1970 (reaffirmed 1978)

Since the fetus is the organic beginning of human life, the termination of its development is always a serious matter. Nevertheless, a qualitative distinction must be made between its claims and the rights of a responsible person made in God's image who is in living relationships with God and other human beings. This understanding of responsible person-

hood is congruent with the historical Lutheran teaching and practice whereby only living persons are baptized.

On the basis of the evangelical ethic, a woman or couple may decide responsibly to seek an abortion. Earnest consideration should be given to the life and total health of the mother, her responsibilities to others in her family, the stage of development of the fetus, the economic and psychological stability of the home, the laws of the land, and the consequences for society as a whole.

***NATIONAL COUNCIL OF JEWISH WOMEN**

National Convention, 1969 (reaffirmed 1979)

The members of the National Council of Jewish Women reaffirm the firm commitment of "work to protect every woman's individual right to choose abortion and to eliminate any obstacles that would limit her reproductive freedom."

We believe that those who would legislate to deny freedom of choice compound the problems confronting women who are already condemned by poverty. It is therefore essential that federal and state funding be made available to women in need who choose abortion, just as such funding is available for other medical procedures.

We decry the fact that poor and young women must bear the major brunt of anti-abortion rights measures, and call upon all public officials to support and protect the right of every American woman to choose or reject the act of child-bearing. (1979)

***NATIONAL FEDERATION OF TEMPLE SISTERHOODS**

Biennial Assembly, 1975

The National Federation of Temple Sisterhoods affirms our strong support for the right of a woman to obtain a legal abortion, under conditions now outlined in the 1973 decision of the United States Supreme Court. The Court's position established that during the first two trimesters, the private and personal decision of whether or not to continue to term an unwanted pregnancy should remain a matter of choice for the woman; she alone can exercise her ethical and religious judgment in this decision. Only by vigorously supporting this individual right to choose can we also ensure that every woman may act according to the religious and ethical tenets to which she adheres.

***PRESBYTERIAN CHURCH IN THE U.S.**

General Assembly, 1970 (reaffirmed 1978)

The willful termination of pregnancy by medical means on the considered decision of a pregnant woman may on occasion be morally justifiable. Possible justifying circumstances would include medical indications of physical or mental deformity, conception as a result of rape or incest, conditions under which the physical or mental health of either mother or child would be gravely threatened, or the socio-economic condition of the family . . . Medical intervention should be made available to all who desire and qualify for it, not just to those who can afford preferential treatment. (1970)

Because of the great diversity in the scientific and theological disciplines as to when life begins, no single religious position should claim universal opinion and become the law. This seems to breach the basis for church and state separation. While laws may legislate behavior, they cannot legislate morality. If religious freedom of choice is to be maintained, then all acceptable alternatives must be available for competent, moral, and loving choices to be made. (1978)

REFORMED CHURCH IN AMERICA

General Synod, 1975

To use, or not to use, legal abortion should be a carefully

considered decision of all the persons involved, made prayerfully in the love of Jesus Christ.

Christians and the Christian community should play a supportive role for persons making a decision about or utilizing abortion.

REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

1974

We affirm that parenthood is partnership with God in the creative processes of the universe.

We affirm the necessity for parents to make responsible decisions regarding the conception and nurture of their children.

We affirm a profound regard for the personhood of the woman in her emotional, mental and physical health; we also affirm a profound regard and concern for the potential of the unborn fetus.

We affirm the inadequacy of simplistic answers that regard all abortions as murder or, on the other hand, regard abortion only as a medical procedure without moral significance.

We affirm the right of the woman to make her own decision regarding the continuation or termination of problem pregnancies.

***UNION OF AMERICAN HEBREW CONGREGATIONS**

Biennial Convention, 1975

The UAHC reaffirms its strong support for the right of a woman to obtain a legal abortion on the constitutional grounds enunciated by the Supreme Court in its 1973 decision . . . This rule is a sound and enlightened position on this sensitive and difficult issue, and we express our confidence in the ability of the woman to exercise her ethical and religious judgment in making her decision.

The Supreme Court held that the question of when life begins is a matter of religious belief and not medical or legal fact. While recognizing the right of religious groups whose beliefs differ from ours to follow the dictates of their faith in this matter, we vigorously oppose the attempts to legislate the particular beliefs of those groups into the law which governs us all. This is a clear violation of the First Amendment. Furthermore, it may undermine the development of interfaith activities. Mutual respect and tolerance must remain the foundation of interreligious relations.

***UNITARIAN UNIVERSALIST ASSOCIATION**

General Assembly, 1977

Whereas, attempts are now being made to deny Medicaid funds for abortion and to enact constitutional amendments that would limit abortions to life-endangering situations and thus remove this decision from the individual and her physician; and

Whereas, such legislation is an infringement of the principle of the separation of church and state as it tries to enact a position of private morality into public law; and

Whereas, we affirm the right of each woman to make the decisions concerning her own body and future and we stress the responsibilities and long-term commitment involved in the choice of parenthood.

Therefore, be it resolved: that the 1977 General Assembly of the Unitarian Universalist Association goes on record as opposing the calling of a national constitutional convention for the purpose of amending the Constitution to prohibit abortion.

***UNITARIAN UNIVERSALIST WOMEN'S FEDERATION**
Biennial Convention, 1975

The Unitarian Universalist Women's Federation reaffirm[s] the right of any woman of any age or marital or economic status to have an abortion at her own request upon consultation with her physician and urges all Unitarian Universalists in the United States and all Unitarian Universalist societies in the United States to resist through their elected representatives the efforts now under way by some members of the Congress of the United States to curtail their right by means of a constitutional amendment or other means.

***UNITED CHURCH OF CHRIST**
General Synod, 1971 (reaffirmed 1977)

The theological and scientific views on when human life begins are so numerous and varied that one particular view should not be forced on society through its legal system.

Present laws prohibiting abortion are neither just nor enforceable. They compel women either to bear unwanted children or to seek illegal abortions regardless of the medical hazards and suffering involved. By severely limiting access to safe abortions, these laws have the effect of discriminating against the poor.

***UNITED METHODIST CHURCH**
General Conference, 1976

When an unacceptable pregnancy occurs, a family, and most of all the pregnant woman, is confronted with the need to make a difficult decision. We believe that continuance of a pregnancy which endangers the life or health of the mother, or poses other serious problems concerning the life, health, or mental capability of the child to be, is not a moral necessity. In such a case, we believe the path of mature Christian judgment may indicate the advisability of abortion. We support the legal right to abortion as established by the 1973 Supreme Court decisions. We encourage women in counsel with husbands, doctors, and pastors to make their own responsible decisions concerning the personal or moral questions surrounding the issue of abortion.

Our belief in the sanctity of unborn human life makes us reluctant to approve abortion. But we are equally bound to respect the sacredness of the life and well-being of the mother, for whom devastating damage may result from an unacceptable pregnancy. In continuity with past Christian teaching, we recognize tragic conflicts of life with life that may justify abortion.

***UNITED METHODIST CHURCH,
WOMEN'S DIVISION**
1975 (reaffirmed 1979, 1980)

We believe deeply that all should be free to express and practice their own moral judgment on the matter of abortion. We also believe that on this matter, where there is no ethical or theological consensus, and where widely differing views are held by substantial sections of the religious community, the Constitution should not be used to enforce one particular religious belief on those who believe otherwise.

***UNITED PRESBYTERIAN CHURCH IN THE U.S.A.**
General Assembly, 1972 (reaffirmed 1978)

Whereas, God has given persons the responsibility of caring for creation as well as the ability to share in it, and has shown his concern for the quality and value of human life; and

Whereas, sometimes when the natural ability to create life and the moral and spiritual ability to sustain it are not in harmony, the decisions to be made must be understood as moral and ethical ones and not simply legal;

Therefore, in support of the concern for the value of human life and human wholeness . . . the 184th General Assembly:

b. Declares that women should have full freedom of personal choice concerning the completion or termination of their pregnancies and that artificial or induced termination of pregnancy, therefore, should not be restricted by law, except that it be performed under the direction and control of a properly licensed physician.

c. Continues to support the establishment of medically sound, easily available and low-cost abortion services.

***UNITED SYNAGOGUE OF AMERICA**
Biennial Convention, 1975

"In all cases 'the mother's life takes precedence over that of the foetus' up to the minute of its birth. This is to us an unequivocal principle. A threat to her basic health is moreover equated with a threat of her life. To go a step further, a classical responsum places danger to one's psychological health, when well established, on an equal footing with a threat to one's physical health." (1967)

[A]bortions, "though serious even in the early stages of conception, are not to be equated with murder, hardly more than is the decision not to become pregnant."

The United Synagogue affirms once again its position that "abortions involve very serious psychological, religious, and moral problems, but the welfare of the mother must always be our primary concern" and urges its congregations to oppose any legislative attempts to weaken the force of the [1973] Supreme Court's decisions through constitutional amendments or through the deprivation of medicaid, family services and other current welfare services in cases relating to abortion.

WOMEN OF THE EPISCOPAL CHURCH
Triennial Meeting, 1973

Whereas the Church stands for the exercise of freedom of conscience by all and is required to fight for the right of everyone to exercise that conscience, therefore, be it resolved that the decision of the U.S. Supreme Court allowing women to exercise their conscience in the matter of abortion be endorsed by the Church.

***WOMEN'S LEAGUE FOR CONSERVATIVE JUDAISM**
Biennial Convention, 1974

National Women's League believes that freedom of choice as to birth control and abortion is inherent in the civil rights of women.

***YOUNG WOMEN'S CHRISTIAN ASSOCIATION
OF THE U.S.A.**
National Convention, 1967 (reaffirmed 1979)

In line with our Christian Purpose we, in the YWCA, affirm that a highly ethical stance is one that has concern for the quality of life of the living as well as for the potential for life. We believe that a woman also has a fundamental, constitutional right to determine, along with her personal physician, the number and spacing of her children. Our decision does not mean that we advocate abortion as the most desirable solution to the problem, but rather that a woman should have the right to make the decision. (1973)

**These organizations, or divisions within these organizations, are members of the Religious Coalition for Abortion Rights.*

RELIGIOUS COALITION FOR ABORTION RIGHTS

100 Maryland Avenue, N.E.
Washington, D.C. 20002

June, 1979

WITNESS STATEMENT

Name Virginia A. Knight Date 1-29-81
Address 6286 Hwy 12 West, Helena Support ?
Representing Helena Pro-Choice Oppose ? X
Which Bill ? HJR-15 Amend ?

Comments:

Written testimony submitted

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name VICTORIA CHAPMAN BUTLER Date 1-29-81
Address P.O. Box 8526, Missa, MT 59007 Support ?
Representing self- MT Pro-Choice Coalition Oppose ? X
Which Bill ? HR-15 Amend ?

Comments:

I have submitted written testimony.

Please leave prepared statement with the committee secretary.

NAME Dorothy Woods Bill No. HJR 15
ADDRESS 1615 Sherwood, Mla DATE 1/29/81
WHOM DO YOU REPRESENT self
SUPPORT _____ OPPOSE ✓ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

testimony ^{re} personal experience of illegal abortion -
prepared statement attached

WITNESS STATEMENT

Name Kathryn Osborne Date 1/29/81
Address 316 Pine Heliens Support ?
Representing Self Oppose ? ✓
Which Bill ? HJR 15 Amend ?
Comments: See prepared written testimony

Kathryn Osborne

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Jerry Keck Date 1/24/81
Address Box 431 Bozeman Support ?
Representing Montana Pro Choice Coalition Oppose ? ✓
Which Bill ? HJR 15 Amend ?

Comments:

Submit written testimony

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name RH Bellingham Date 1/29/81
Address Box 2545 Billings Support ?
Representing Self Oppose ? ✓
Which Bill ? HSR 15 Amend ?

Comments:

Test. will be presented

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Rose Mary Rodgers Date 1/29/81
Address 1517 Blumensree Support ? yes
Representing Myself Oppose ? _____
Which Bill ? #9 R 15 Amend ? _____

Comments:

Testimony will be presented

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Harold K. Schuch Date 1/29/81
Address 2510 Hoover Ave, Billings Support ?
Representing Self Oppose ? ✓
Which Bill ? HJR 15 Amend ?

Comments:

Testimony will be presented

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name

Jerome C. H. C.

Date

1/29/81

Address

Chambers St.

Support ?

X

Representing

Self & Family

Oppose ?

Which Bill ?

HR - 15

Amend ?

Comments:

I FAVOR the Adoption of
this Resolution,

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Cornelia Robinson Date 1/29/81
 Address 14 So. Montana Ave Support ?
 Representing self Oppose ? ✓
 Which Bill ? H.R. #15 Amend ?

Comments:

Basic points
 In against the Anti Abortion
 Bill because
 (1) It won't work. (the law against
 murder doesn't)
 2 Its against U.S. Constitution
 Our rights guaranteed
 Freedom of choice of Religion
 3. It's hazardous to the
 Mother's Health or life

4

Please leave prepared statement with the committee secretary.

NAME Nancy Owens Bill No. HR 15
ADDRESS 823 Gilbert, Helena DATE 1/29/81
WHOM DO YOU REPRESENT self
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I urge you to vote against a constitutional convention to consider an anti-abortion ammendment, for the following reasons:

1. You can't legislate morality.
2. an anti-abortion ammendment would make women's wombs the property of the U.S. Government. No greater invasion of privacy can be imagined! Keep government out of our private lives.

3. An anti-abortion would give the fetus, or even a fertilized egg, ~~ex~~ more rights than the mother. Think of the legal consequences.

If the fetus has such rights, they may be extended to old people and accident victims like Karen Quinlan who are "gone" all but physically, but are not allowed to die in dignity. The law will ~~be~~ require them maintained on artificial life support systems because of their "right to life."

4. A right to life ammendment will be much worse than simply making abortion illegal.

(over)

Under right to life the woman who chooses abortion will be guilty of first degree murder (how could abortion not be "premeditated?"). Also her doctor. Abortions will happen anyway.

Before the 1973 Supreme Court decision made abortions legal, and therefore safe, millions of women still got abortions every year. Millions will continue to abort. You can't legislate morality.

Many women who get abortions have children already. Who will care for our nation's children if our mothers are on death row?

WITNESS STATEMENT

Name ROBERT CHARLES WALTMIRE Date 1/29/81
Address Box 1456 COLUMBIA FALLS 59912 Support ? ☒
Representing Self Oppose ? ☐
Which Bill ? HJR 15 Amend ? ☐
Comments:

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Wayne E. Penwell Date 1/29/81
Address Route 5, Pattee Canyon Support ?
Representing Self Oppose ? X
Which Bill ? HJR 15 Amend ?
Comments:

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Rev. William A. Burkhardt Date Jan 28, 1981
Address 530 Hazel Green Helena Support ?
Representing Pro-choice Coalition Oppose ? ✓
Which Bill ? HJR 15 Amend ?
Comments:

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Marilyn Grech Date 1-28-81
Address 3500 Green meadow, Helena Support ?
Representing Self Oppose ? ✓
Which Bill ? HR 15 Amend ?

Comments:

Please leave prepared statement with the committee secretary.

NAME Robert M. Smith BILL No. HR-15
ADDRESS 235 E. Pine, Missoula, MT 59801 DATE 1/29/81
WHOM DO YOU REPRESENT Missoula Planned Parenthood
SUPPORT _____ OPPOSE ✓ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

Name James H. Armstrong, MD Date 1-29-81
Address 795 Sunset Blvd Kalamazoo Support ?
Representing Pro Choice Oppose ? X
Which Bill ? HJR 15 Amend ?
Comments:

Please leave prepared statement with the committee secretary.

Cornelia Robinson	self	HJR 15		✓
Lili Marguason	"	"	L	
Hen Petersen		"	L	
Margaret Johnson		"	L	
Juganne Mavis		"	L	
Henry Simpson		"	L	
Dave Reed				
Emmette F. Hers	Goettwies Chapter M R 15	HJR 15	✓	
William J. Hers	" "	HJR 15	✓	
Amos Emerson	Helena			X
Charles Abrams	Carlyle			X
Mary Brown	Helena	HJR 15	✓	
Rebecca Kohl	Helena	HJR 15		X
Janie Pitajer	Helena	HJR 15	✓	
Esther Lay	Helena		✓	
Jetty Carvill	Helena	HJR 15	✓	
Karleida Noes	Helena	HJR 15	✓	
Kathy Thiesen	Helena	HJR 15	✓	
William Crosby	Missoula	"		X
Rene Harmed	Missoula			X
Livnea Tange	Idaho Falls	HJR 15	✓	
Jerry R. Lip	Myself	HJR 15	✓	
Lucille Romney	myself	HJR 15	✓	
Linda Gibbs	myself	HJR 15	✓	

(Please leave prepared statement with Secretary)

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VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
Jinet Benson	self	HJR 15		✓
Polly Buchanan				
Barbara Fifer	self			✓
Kathryn Osborne	Self	JHR 15		✓
Rev. Sylvester Benson	Evangelist Ernest Chubb	HJR 15		
Mike Dahlman	A.S.U.M.	HJR 15		✓
Dorothy A. Armstrong	self	HJR 15		✓
Rita Sheely	self	HJR 15	✓	✓
Yvonne	self			✓
Dana Local	self	HJR 15		✓
Anne Perkins	self	HJR 15		✓

(Please leave prepared statement with Secretary)

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
Brian Kelley	self	HJR 15	✓	
Caryn Lee Dick	self	HJR 15	✓	
Carrie German	self	HJR 11		✓
John Maynard	self	HJR 15		✓
Wayne E. Powell	self	HJR 15		✓
Nancy Owens	"	"		✓
Ann LeBar	"	"		✓
Eileen Lutz	"	"		✓
Gayle Netzer	"	"		✓
Berry Hoskins	"	"		✓
Marjorie M. Judas	"	"		✓
Theresa Lutz	"	"		✓
Goyce A. Norwood	"	"		✓
Maggie Snow	"	"		✓
Joy Schreder	"	HJR 15	✓	
Dick Schreder	Bozeman Christian Chr. Church	"	✓	
Rodney D. Tress	Maranatha College Fed. bldg	"	✓	
Anne Freivalds	self	"	✓	
Flora Lebeck	"	"	✓	
Louise Knightley	"	"	✓	
Gaelyn K. Brown	self	"	✓	
Patricia M. Johnson	self	"	✓	
Frank Sullivan	self	"	✓	
John M. M. M.	self	"	✓	
Constance Engle	self	"		✓
Parkia Gushier	self	"		✓

(Please leave prepared statement with Secretary)

COMMITTEE ON _____

HJR 15

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
Nasha Personette	Self	HJR-15	✓	
Caroline Clark	Self	HJR-15	✓	
Robert W Personette	Self	HJR-15	✓	
Elder E Olson	Self	HJR-15	✓	
Elder Dan Sampson	Self	HJR-15	✓	
Beverly Blugcked	concerned taxpayer/citizen	HJR-15	✓	
Cass Mary Rodgers	Concerned Citizen	HJR-15	✓	
Mary Bloubek	concerned citizen	HJR-15	✓	
Billie Maddis	"	HJR-15	✓	
Rita Williams	"	HJR-15	✓	
Alex Larson	Self	HJR-15	✓	
Mammala E. Moore	Concerned Citizen	HJR-15	✓	
Henriette Blankema	"	HJR-15	✓	
Shussar Kingma	"	HJR-15	✓	
Arnold Blankema	"	HJR-15	✓	
George King	"	"	✓	
Harold K. Schuly	Self	HJR-15		✓
R. H. Bellinger	Self	HJR-15		✓
Jerry Kech	Montana Pro-Choice	HJR-15		✓
John Charles Waltham	Self	HJR-15		✓
Henry & Catherine Velthaus		HJR-15	✓	
George & Bernice Velthaus			✓	
George Velthaus			✓	
James H. Armstrong, MD	Pro Choice	HJR-15		✓
Judy Johnson	Self	HJR-15	✓	
Sandra Kelley	Self	HJR-15	✓	

(Please leave prepared statement with Secretary)

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
Janice R. Sumner	self	HJR 15		✓
Joan Rice	Msgr	HJR 15		✓
Dorothy Greenwood	self	HJR 15		✓
Robert M. Smith	Masculine Planned Parenthood	HJR 15		✓
July Smith	self	HJR 15		✓
Lucinda Smith	self	HJR 15		✓
Richelle D. Depew	self	HJR 15		✓
Constance Depew	self	HJR 15		✓
Ann Githley	self	HJR 15		✓
Ann Shick	self	HJR 15		✓
Nancy Burns	self	HJR 15		✓
Jan Ryger	self	HJR 15		✓
Nancy Rice	self	HJR 15		✓
Jan Strout	self	HJR 15		✓
Chari Canfield	self	HJR 15		✓
Diane Johnson	self	HJR 15		✓
Paul Burns	self	HJR 15		✓
Cynthia Ann Chase	self	HJR 15		✓
Jeane Janning	self	HJR 15		✓
Bessie Lee	self	HJR 15		✓
Lee White	self	HJR 15		✓
Victoria C. Butler	MT Pro Choice	HJR 15		✓
Phyllis A. Bock	self	HJR 15		✓
Mary Wilham	self	"		✓
Laffey Knudson	self	"		✓
Marilyn Dear	self	HJR 15	✓	

(Please leave prepared statement with Secretary)

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
David Hirscht	self	HJR 15		✓
Garo Herber	self	"		✓
Colleen Mack-Canty	self & daughter	"		✓
Dale T. Schumak	self	"		✓
MARK ANDERSEN	self	HJR 15		✓
Marilyn Grody	Self	HJR 15		✓
Janice S. Hand	self	HJR 15		✓
Martha Newell	self	HJR 15		✓
Craig R. Kimball	self	HJR 15		✓
Perry Lappe	self	HJR		✓
Margaret Graciny	Self	HJR	✓	
Carl A. Davis	Self	HJR	✓	
Blanche Pedersen	self	" "	pro life	
Ellen Arguimbau	self	HJR 15		✓
Marie Teutkowsky	Self	HJR 15		✓
Marianne George	Self	HJR 15	✓	
Norman Brockema	Self	HJR 15	✓	
Margaret Brockema	self	HJR 15	✓	
Don K. Smith	self	HJR 15	✓	
Ray E. Smith	self	HJR 15	✓	
Roger Van Dyke	self	HJR 15	✓	
Claire Kimm	self	HJR 15	✓	
Mary Ann Van Dyke	self	HJR 15	✓	
Chas. P. Kimm	self	HJR 15	✓	
Rick Barto	self	"	✓	
Kore Bray	Self			✓

(Please leave prepared statement with Secretary)

FOR

HOUSE JOINT RESOLUTION 15

SPONSOR: Rep. O'Connell

DATE: Jan. 29, 1981

NAME	RESIDENCE	REPRESENTING
Marnie Graine	Helena	Self.
Carol Davis	Helena	self pro-life
Linda Ebb	St. Louis	self - choice
Blanche Pedersen	Helena	self.
Margaret Brockme	Manhattan	self - Pro-life
Nora E. Smith	Manhattan	self - Pro-life
Clara E. Kimm	Manhattan	self. pro-life
Mrs. Claire Mue	Helena	self pro-life
Lou H. Smith	Manhattan	self pro-life
Mem. Can. Van. Allen	Bozeman	self pro-life
Rose Ann D. H.	Bozeman	self pro-life
Alex R. Kimm	Manhattan	self Pro-life
Colleen Akkles	Helena	self Pro Life
Belie Anderson	Helena	self Pro Life
John North	Helena	self Pro Life
Greg A. Bion	Kahispell	Pro Life
Johnnie C. H.	CLANBY	SELF + FAMILY
Deborah Mue	Helena	self + family
Jilly Buchanan	East Helena	self + family
Chra Child	East Helena	self + family
Mrs. Gary Bottom	Helena	self + family
Vivian Park	Helena	Pro Life

IF YOU CARE TO WRITE COMMENTS, ASK THE SECRETARY FOR A LONGER FORM. PLEASE
LEAVE PREPARED STATEMENT WITH SECRETARY.

FOR

HOUSE JOINT RESOLUTION 15

SPONSOR: Rep. O'Connell

DATE: Jan. 29, 1981

NAME	RESIDENCE	REPRESENTING
Marilyn Lee	P.O. Box 90	Self
Constance Clark	P.O. Box 931 Helms	Self
Nashia Brown	5666 Broadway	Self
Paul Peterson	3000 Stephen #10 Missoula	Self - HATL
Ken Peterson	attorney Helena	
Margaret Johnson	attorney Helena	
Suzanne Mann	Missoula	Martha Baptist Church
Sharon Dierman	Missoula	SELF
Darlene Johnson	Helena	Self H
Linda Kelley	Kalispell	Self
Rita Sherry	Helena	Self
Elija Dahl	Polson	Self
Dick Schreder	Bozeman	Christian Center Church
Gary Schreder	Bozeman	"
Graham Enos	Bozeman	Maranatha Christian Tel.
Aimee Neivels	"	Self
Cherie Wilson	"	"
Louise Kieckhefer	"	"
Butt Johnson	Helena	"
Erlyn Jones	Helena	Self
John Young	Helena	Self
Fred Wilson	Helena	"

IF YOU CARE TO WRITE COMMENTS, ASK THE SECRETARY FOR A LONGER FORM. PLEASE
LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE JOINT RESOLUTION 15

SPONSOR: Rep. O'Connell

DATE: Jan. 29, 1981

[illegible]

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FOR

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NAME	RESIDENCE	REPRESENTING
John Vandaele	1639 Kansas Rd Helena	MT RT TO LIFE Assn.
Jane Boggs	1224 9th Ave Helena	Self
A. Smith	1983 Dr. Fairchild	Self
Betty Evans	"	Self
Maie Crummett	1311 Peosta	Self
Karlinda Mees	1933 Colorado Dutch	Self
Kathy Thies	Box 18 E. Helena	Self
Esther Lee	2205 Country Club Ave	Self
Mary Brown	1530 Peosta	Self
Jean Petaj	2110 Townsend	Self
Karen Webb	840 Silverette	Self
Chen Adams	6217 Birdseye Rd	Self
Linnea Tangu	3920 McHugh; Helena	myself
Vern Rife	927 Orange Ave.	Self
Carolyn Clark	P.O. Box 831 Helena	Self
Marilyn Lee	P.O. Box 90 East Helena	Self
Don Sampson	557 Hillside	Self
P. Stephens	Manhattan	Self
C. J. Stephens	Manhattan	Self
Patricia Stephens	Manhattan, Mont	myself
Andrew Jackson	" "	"
Sandra Connor	3124 Vigilante Dr.	Self

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NAME	RESIDENCE	REPRESENTING
Louisa Richardson	903 Washington Helena	Self
John Johnson	4117 5 th Ave N Great Falls	Fairview Baptist Church
Samuel D. Edson	Rt 4 - Box 2 Great Falls	Great Falls Chapter R to life
William J. Hess	" " " "	" " " "
Alba Kettinger	Rt 1 Box 56 Manhattan Mt	Bethel L.R.C. Manhattan
Alice Hurlinger	Rt 1 Box 56 Manhattan	Bethel Chr. Ref. Church N.W.
Ruth Corbett	1322 8 th Ave Helena	Self
Linda Gibbs	5666 Quartz Ct., Helena	Self
Lucile Korman	5012 Box 146 Olney	Self
Rose Marie Richards	1517 Glenview	Self
Rita Mae Williams	1409 Glenview	Self
Lucy Smith	1612 Golden Helena	Self
A. Mark Fisher	100 Highland Helena	Self
Don Smith	701 Utah	Sen. Page
Bryan Costigan	P.O. 116 Capitol St. Helena	Wendell of Rte 100 / Sen. Page
Carole Anderson	259 Hemmer Cir DR Kalispell	Self
Sandra Roth	432 Dearborn	Self
Ann Marie Dahlen	7645 N. Montana	Self / Helena Chapter R to life
Beth Grier	4156 Diamond Helena	Self
Pat Brownfield	Box 152, Pando, MT	Self
Steve Johnson	914 Camelot, Helena	Self
Beverly Evans	2050 Raleigh Helena	Self

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NAME	RESIDENCE	REPRESENTING
Ed Sheehan	1721 57th	Self
Harold K. Le Roy	2510 Hoover, Berkeley	Self
R H Ollinger	240 Ave F Bellingham	Self
North Hollywood	1414 St. John Ave. Hollywood 90028	Self
Ann German	545 Woodford, Merced	Self
Ann Elbar	317 Beverly Missoula	Self
Gaye Ketchum	920 2nd Roadway	"
Terry Hawkins	1052 5th Ave	"
Paula Brennan	312 No Ave. W. Missa.	Self
Marjorie M. Tudor	2014 Rockway Tln	Self
John Weston	Box 408 Blaine	Self
James B. Bue	216 E Pine, Mca	Self
Karen Nelson	MM5389 Sweeny Ct, F/Blair	Self
Constance Engle	319 Pioneer, Helena	Self
Colleen Mack-Cut	805 Pioneer Helena	Self
Carol Barber	105 1/2 S. Crocker	Self
MARK ANDERSEN	407 SE 11th, Bozeman	Self
Dale Trachsel	527 N. Euclid Helena	Self
Janice Hand	1500 McDonald Missoula	Self
Martha H. Hume	328 Monroe, Mca	Self
Greg R. Pinfield	Rt 494 Helena	Self
Debbie Lerner	1301 University Helena	"

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Amia R. Sumner	Billings	self
Joan Rice	Mslu	self
Dorothy Woods	Mslu	self
Robert M. Smith	Mssoula	Mssoula Planned Parenthood
Cornelia Robinson	Helena	self
Judy Smith	Mslu	self
Ann Luthley	Helena	self
Linda Smith	Mssoula	self
Ann Hall	Helena	self
Jan Rogers	Bozeman	self
Tracy King	Helena	self
John Gantak	Helena	self
Jan Strout	Bozeman	self
Debra Johnson	Bozeman	self
Paul Burns	Bozeman	self
Cynthia A. Chase	Billings	self
Joanne Janning	Bozeman	self
Kenneth Roberts	Butte	self
Victorine Butler	Mslu	MTPro Choice
Mary Wilham	Helena	self
Jeffrey Kruken	Helena	self
Nancy J. Owens	Helena	self

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Nancy Collins	2016 Bodney Helena	self
Karin Olsen Murray	902 5 th Helena	self
Aoia Steinbeck	701 Breckenridge	self
Wana Junttila	1333 Claire	self
Coralee Cheney	724 9th	self
Kathleen Pless	645 Logan apt 10	self
Garold E. Becker	721 Holder	pro choice
Paula Bryer	914 Post	self
Eugene Fanta	Box 702 Helena	self
Janet Benson	913 Waukesha	self
Barbara Filmer	624 S. Calif. Helena	self
Molly Eason	1027 9th Helena	self & child
Charlotte Hanson	24 S. Hoback	self & child
Ruthanne Osborn	316 Pine Helena	self
Ellen Arguimbau	1027 N Jackson Helena	self
Gordon A. Brown	1027, Montana Ave Helena	self
Karen Kelley	531 5th Ave Helena	self
Chris Devaney	635 N. Warren #3	self
Lois J. Jorgensen	2020 5th Ave.	self
Brenda Hillis	Box 524 - Boulder MT	self
Janet J. Jorgensen		self

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Linda Anderson	917 Waukesta ^{Helena}	Self
Judy Halm	822 5th Helena	Self
Rosemary Rowe	920 Breckenside Helena	Self
Jean S. Brown	931 E. State Helena	Self
Nancy E. Poell	Rt. 4 Pine Grove, Mslw	Self
Paul Burns	385 Black Bozeman	Self
Eggy Vincent	Bozeman	Self
Linda M. Smith	E. Helena	Self
Helena Butler	1001 Leslie	Self
Lori Shute	124 Greenwood, Helena	Self
Linda M. Smith	116 S. Federal	Self
Ann Lickel	546 Santa Helena	Self
Richard Jaffe	3645 York Rd. Helena	Self
Mary Jaffe	3645 York Rd. Helena	Self
Michelle Depina	1081 Adams Ave.	Self
Melinda Quinn	210 N Clark Butte	Self
Willie A. Burkhart	530 Hazel Hill Helena	Pro Choice Cont.
Barbara Buck	17225 11th N. E. Helena	M.T.C.C.
Rick Johnson	P.O. Box 20 Libby	Montanans for Religious Freedom
John Maynard	2212 Choteau St	Self
Wayne A. Jones	415 S. Lincoln Mslw	Self
Wendy M. Jones	" " "	"

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<i>Mia Vaynski</i>	<i>1711 Lealie Ave.</i>	<i>penal citizen - rep</i>
<i>James M. Williams</i>	<i>636 Phillips Msl</i>	<i>self</i>
<i>Dusan Nose</i>	<i>316A Garfield Msl</i>	<i>self</i>
<i>Trish Hensch</i>	<i>416 St. 4th N. Msl</i>	<i>self</i>
<i>Dusan Terrera</i>	<i>839 Sherwood Ave Msl</i>	<i>self</i>
<i>Trish Lopez</i>	<i>232 South 5th E. Msl</i>	<i>self</i>
<i>KIM NELSON</i>	<i>323 HOBACK S. Helena</i>	<i>Self</i>
<i>Rosalind Kott</i>	<i>1433 1/2 Walnut, Helena</i>	<i>Self</i>
<i>Candace Crosby</i>	<i>2801 Briggs, Msl</i>	<i>Self</i>
<i>Nanci Burns</i>	<i>1008 S. Tracy, Bozeman</i>	<i>self</i>
<i>Jan Ruler</i>	<i>1322 S. Grand Bozeman</i>	<i>self</i>
<i>MORRIS JAFFE</i>	<i>1311 S. SEACR BOZEMAN</i>	<i>UNIVERSITY FELLOWSHIP, SELF BOZEMAN</i>
<i>SARA SCOTT</i>	<i>823 8th Ave, Helena</i>	<i>self</i>
<i>DIANE JOHNSON</i>	<i>4250 N. MATTAM, BOZEMAN</i>	<i>self</i>
<i>JAN STROTT</i>	<i>518 N. 5th, BOZEMAN</i>	<i>self</i>
<i>STENDAN NORDLUND</i>	<i>1107 Poplar Msl</i>	<i>self</i>
<i>Dolly Browder</i>	<i>1735 Gerald, Msl</i>	<i>Self</i>
<i>Pamela Shore</i>	<i>610 E. Kent, Msl</i>	<i>self</i>
<i>Kate Shore</i>	<i>610 E. Kent, Msl</i>	<i>self</i>
<i>Vanessa Browder</i>	<i>1735 Gerald Msl</i>	<i>Self</i>
<i>Susan Kirchmeyer</i>	<i>4815 South Ave. W #2 Missoula</i>	<i>self</i>
<i>Canthia Wevers</i>	<i>319 1/2 Chavler Helena</i>	<i>Self</i>

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