MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE, & SAFETY COMMITTEE
MONTANA STATE SENATE

February 11, 1981

The meeting of Public Health, Welfare, and Safety Committee was called to order by Chairman Tom Hager on February 11, 1981 at 1:00 p.m. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senator Halligan who was excused to arrive late. Kathleen Harrington, Staff Researcher, was also present.

Many visitors were in attendance.

CONSIDERATION OF SENATE BILL 365: Senator Frank Hazelbaker of Senate District 41, chief sponsor of SB 365, gave a brief resume. This bill is an act to require code imprint on certain drugs as a means of identification; providing for administration by the Board of Pharmacists, amending section 50-31-301 and 50-31-506, MCA, and providing a delayed effective date.

Senator Hazelbaker stated that this bill will require a code imprint on all solid dosage forms of a legend drug, to make it possible to identify the drug upon inspection of a single tablet or capsule. Legend drugs are defined by federal law and are those drugs dispensed only upon an order by a person licensed to prescribe drugs.

This code imprint would make it possible to quickly identify a drug that might be involved in an emergency or poisoning situation. This code imprint will be a series of letters and numbers to be chosen by the manufacturer or distributor, unique to each product. A list will be prepared and furnished to the board of pharmacists upon request. The list can then be made available to emergency rooms, poison control centers, pharmacies and to other health professionals. This code system is already being used by many of the ethical drug manufacturers voluntarily but not by all companies.

Since time is of ultimate importance when dealing with a poisoning situation, a system that will allow rapid identification may well save lives.

This bill has the support of the Rocky Mountain Poison Control Center, the Montana Poison Control Center, Montana pharmacists and all physicians who have been contacted. A law like this has been passed in California, South Dakota, Washington, New York and other states. The bill allows for a delayed implementation date of January 1, 1983, which is the same implementation date used by other states passing this law. The delayed date will allow drugs not marked to be used up and also for the manufacturers to be ready to comply.

Mr. Frank Davis, executive director of the Montana State Pharmaceutical Association stated Senate Bill 365 will make it possible to identify a legend drug product in solid dosage form by inspection of a single tablet or capsule.

This will be accomplished by requiring the manufacturer or distributor of the drug to place a code imprint on the product that can be compared to a list supplied by the producer to the State Board of Pharmacists upon demand.

The code imprint will be a series of letters or numbers that will be specific for one product.

The rapid identification of a drug product is necessary for the successful treatment of an over-dose or poisoning situation.

Laws such as this have been passed in the states of California, Washington, South Dakota, New York and others. This bill will provide for a delayed implementation date of January 1, 1983 to allow merchants to clear their stocks of the un-coded products.

This bill will have the support of the Rocky Mountain Regional Control Center, the Montana Poison Control Center, emergency room physicians and pediatricians.

With no further proponents, Chairman Hager called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Olson asked how many drugs in Montana are not now identified. Mr. Davis reports perhaps 90% are not identified.

Senator Olson asked what about the drugs that cannot be printed on. Mr. Davis stated that these are already covered in the law. Some states already have this law.

Senator Hazelbaker closed by asking the Committee for a favorable recommendation. He said that if this bill saves, but one life in an emergency situation, it will be well worthwhile.

DISPOSITION OF SENATE BILL 137: SB 137 is an act to provide for the licensing of community group homes for the developmentally disabled and to allow for the adoption of rules relating to that licensing. Senator Jan Johnson is Chief sponsor of SB 137.

This bill has been rewritten following the enactment clause. It provides the Department of Social and Rehabilitation Services with explicit authority for the licensing of community group homes.

Judith Carlson from SRS stated that the Department of Health is in agreement with the new draft of the bill.

A motion was made by Senator Johnson that SB 137 recieve a DO PASS as amended recommendation from the Committee. Motion carried unanimously.

Senator Berg moved that the Statement of Intent for SB 137 be adopted by the Committee. Motion carried.

DISPOSITION OF SENATE BILL 365: This bill is an act to require code imprint on certain drugs as a means of identification. Senator Frank Hazelbaker.

A motion was made by Senator Norman to amend SB 365 as follows:

1. Page 1, line 23.
Following: "Pharmacopoeia"
Strike:"and in the Homeopathic Pharmacopoeia"

2. Page 1, line 25.
Following: "apply"
Strike: line 25 through line 3 on page 2 in their entirety
Insert: "."

Motion carried.

A motion was made by Senator Norman that SB 365 receive a recommendation of DO PASS as amended from the Committee. Motion carried with all senators voting "yes", except Senator Olson who voted "no".

CONSIDERATION OF SENATE BILL 393: Senator Matt Himsl of Senate District 9, co-sponsor of SB 393, gave a brief resume. This bill is an act to terminate the Board of Osteopathic Physicians and transfer regulation of osteopathy to the Board of Medical Examiners; providing for continuing licensure of current licenses who meet existing qualifications for licensure; providing for transfer of funds and records; continuing existing rules; amending sections 37-5-101 and 37-5-302,MCA. And repealing sections 2-15-1607, 37-5-201 and 37-5-202, MCA, and providing an effective date.

This bill transfers the duties, funds and records of the Board of Osteopathic Physicians to the Board of Medical Examiners. It allows the continuing licensure of all osteopathic physicians who are currently licensed by the Board of Osteopathic Physicians. The current rules of the Board also remain in effect unless amended or repealed by the Board of Examiners.

Dr. Lester Howard from the Board of Osteopathic Examiners stated that the Board was impressed with the thoroughness of the report by the Legislative Audit Committee and the Board, therefore, favors the change.

With no further proponents Chairman Hager called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Himsl closed by stating that the intent of the bill is obvious and asked for the support of the Committee.

DISPOSITION OF SENATE BILL 393:

A motion was made by Senator Himsl that SB 393 receive a DO PASS recommendation from the Committee. Motion carried unanimously.

ANNOUNCEMENTS: The next meeting of the Public Health, Welfare, and Safety Committee will be held tonight at 7:30 in the Scott Hart Auditorium to consider HJR 15. Chairman Hager read the format to the Committee regarding the hearing of HJR 15.

ADJOURN: With no further business the meeting was adjourned.

Chairman Tom Hager

eg

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

47th LEGISLATIVE SESSION - - 1981 Date Feb 11

NAME	PRESENT	ABSENT	EXCUSED
Tom Hager	✓		
Matt Himsl	✓		
S. A. Olson	✓		
Jan Johnson	✓		
Dr. Bill Norman	✓		
Harry K. Berg	✓		
Michael Halligan	late	not excused	

Each day attach to minutes.

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 2-24-11 Bill No. SB 365 Time 2:00

NAME	YES	NO
TOM HAGER	✓	
MATT HIMSL	✓	
S. A. OLSON		✓
JAN JOHNSON	✓	
BILL NORMAN	✓	
HARRY K. BERG	✓	
MICHAEL HALLIGAN	✓	

Elaine Graveley
Secretary
ELAINE GRAVELEY

Tom Hager
Chairman
SENATOR TOM HAGER

Motion: A motion was made by Senator Norman as that SB 365 be receive a DO PASS as amended recommendation from the Committee. Motion carried.

(include enough information on motion--put with yellow copy of committee report.)

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
[illegible] Harrod, D.C.	Board of Osteopathic Examiners	393	✓	
Sandra Blanes	Md St. Pharmaceutical Assoc	365	✓	
Scott A Sobelt	OLA	393		
Dance Megaw	Carroll College student	365, 393		
Stasia Warren	Carroll College Student	393, 365	—	
Cara Lerch	Carroll College Student	393, 365	—	
Theresa Briggs	Carroll College Student Nurse	393+365	—	
[illegible] Rolph	Carroll College Student	393, 365		
[illegible] Bucher	Carroll College Student	393, 365		
Jim Pellegrini	OLA	393		

(Please leave prepared statement with Secretary)

STANDING COMMITTEE REPORT

FEBRUARY 11 19 81

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE & SAFETY

having had under consideration SENATE Bill No. 365

Respectfully report as follows: That SENATE Bill No. 365

introduced bill be amended as follows:

1. Page 1, line 23.
Following: "Pharmacopoeia"
Strike: "and in the Homeopathic Pharmacopoeia"

2. Page 1, line 25.
Following: "apply"
Strike: line 25 through line 3, page 2 in their entirety
Insert: "."

AND AS AMENDED
DO PASS

SENATOR TOM HAGER Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

FEBRUARY 11 19 81

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE & SAFETY

having had under consideration SENATE Bill No. 393

Respectfully report as follows: That SENATE Bill No. 393

DO PASS

SENATOR TOM HAGER Chairman.

STATE PUB CO.
Helena, Mont.

SENATE BILL No. 365

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This code imprint would make it possible to quickly identify a drug that might be involved in an emergency or poisoning situation. This code imprint will be a series of letters and numbers to be chosen by the manufacturer or distributor, unique to each product. A list will be prepared and furnished to the board of pharmacists upon request. The list can then be made available to emergency rooms, poison control centers, pharmacies and to other health professionals. This code system is already being used by many of the ethical drug manufacturers voluntarily but not by all companies.

Since time is of ultimate importance when dealing with a poisoning situation, a system that will allow rapid identification may well save lives.

This bill has the support of the Rocky Mountain Poison Control Center, the Montana Poison Control Center, Montana pharmacists and all physicians who have been contacted. A law like this has been passed in California, South Dakota, Washington, New York and other states. The bill allows for a delayed implementation date of January 1, 1982, which is the

same implementation date used by other states passing this law. The delayed date will allow drugs not marked to be used up and also for the manufacturers to be ready to comply.

Proposed amendment to SB 365:

1. Page 1, line 23
Following: Pharmacopoeia
Strike: and in the Homeopathic Pharmacopoeia

2. page 1, line 25.
Following: apply
Strike: line 25 through line 3, page 2 in their entirety
Insert: "."

NAME: Frank L Davis DATE: 2/11/91

ADDRESS: Great Falls

PHONE: 453 6622

REPRESENTING WHOM? MT Pharmaceutical Assoc

APPEARING ON WHICH PROPOSAL: SB 365

DO YOU: SUPPORT? ✓ AMEND? ✓ OPPOSE?

COMMENTS: ~~Don~~ Copies of written testimony will be left with the secretary

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

MONTANA STATE PHARMACEUTICAL ASSOCIATION
P.O. Box 6335, Great Falls, Montana 59406
Telephone: 406-452-3201

February 11, 1981

Testimony in favor of SB 365

by: Frank J. Davis, R. Ph.
Executive Director

Senate bill 365 will make it possible to identify a legend drug product in solid dosage form by inspection of a single tablet or capsule.

This will be accomplished by requiring the manufacturer or distributor of the drug to place a code imprint on the product that can be compared to a list supplied by the producer to the State Board of Pharmacists upon demand.

The code imprint will be a series of letters or numbers that will be specific for one product.

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Laws such as this have been passed in the states of California, Washington, South Dakota, New York and others. This bill will provide for a delayed implementation date of January 1, 1983 to allow merchants to clear their stocks of the un-coded products.

This bill will have the support of the Rocky Mountain Regional Control Center, the Montana Poison Control Center, emergency room physicians and pediatricians.

If this bill will save but one life, in an emergency situation, I am sure you will consider it worthwhile. The Montana State Pharmaceutical Association urges your support of this bill.

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This bill will have the support of the Rocky Mountain Regional Control Center, the Montana Poison Control Center, emergency room physicians and pediatricians.

If this bill will save but one life, in an emergency situation, I am sure you will consider it worthwhile. The Montana State Pharmaceutical Association urges your support of this bill.

Statement of Intent. A statement of intent is required for this bill because it amends 53-20-305, MCA, and 53-20-307, MCA, to give the department of social and rehabilitation services the authority for the purposes of Title 53, Chapter 20, Part 3 to license community group homes and for rulemaking in relation to that licensing.

Title 53, Chapter 20, Part 3 provides for community homes for developmentally disabled persons. It was the intent of Part 3 to provide for the regulation of community homes by the department of social and rehabilitation services and the department of health and environmental sciences. The department of social and rehabilitation services was given the authority to adopt reasonable rules and standards to carry out the administration and purposes of Part 3. The department of health and environmental sciences was given the authority to license community homes to insure the sanitation and safety of the residents. The authority was given the department of social and rehabilitation services to license community homes in order to insure the quality of services provided. The authority to adopt rules relating to that licensing was not explicitly provided. The department of social and rehabilitation services has had to act under implied authority in licensing community group homes and adopting rules relating to licensing.

This bill provides the department of social and rehabilitation services with explicit authority for the licensing of community group homes and for adopting rules relating to that licensing.

Among the areas that the rules relating to licensing will address are the following: facility acquisition, facility design, group home staffing, staff training, service goals and design, quality of services, client placement procedure, client rights and privileges, client grievance procedure, provider grievance procedure and accounting procedures including accounting of client financial resources. Rules dealing with health and safety will be developed with the assistance of the department of health and environmental sciences, including water and waste disposal, food service, laundry, and safety standards which are compatible with the residential character of the facility.

The physical well-being and safety of the clients is provided for in that the group homes are to be certified for fire and life safety by the state fire marshal who shall adopt standards and notify the department upon certification of a community home as complying with those standards.

SENATE BILL NO. 137

INTRODUCED BY JAN JOHNSON

BY REQUEST OF

THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE LICENSING OF COMMUNITY GROUP HOMES FOR THE DEVELOPMENTALLY DISABLED AND TO ALLOW FOR THE ADOPTION OF RULES RELATING TO THAT LICENSING; AMENDING SECTIONS 53-20-305 and 53-20-307, MCA."

Strike everything after the Title and substitute:

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-20-305, MCA, is amended to read:

"53-20-305. ~~Local control of homes subject to department rules. Community homes for the developmentally disabled may be under local control, and the nonprofit corporations or associations operating said community homes are authorized to establish homes and programs they believe in the best interest of their homes. The director of the department of social and rehabilitation services shall adopt reasonable rules and standards to carry out the administration and purposes of this part.~~

(1) A community home for the developmentally disabled shall be licensed annually by the department of social and rehabilitation services.

(2) One temporary license may be issued for no longer

than sixty days if there are unavoidable delays in the certification process.

(3) (a) The department for the purpose of licensing shall adopt standards and rules concerning the administration, operation, health and safety of community homes for the developmentally disabled."

(b) The department of health and environmental sciences shall provide advice and recommendation to the department of srs concerning the standards for health and safety.

Section 2. Section 53-20-307, MCA, is amended to read:

"53-20-307. Health and Safety Standards ~~and rules~~ for licensing.

(1) (a) ~~The department of health and environmental sciences~~ state fire marshal shall ~~promulgate and~~ adopt standards ~~and rules~~ for ~~the licensing~~ fire and safety certification of community homes ~~for the developmentally disabled to insure the health and safety of the residents of such homes~~. After initial certification by the state fire marshal.

(b) Community homes must be certified annually for fire and life safety by the state fire marshal.

(c) The state fire marshal shall notify the department of social and rehabilitation services when a community home has been certified.

(2) (a) Local health officers shall certify community homes for compliance with health and safety standards. If for any reason the local authority cannot complete the

certification in a timely manner, the department of health and environmental sciences is authorized to make the determination on certification.

(b) A reasonable fee may be charged to authorized parties as defined in 53-20-303 for the health and safety certification.

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

February 11, 1981

The meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Tom Hager on Wednesday, February 11, 1981, at 7:30 p. m. in the Scott Hart Auditorium.

ROLL CALL: All members were present. Kathleen Harrington, staff researcher, was also present.

Many, many visitors were in attendance. (see attachments)

CONSIDERATION OF HOUSE JOINT RESOLUTIONS:

Representative Helen O'Connell of District 34, chief sponsor of HJR 15, gave a brief resume of the bill. HJR 15 is a joint resolution of the Senate and the House of Representatives of the State of Montana calling for the Congress of the United States to propose and submit to the states an amendment to the United States Constitution that would protect innocent human life, including unborn children and, alternatively, petitioning the Congress of the United States to call a convention in accordance with Article V of the Constitution of the United States for the specific and exclusive purpose of proposing an amendment to the United States Constitution that would protect innocent human life, including unborn children.

She says that she speaks from her heart when she expresses the want for the millions of babies being slaughtered every year by abortion. She then states that she speaks of rights and hears of rights, rights of power and the bill of rights. All of these rights are secondary to the right to life. Without the right to life, we don't need the others. There is a law in Montana, 64-104, which protects the rights of the unborn. Representative O'Connell then told of the rally which was held on the front steps of the Capitol recently in which hundreds of people attended in support of pro-life. She then told of seeing a placard which really caught her eye--"Adoption not Abortion". There are millions of childless couples who would give their lives for one or two of these babies by adoption.

Dr. John Paul Ferguson read from written testimony. Dr. Ferguson played a recording of a baby's heartbeat after four days after the first missed period for the committee. He also showed a large picture of an unborn child at six weeks. Dr. Ferguson related that 90% of the abortions performed are for social reasons. (see attachments)

Janice Frankino read parts of written testimony by Margaret Johnson a Helena attorney. She referred many times to the case of Roe vs. Wade 410 U. S. 113 (1973). (See attachments).

Joyce Henricks of Bozeman stated that she feels her rights as a parent were lost as a result of the Supreme Court decision of 1973. It's amazing that her child can't have her ears pierced without her permission but can have an abortion without her even knowing that she is pregnant. She told of an experience with an attempted abortion in her own family.

Dr. Tom Rasmussen of Helena stated that HJR 15 is a safeguard of human rights, liberty and the pursuit of happiness. Abortion is a crime against the unborn child. He told the committee that they should not be alarmed at the idea of a runaway Constitutional Convention as there are many safeguards against this same thing. Thirty-eight states must ratify before a convention can be called. Abortion is not always successful. Dr. Rasmussen told of two babies in Philadelphia that survived saline injections. In reality, there could have been charges of malpractice.

Sherry Dingman of Missoula read from written testimony. Mrs. Dingmar offered testimony from her own experience as a person behind the abortion statistics. She has since changed her mind about abortion on demand. (See attachments).

J. Martin Burke, an associate law professor from the University of Montana, limited her remarks to the question of a Constitutional Convention. Mrs. Burke read from written testimony. (see attachment).

With no more time being allotted the proponents, Chairman Hager called on the opponents.

Jerry Keck, field representatives for the Montana Pro-Choice Coalition, shared some of his experiences as a minister with the abortion problem. Mr. Keck read from written testimony. (see attachments).

John Maynard, an attorney from Helena, stated 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. Mr. Maynard addressed two concerns regarding the resolution. The first concern is that a dangerous and unpredictable precedent will be set if a Constitutional Convention is called for the purpose of proposing an amendment to the United States Constitution outlawing abortion. Mr. Maynard's second concern deals with legal problems that will arise if the nation adopts a constitutional amendment like the one being proposed. Mr. Maynard handed out written testimony to the committee. (see attachment)

Rev. William Burkhart, representing himself and the Pro-Choice Coalition, stated his concerns on a most emotional issue with some degree of rational restraint and clarity. Reverend Burkhart handed out written testimony to the committee members. (see attachment).

Dr. Wayne Pennell of Missoula spoke against HJR 15 which he felt would abolish freedom of choice where abortion is the issue. Dr. Pennell read from written testimony. (see attachments).

Edna Mae Leonard read a letter from Dr. Amos Little who could not attend the hearing. (see attachment)

Virginia Knight, representing the Montana Pro-Choice Coalition, gave a history on abortion in Montana before the 1973 Supreme Court decision. Mrs. Knight turned in written testimony. (see attachment)

Marilyn Greely, a registered nurse, read from written testimony. (see attachment).

Pat Bauernfeind of Montana City spoke against HJR 15. She read from written testimony. (see attachments)

Randy Bellingham of Billings respectfully submitted that Montana's present law on abortion protects the unborn child as much as can be constitutionally permitted without infringing upon the individual's right of privacy and personal freedoms. He then asked that the choice be left with the individual. Mr. Bellinham read from written testimony. (see attachments)

Ann German of Missoula read a letter from James T. Ranney at the Law School of the University of Montana in Missoula. (see attachments)

With no further time being allowed the opponents, Chairman Hager opened the meeting to a question and answer period from the committee. Hearing none, Chairman Hager called on Representative O'Connell to close.

Representative O'Connell read a letter from Senator John Melcher in Washington, D. C., offering his support of the resolution. He stated that he felt he now had the support in Congress and also the White House to push for an amendment to the Constitution regarding abortion. Representative O'Connell stated she appreciated the time given to her. She asked with God's help and also the committee's perhaps we can preserve the greatest miracle on earth--life.

ANNOUNCEMENTS: The next meeting of the Public Health, Welfare and Safety Committee will be held on Thursday, February 12, 1981, at 7:30 a. m. in Room 410 of the State Capitol Building.

ADJOURN: With no further business the meeting was adjourned.

Chairman Tom Hager

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ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

47th LEGISLATIVE SESSION - - 1981 Date Jan 11

H.J.C. 15

NAME	PRESENT	ABSENT	EXCUSED
Tom Hager	✓		
Matt Himsl	✓		
S. A. Olson	✓		
Jan Johnson	late		
Dr. Bill Norman	✓		
Harry K. Berg	✓		
Michael Halligan	✓		

AGAINST ____________

SPONSOR ____________ PRO CHOICE Date ____________

NAME	RESIDENCE	REPRESENTING
[illegible] McNeil	1415 Cano[illegible]	self + 2

AGAINST

PRO CHOICE

SPONSOR _____ Date _____

NAME	RESIDENCE	REPRESENTING
Nancy Ritz	656 N Ewing, Helena	self
Megan McCall	312 Blake, Helena	pro-choice
Susan Brunner	434 Harrison, Helena	pro-choice
Barbara Bonifas	421 Monroe Helena	pro choice
Marilyn Garrady	3500 green meadow	Pro-Choice
Lynn Johnson	214 N. Main #6M	Pro-Choice
Ken Berg	914 Rosta Helena	Pro-choice
Sandra Hanson	905 N. Ewing	Pro-Choice
Rick Newby	528 Clarke	Pro-choice
Wayne Pepperell	POB 5067 Missoula Mt.	Pro choice
Candace Dumas	812 Getchell, Helena	Pro choice
MARIAN T. LOHMAN	1415 Cannon Helena	Pro Choice
Mary Ellen Connelly	Box 214 Whitefish 59937	self
Ann Gilmartin	545 Woodford 59801	Pro Choice
Jerry York	Box 431, Bozeman	Mont Pro-Choice
Edmond Leonard	609 S 2nd, Hamilton	Mont. Pro Choice
Lyanne Pollard	2014 Choteau, Helena	Self
Austin Pollard	"	self

Pro Life

FOR _____ Pro Life

SPONSOR _____

Date _____

NAME	RESIDENCE	REPRESENTING
Bernard Evans	20 So Raleigh	Self
Pastor Gary Jensen	1067 Cheyenne Rd	Mt. Conference of Seventh-day Adventists
Ruth Corbett	1322 8th Ave	Self
Clarence Wallin	2427 Spc Dr Bozeman	"
Michael Brennan	1467 Benton Ave	Self
Cathy McNellis	527 So. Dakota	self
Bob McNellis	5075 Dakota	Self
Peter Johnston	1915 Broadway	Self.
E. Delorie Hall	Bainville, Mont.	Self

FOR HJR 15

Pro Life

SPONSOR _____

Date Feb. 11, 1981

NAME	RESIDENCE	REPRESENTING
[illegible]	[illegible]	Pro Life
[illegible]	[illegible]	Pro-Life
[illegible]	[illegible]	Pro-Life
[illegible]	[illegible]	Pro-Life
[illegible]	[illegible]	Pro-Life
[illegible]	[illegible]	Right to Life
[illegible]	[illegible]	self-employed
[illegible]	[illegible]	Right to life
[illegible]	[illegible]	Right to Life
[illegible]	[illegible]	Pro-Life
Joseph Mahan	925 Missoula Helena	Pro-Life
[illegible]	[illegible]	Self
Gail Zimmerman	310 Alfalfa RD	self
[illegible]	[illegible]	Self
[illegible]	[illegible]	Self
[illegible]	[illegible]	Self

AGAINST HJR45

Propose

SPONSOR ____________ Date ______ ______

NAME	RESIDENCE	REPRESENTING
[illegible]	124 Greenwood [illegible]	self
[illegible] Clawson	2915 Country Club Ave	Helena
Tom Carlson	P.O. 5791 Helena	"
Charlotte [illegible]	34 S. Hoback	Self + Child
[illegible]	30 S Hoback St	self
[illegible]	P.O. Box 683 Helena	self
[illegible] Platt	546 Sparta	self
[illegible] P. [illegible]	323 Elliot Helena	self
Laura Alfredson	343 W Lawrence	self
[illegible] Maynard	2212 Clinton	self
Randy Bellingham	240 Ave F Billings	self
Jim Jensen	301 So. 2nd West Missoula	My family
Linda Carey	1415 Cannon, Helena	self
Barbara A Charlton-Petroski	4366 Head Dr. Helena	self
Thomas E Petroski	4366 Head Dr. Helena	self
Virginia A Knight	6286 Hwy 12 W Helena	self + child
[illegible]	609 So Oakes Helena	self

Pro Life

FOR HJR 15

SPONSOR

Date

NAME	RESIDENCE	REPRESENTING
George H. Hurlburt	1263 Bighorn Rd Helena	myself
Rita Sheehy	825 N. Rodney	self
RoseMary Rodgers	1517 Flowerree	Citizen
[illegible]	P.O. Box 5122	Helena Right to Life
Martha Sheehy	825 N Rodney	citizen
Jenny Sheehy	" " "	citizen
Elen Pavlish	Havre, Mt	citizen
Sherry Dougman	Missoula, MT	myself
[illegible]	Billings	self
Patricia M. Morris	Missoula	self
Suzanne P. Morris	Missoula	MRTL
[illegible]	Missoula	self
[illegible]	Missoula	Self & RTL
Tamara D. Zimmerman	3100 Bridger Dr. #1 Helena	self & [illegible]
[illegible] C. Strong	408 W. Gerschell, E. Helena	self
[illegible] Strong	408 W Greschell	Self
[illegible] Buckley	1505 [illegible] Helena	Self
Robert J. Buckley	"	Self & unborn
[illegible] Maughan	1516 Broadway Helena	self & family
John Vandeven	1639 Karmen Rd	MRTL
David Maughan	1516 Broadway	self & right to life
[illegible] Burke	8 1/2 MSLA	MSLA Right to Life + Self

Pro Choice

AGAINST HJR 15

Pro Choice

SPONSOR _____

Date _____

NAME	RESIDENCE	REPRESENTING
Brenda Nordlund	1107 Poplar Hsla	Self
[illegible]	914 [illegible]	Self
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	"	"
[illegible]	903 5th Ave	Self
[illegible]	[illegible]	"
[illegible]	16 8th Ave Helena	"
Bonnie Field	137 Fairway Drive	"
Dick Field	" " "	"
Steve Field	" " "	"
Sue Lynn Field	" " "	"
Janine Field	" " "	"
Molly Brown	1027 9th Helena	"
Vickie Rea	P.O. Box 1532 Bozeman	"
KIM NELSON	323 HOBACK	"
Melinda Quirk	210 N Clark Butte	Butte Pro-Choice Coalitio
Mark Oliver	1125 Euclid Ave	Self
Lucky Wing	421 W. Lawrence	Self
Lynn Ranzau	528 S. Rodney - Helena	Self - Family
Chris Deveny	636 N. Warren Helena	Self
Wanda Sandquist	Bozeman, MT	self
DAVID LADD	Helena MT	Self
MARK ANDERSEN	Bozeman, MT	Self

AGAINST ____________

____________ ____________

SPONSOR ____________ Date ______ ______

NAME	RESIDENCE	REPRESENTING
James H. Emerson	929 10th ave Helena	Self
David Gorshick	220 S California	self + Family
Barbara Girshick	220 S. Calif.	self + family
Anne Wiedmann	409 S Beattie	self + family
Mary Jaffe	3645 York Rd	Self
Jeffrey Knudson	522 1st Helena	Self
Linda Benton (Benton)	Box 574 Thompson Falls, Mt	
Richard Jaffe	3645 York Rd Helena	self
Teri Titus	906 5th Ave Helena	self
Pat Emerson	929 10th Ave	Self
Charles Abrams	Baker, MT	Self
Vi Abrams		
Bret Brunner	434 Harrison	Self
Eileen Shore	1202 N Sanborn	Self
Sue Bartlett	416 N. Beattie, Helena	Self
Ann Luther	817 Dearborn Helena	Self
Elaine Rowe	Elkhorn Rte - Boulder, Mt.	Self
Nancy Owens	823 Gilbert, Helena	Self
Sheri Sprigg	655 N Warren, #1	self
Margaret B. Miller	707 Highland Helena	self
Nancy Jones	708 5th Ave	Self
Patricia A. Rowe	421 Breckenridge	Self & Family
Bruce C. Marshall	21 N. Benton Helena	Self

AGAINST Pro Choice

SPONSOR ______________ Date ______ ______

NAME	RESIDENCE	REPRESENTING
Joan M. Murphy	801 N. Ewing	Pro Choice
Carly Radley	1811 Billings	Pro Choice
Daniel Silver	906 Broadway	P.C.
Sheena Graham	906 Broadway	Pro Choice
Sidney D. Poole	510 State	MY FAMILY - PRO CH
Dayce Lage	Swan Lake	NOW - Pro Choice
Melise Wood	Bigfork Mt.	NOW Mormons for ER
CHERYL L DALTON	Bigfork Mt	NOW, NWPC, Mormons for ERA
Joan R. Gordon	Bigfork, Mt	NOW, Pro Choice, Quakers
Kathy Hayden	212 Blake Helena	Pro Choice
Julia Saylor Keenan	523 State Helena	Pro choice
Iris Ernst	413 8th ave	Pro choice
Gary Esser	12 S. Benton Helena	Prochoice
Rosalind Koltz	1433 1/2 Walnut Helena	Pro Choice, NOW
Claudia Kuric	819 GILBERT Helena	Pro-choice
Judy Nelson	1114 Hollins Helena	Pro-Choice
Carol Busch	639 Cannon Helena	Pro-Choice
Chris Raver	546 S. Davis Helena	self
Caro Gerber	105 1/2 S. Cooke	pro-choice
Thelma Rathloff	1001 Leslie Helena	pro-choice
Myra Smith	2880 Melrose	pro-Choice
Benjamin Sansouci	611 first street	pro-choice
Janet Sansouci	611 First St	Pro Choice
Emily Hazelton	611 First	pro-choice

AGAINST [illegible]

Date Feb 11 - 1981

SPONSOR

PRO Choice

NAME	RESIDENCE	REPRESENTING Pro-Choice
[illegible]	Missoula [illegible]	[illegible]
Maria Vagnelis	[illegible] MT	MOTHER/SELF
Richard Kohl	711 [illegible] Helena	Self, mother
[illegible] Ericksen	319 [illegible]	Self
[illegible]	[illegible]	Butte Pro Choice [illegible]
Victoria Olivia	1105 [illegible]	Self
[illegible]	1281 Helena Ave.	Myself and family
Catherine [illegible]	[illegible]	self
Ellen Rellim	427 N [illegible] Helena	myself
Mary Wilson	412 [illegible] Helena	self
Katherine [illegible]	826 N. [illegible] Helena	Self
Janice Fenk	Box 32 Clancy	Self
Barbara [illegible]	1517 [illegible] Helena	self
Jutta Eva Stange	319 Chaucer, Helena	Self
Cynthia Wevers	P.O. Box 722 Helena 59624	Self
Lon Johnson	1038 [illegible] Helena	Out in Montana
Sandra J. Haney	574 [illegible] Helena	self
Julie Hasler	1522 [illegible] Helena	self
Dennis J. Cramer	511 [illegible] Av.	self
[illegible]	2026 8th Ave	self
[illegible]	703 5th Helena	Self
[illegible]	2411 E [illegible] Helena	self & husband
Clare M [illegible]	12 S. [illegible] Apt 1 Helena	Self
[illegible]	[illegible] Helena	

Pro Choice AGAINST _____

_____

SPONSOR _____ Date _____ _____

NAME	RESIDENCE	REPRESENTING
[illegible]	Missoula	
[illegible]	[illegible]	
Rita Blank	Helena	
Peter Blank	Helena	
Diane M. Tipton	Helena	
Merrie McGilvray	Helena	
William A. Bouchard	Helena	
JP HEALOW	HELENA	

Pro-Life

FOR _____

SPONSOR _____

Date _____

NAME	RESIDENCE	REPRESENTING
Linda Carson	Bozeman	self
[illegible]	Bozeman	self
Tom Kasmussen	Helena	self
[illegible]	[illegible]	self
[illegible]	Helena	self
[illegible]	"	self
[illegible]	Helena	self
[illegible]	Helena	self
[illegible]	Helena	self
[illegible]	Helena	self
[illegible]	Forsyth	self
[illegible]	Helena	self
[illegible]	Butte	self
[illegible]	Butte	self
Judith D Cordis	Helena	self
Cheryl Cadieux	Helena	self
Kimberly Kelley	Helena	self

PRO Life

FOR _____

_____

SPONSOR _____

Date _____ _____

NAME	RESIDENCE	REPRESENTING
[illegible]	[illegible]	self
Joan Mercer	404 North Benton #5 Helena	self
Georgia Downs	907 Benton	self
Patty Spitz	801 Cherry	self

PRO LIFE FOR ____________

SPONSOR ____________ Date ____________

NAME	RESIDENCE	REPRESENTING
Tom Gleason	Helena	self
Shirley Gleason	Helena	self
[illegible]	Helena	self
[illegible]	Helena	self.
[illegible]	Missoula	self
Mary Brown	Helena	self
Esther Lay	Helena	self.
[illegible]	[illegible]	[illegible]
[illegible]	Helena	self
[illegible]		
[illegible]	E. Helena	
[illegible]	[illegible]	self
[illegible]	Bozeman	self
[illegible]	Boz	self
[illegible]	[illegible]	[illegible]
[illegible]	Bozeman MT.	self
[illegible]	Bozeman	self
[illegible]	Helena	Self
[illegible]	Helena	"
[illegible]	Helena	Self
[illegible]	Helena	Self
Mary [illegible]	Bozeman	Self
[illegible]	Bozeman	self
[illegible]	Manhattan	self

PRO ~~LIFE~~ ~~AGAINST~~ Choice

SPONSOR

Date

NAME	RESIDENCE	REPRESENTING
Irene & Ned Rosetta	1100 Missoula - Helena	Self
Penny Loucas	312 Clarke #D Helena	self
Laurie Morris	1401 Phoenix	self
Steven Haselton	1401 PHOENIX	SELF
Deidre Smith	1717 Cannon	self
Rob Smith	656 N. Ewing	Self
Tracy Miller	Box 762 E Helena	self
Marvin Edwards	Helena	self
Jo Ann Hanson	1108 Leslie, Helena	self
Steve Carey	1004 N. Park	ASUM
Mike Dahlem	1004 N. Park	ASUM
Pat Bauernfeind	Star Route Box 152, Clancy	Self
Martha Sprat	824 E. 6th ave	"
Kathleen Coyne	227 S. 4th E. Msla	self
Patricia Clark	1108 Billings	Self
Kate Bratkes	10 Chaucer Helena	Self
Claudette Ross	312 Blake, Helena	self
Klaus Hartmann	285 Green Rd Helena	self
Judith Hartmann	285 Green Rd	self
Linda Hays	1916 Locker Helena	Self
Melissa Kwasny	Box 461 Basin	Self
Diana Engel	1006 Breckenridge Helena	self
Ellie Parker	710 11th Ave., Helena	self
Karen Renne	915 Elizabeth	self

Place ______________

Date ______________

District ______________

SIGN-IN SHEET

NAME	ADDRESS	PHONE (Home/Office)
Stan Frasier	4117 N. [illegible]	442-2705

Two [illegible] people attending tonight (unofficial)

NAME: Janice Dimitriou DATE:

ADDRESS:

PHONE:

REPRESENTING WHOM? DLG

APPEARING ON WHICH PROPOSAL:

DO YOU: SUPPORT? \ AMEND? OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Janie Forbes

TESTIMONY OF MARGARET M. JOYCE JOHNSON

IN 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 would like 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. Prior to 1973, all of the 50 states, including Montana, had laws restricting and regulating abortion. In 1973 that situation, and the power of the states to enact any laws regulating and restricting abortion was greatly changed by the United States Supreme Court. The 14th Amendment to the United States Constitution was adopted in 1868. A clause 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 woman'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 nevertheless important because a fundamental right is one which the States cannot regulate or limit unless a "compelling" state interest is asserted. The Court recognized three valid state interests: (1) in safeguarding the health of the mother, (2) in maintaining medical standards, and (3) 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 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 cloaking pregnant mothers and their doctors with a constitutional right to arbitrarily 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 Contitution 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 and press. Essentially that permits us each to speak our mind and publish our views regardless of what they may be. None of us expects,

however, that the freedom of speech and press which is guaranteed by the Constitution is somehow going to cloak us with protection should we use those rights to destroy the reputation of another person with lies. That guarantee of freedom will not protect us from the libel or slander 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 the words that we publish or speak, knowing that we are not speaking the truth, we have overstepped the boundaries of our freedom 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 must be determined 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

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.

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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.

What can we expect should an amendment be adopted? Opponents to this resolution always refer to the very difficult cases involving hard moral decisions and claim that a human life amendment would ban all abortions. This resolution in its present form supports three types of exceptions: (1) the situation in which the mother's life is endangered, (2) rape and (3) incest. These exceptions cover a majority of those hard moral decisions and permit a choice in those instances. Statistics show and even the opponents to this resolution admit that at least 90% of

the abortions performed today would not fall within those exceptions. They are senseless, needless taking of life for no reason whatsoever other than social convenience or whim. It is against those abortions that this resolution is directed primarily and it is against those abortions that the states uniformly legislated prior to 1973. We need not speculate extensively about what the states will or won't do should they again be granted the power to regulate abortion by means of a constitutional amendment. For over a century before the Roe v. Wade decision, states exercised that power and showed no great tendency to abuse that power, but a decided effort to prohibit the needless and senseless destruction of human life. Before this committee accepts at face value the parade of horribles conjured up by the opponents to this resolution, it should soberly consider the responsible manner in which the states have for over a century exercised their powers to regulate abortion. The United States Supreme Court in 1973 removed that power from the states by means of the 14th Amendment which most of those same states had ratified while exercising that power. It is time to restore that power to the states. It is up to this Legislature to do its part in contributing to the restoration of that power.

I would now like to discuss briefly the Constitutional Convention issue and whether or not it can be limited to the subject matter for which it is called.

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.

Specifically, Article V provides:

> "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 Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

The Article speaks of Congress proposing "Amendments" or of a Convention being called for proposing "Amendments." It has been suggested by the opponents to this resolution that this language implies that a Constitutional Convention cannot be limited to the subject matter for which the convention was called. If that is the case, then neither can Congress propose any amendment individually for ratification by the states, because the Article

only permits Congress to propose "Amendments" in the plural as well. Congress, however, quite to the contrary, has never felt itself so constrained and, in fact, has proposed individual amendments for ratification by the states. The states have considered each of those amendments in isolation and have made decisions affecting the Constitution only to the extent of those proposed amendments.

Additionally, 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 concerning 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 langugage indicates a clear understanding that a particular 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 by 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 states and the National Congress could apply for a proposal of specific constitutional amendments.

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 constitutional 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 first 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-fourths 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 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.

NAME: J. PAUL FERGUSON DATE: 2/11/81

ADDRESS: 2837 FORT MISSOULA DR MISSOULA MT 59801

PHONE: 406 728-~~1850~~ 4601.

REPRESENTING WHOM? Self & MRTL KofC

APPEARING ON WHICH PROPOSAL: HJR 15

DO YOU: SUPPORT? Yes AMEND? _____ OPPOSE? _____

COMMENTS: Oppose any & all amendments

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

ROBERT A. SPIERLING, M. D.
DIPLOMAT AMERICAN BOARD
OBSTETRICS AND GYNECOLOGY
FELLOW AMERICAN COLLEGE
OBSTETRICS AND GYNECOLOGY

J. PAUL FERGUSON, M. D.
FELLOW ROYAL COLLEGE
PHYSICIANS AND SURGEONS OF CANADA
FELLOW AMERICAN COLLEGE
OBSTETRICS AND GYNECOLOGY

PROFESSIONAL VILLAGE, SUITE 25
(406) 728-4601
MISSOULA, MONTANA 59801

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

ROBERT A. SPIERLING, M. D.
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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.

J. Paul Ferguson, M.D.

NAME: Joyce Henricks DATE: _____

ADDRESS: 1004 N. Wendenhall Bozeman, Montana

PHONE: 586-9627 or 586-2033

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: HJR 15

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: I feel that my rights as a parent were lost ~~when~~ as a result of Supreme Court Decision of 1973. It's amazing that my child can't have her ears pierced without my permission but can have an abortion without me even knowing she is pregnant. In August 1979 my daughter decided to have an abortion. She went in at 9:00 & the Dr. inserted the laminaria & by 12:00 I found out she was going back at 1:00 to complete the murder. I went to the Dr. & radically ordered him to stop the process. After discussing this with daughter & now son-in-law the abortion was stopped & the laminaria removed. The baby is normal. Also very loved. This decision for the abortion was totally social & not at all thought out, even with her counseling.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Henry Dingman DATE: 2-11-81

ADDRESS: 755 Dakota Missoula, MT 59801

PHONE: 549-8906

REPRESENTING WHOM? Myself

APPEARING ON WHICH PROPOSAL: HRJ-15

DO YOU: SUPPORT? YES. AMEND? _____ OPPOSE? _____

COMMENTS: I will give written testamony to the Senators on the Committee

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

I am Sherry Dingman, from Missoula:
I know that you are dealing with a difficult issue this evening. An issue that has probably touched some of you personally. 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 have caused me to look at the Reality behind those slogans. I've come 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 the abortion. All knowledge of this was kept from my parents.

Irresponsible sex, not lack of information, caused my pregnancy. My parents taught me about reproduction. Family Planning taught me about contraception. What I did not know was 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 basic biological facts, I was offered the slogan, "every woman has a right to control her own body." This implied that I was only dealing with my own body. My tiny offspring was refered to as "tissue."

The term "tissue" conveyed a value judgment to me. It was not a judgment I would have made after reflecting on the scientific facts... Apparently, no one involved with the abortion wanted to upset me with facts that might bias me against the "choice." In ignorance, I ended an individual's life at the Begining. 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. This killing is often justified with the slogan, "Every child should be a wanted child." Why should my want's have become the measure of someone else'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 3:00 in the morning. I don't want her when she pours her cereal on the floor. But my wants don't justifly 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, what will keep us from drawing the line at birth? Any argument for abortion based on this concept of "wantedness" will serve equally well for justifying 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 confronting my parents with this certain evidence that I had been sexually active. Fear of choosing between accepting early the responsibility of an untimely motherhood or the agony of giving up a child. Abortion was a means of avoiding choice. The difficult and painful choices did not have to be made. The problem of what to do with the baby was eliminated; by sacrificing an innocent human life on the Alter of Selfishness and Ignorance. Society makes the "choice" of taking a Life 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, just like Newsspeak. All empirical evidence from sciences shows that a fetus is a member of the human species. The idea of humankind defining itself apart from its species made me uncomfortable. I kept wondering just who would write the definition and who besides the fetus would be left out. My crumbling rationalizations collapsed during a conversation with a woman doctor. She sat about five feet away from my little girl who was 10 months old...and told me that she wasn't sure whether my child had yet obtained the status of 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 these problems, rather they have become worse... but we have certainly eliminated a lot of human beings. Ten million deaths have occured 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 who 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 keep a slave myself, but I support the right of other's to choose" or "I'd never kill an Indian or a Jew myself, but I support the right of other's to choose." By making abortion for convenience legal, we have paved the way for people to measure life in terms of the shifting sociological concept of "meaningfulness". We have unwittingly opened the door for government to distinguish between a valuable class in society and dependent destroyable classes. The ultimate question in politics has become 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. It simply never occured to me that my country would have legalized killing for convenience, that public officals in this country would allow such a thing. 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 our country is not compelled to legalize that moral standard. Shall we legalize theft because some choose to steal? Shall we legalize patricide because some find their parents a burden?

The only legacy I can offer to the 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. A society that believes in truth rather than slogans.

I beg you to vote Yes on House Joint Resolution 15 and prevent future Montanans from being exploited by a web of lies and empty slogans. 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 has arrogantly struck down the sovereign rights of each state to protect innocent human beings.
The recourse granted us by our constitution against the tyranny of illogical and unjust Supreme Court decisions is our right to call for an ammendment or if need be a convention. If we cower from exercising our constitutional rights let us not do so in the name of that document. If we fail to use our constitutional rights to stop the wanton destruction of a million and a half human beings each year, then Senators the republic is already lost.

Can you, like Pilate, wash your hands of this matter, and stand idly by as innocence is condemned and justice is formed by social expediency?

J. Martin Burke

Associate Law Professor

University of Montana

(coach of Montana's Championship
Moot Court Team)

To the members of the Senate committee considering HJR 15

Mr. Chairman, members of the Committee. My name is Martin Burke. I am an attorney in Missoula Montana. I am grateful to you for the opportunity to address this Committee.

I appear before you this evening because I believe in the right which all people, including the unborn child, have to life.

I will limit my remarks this evening to the question of a constitutional convention.

Regarding a constitutional convention, I know that you as state senators, are well aware of your constitutional power to join with members of the Montana House in requesting Congress to convene a constitutional convention.

Indeed, Article V of the United States Constitution specifically provides two methods for amending our Constitution. Article V provides in relevant part:

> "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 Constittution, when ratified by the Legislatures of three-fourths thereof,. . ."

The history of the Constitutional Convention of 1787 indicates that the framers of our Constitution were anxious that there be a formal method for amending our Constitution and that the sovereign states as well as the Congress be in a position to amend the Constitution.

While our Constitution has been amended numerous times, the constitutional convention method has not been used since the original Constitutional Convention in 1787. I know that during the last weeks, you have been lobbied by opponents to HJR 15 who have undoubtedly warned you of the dire consequences of a constitutional convention. The opponents of HJR 15 warn that there are unanswered questions-- they forecast a constitutional convention which would run wild-- a mean spirited convention that would mandate gun control or that would rob energy rich Montana of her natural resources.

I have carefully considered the prospect of a constitutional convention. I have lost little sleep over the danger of a run away convention or a mean spirited convention that would somehow destroy the freedom which we enjoy as Americans.

None of the disaster scenarios regarding constitutional conventions, which have been painted by the opponents of HJR 15 and which no doubt will be set before you tonight have any basis in fact. The opponents of HJR 15 in forecasting a disastrous convention fail to explain how the frightening amendments which they contend would be forthcoming from a constitutional convention would be ratified by 38 states. Let us not forget that Article V of the Constitution requires that any proposed amendments forthcoming from a constitutional convention must be ratified by 3/4 of the states. If the experience of the proposed 27th Amendment to our Constitution- the Equal Rights Amendment - teaches us anything it is that the state legislatures

have not been prone to ratify constitutional amendments except after extensive public debate and deliberation.

The fact that the requisite number of states has never requested Congress to call a constitutional convention does not make the convention route an illegitimate method of amending our Constitution. Indeed our founding fathers intended that Montana as a sovereign state have available to us this method of amending our Constitution when you, our elected legislators believe that a constitutional amiendment is proper.

The Montana Legislature has not been loathe to exercise its Constitutional Amendment power. On at least 13 occasions in the short history of this state, Montana has requested Congress to call a Constitutional Convention. The Montana Legislature has sought a Constitutional Convention on such matters as polygamy, repeal of prohibition, etc. At the turn of the century we joined with a number of states in calling upon Congress for a constitutional convention to provide for the direct election of U.S. Senators. According to a 1973 American Bar Association study, the pressure brought to bear on Congress by the states by means of Constitutional Convention calls caused Congress to submit the 17th Amendment to the states for ratification, the 17th amendment was for the direct election of senators.

In 1963, our Legislature called for a constitutional convention to consider legislative reapportionment. I submit to you this evening that none of the matters which have served as a basis for constitutional

convention calls in the past is as significant as that before you tonight.

I personally do not believe that we will have a constitutional convention. I am convinced that as the number of states calling for a constitutional convention to protect the life of the unborn nears the two-thirds mark, Congress will simply submit to the states a human life amendment.

But even if Congress should continue to refuse to submit an amendment to the states thus necessitating a constitutional convention; I do not believe that we have anything to fear.

I admit that there are questions to be answered regarding constitutional conventions. The framers of our Constitution realized that when they enacted Articel V. If the existence of unanswered questions served as a bar to this legislature taking action, I submit that no legislation would ever be passed in this state and that society would never progress.

There is absolutely no evidence to support our opponents contention that a constitutional convention would act irrationally or that its proposed amendments would be ratified if it did. On the contrary we have had in this country and in this very state the experience of state constitutional conventions. The delegates to these state Constitutional conventions have not run wild. Rather as our own recent constitutional convention indicated, the delegates to the constitutional convention have conducted themselves in an orderly, thoughtful and responsible manner.

In the final analysis the comments made by opponents to HJR 15 regarding constitutional conventions demonstrate a distrust of the people in this country-- of those who would attend a constitutional convention-- of those in the state legislatures to whom proposals would be submitted for ratification and a distrust for the American electorate responsible for the selection of its representatives.

In my own opinion, the outcry of our opponents regarding constitutional conventions is nothing more than a smokescreen intended to hide their true motive-- the continued legality of the destruction of human life.

In conclusion, in 1973 the U.S. Supreme Court-- nine men-- amended in a very real sense the U.S. Constitution. Without any conconstitutional basis whatsoever, the U.S. Supreme Court determined that when the sovereign states ratified the 14th amendment which guarentees that no person shall be deprived of life, liberty, or property, that the states intended to deprive the unborn of the right to life and intended to secure to women the right to abort their unborn children. By its decision in Roe v. Wade the United States Supreme Court stripped the State of Montana and all other states of the right to regulate abortion. The only means of restoring to the states that right is to amend the United States Constitution. The U.S. Congress has failed to take action. It is incumbent upon the states therefore to exercise their constitutionally granted power to seek an amendment to the Constitution. HJR 15 is a matter of states rights and more importantly it is a matter of human rights. I urge this committee and the Montana Senate to pass HJR 15.

Thank you .

NAME: Joseph P. Malin DATE: 2-11-91

ADDRESS: 925 Missoula Helena, Mont 59601

PHONE: (406) 442-9664

REPRESENTING WHOM? Knights of Columbus Self

APPEARING ON WHICH PROPOSAL: Pro-Life

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: Written testimony

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Dear Senators

The most important issue facing the current legislature is comming before the Senate shortly. It is the issue of life or death for the millions of unborn babies that will be aborted if the U.S. Constitution is not amended to give them the same protection that is given other human beings. Some people say that the pro-life movement is trying to impose morals on others. I would submit that our country is founded on the moral principles of life liberty and the pursuit of happeness. ~~and~~ that primary among these right is the right to life, for without life all other ~~rights~~ rights are null and void.

The main problem is determining when life begins. Different religions believe different things about this. However, if you consider the scientific determination, biological life begins at conception. If you do not have enough biological training to understand this let me explain some things. Every cell in the human body has 46 chromosomes. Chromosome are things within the cell that determine what that cell and ~~every~~ thus the whole body of cells

is. Forty six is the unique number ~~for~~ of chromosomes for human. The gametes (sex cells) are the ~~ce~~ only cells in a body of cells that do not have ~~the~~ same number of chromosomes as the rest of the cells in the body. The sex cells contain half the number of chromosomes of the rest of the cells in the body and for human beings that number is 23. When the sperm and the egg unite (conception) the ~~resulting~~ cell has again the full number of chromosomes 46 for humans. The resulting cell zygote ~~is thus a human cell and is a~~ with 46 chromosomes is thus a human cell.

It is also a unique cell it is not the same as the mother or the father it has a combination of chromosomes from both mother and father and is thus different and individual. It is also alive and gives all symptoms of any living cell. By the time a woman is sure she is pregnant this cell ~~is big enough to identify as a~~ has grown and multiplied and become big enough to identify as a human being and it has developed all the organs that human beings have. Although the organs are not fully developed it is evident that,

at the age of 6 weeks, the fetus is a growing human being.

Some people accuse the pro life people of imposing their religion on others. I submit we in fact do just the opposite. There is no way that we can impose our religion on the baby that is growing inside the mother. We are attempting to protect that living human being from being murdered by ~~their~~ some abortionist whose religious values seem to be those of greed, convienence and "better than thou" attitude. Most wars start from just such attitudes and I can think of two that directly exhibit this feeling. The civil war was started ~~by~~ when it was determined that whites were better than blacks. In fact ~~is~~ it was determined that blacks were no better than property and could be bought and sold as such. The Second World War was started when Hitler determined that the Nazies were better than others and that the others could be aborted before they were born or after. In the U.S. today we have

"greed" and pregnant women whose apparent religion of "convienence" have killed thousands even millions of living human beings. People who are in and are joining the pro-life movement realize that this nation can not long endure ~~this sin~~ the mentality of the abortionists.

I am asking you to please vote for life rather than against it. Please reestablish the ~~right~~ constitutional right to life of all human beings

Joseph P. Malin

NAME: Suzanne Morris DATE: Feb. 11, 1991

ADDRESS: 2207 Garland DR.

PHONE: 251-4759

REPRESENTING WHOM? Montana Right to Life

APPEARING ON WHICH PROPOSAL: HJR-15

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: Oppose any amendments

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Pastor Gary Jensen DATE: 2-11-'81

ADDRESS: 1067 Cheyenne Rd., Helena

PHONE: 458-5797

REPRESENTING WHOM? Montana Conference of Seventh-day Adventists

APPEARING ON WHICH PROPOSAL: HJR 15

DO YOU: SUPPORT? V AMEND? _____ OPPOSE? _____

COMMENTS: While our denomination has not taken an official stand on abortion, we do respect + support the right to life, which is one of the basic rights guaranteed in the U.S. Constitution.

Our main concern with this bill is not the abortion issue but that section calling for a Constitutional convention. After consulting with our attorneys in Portland and Washington, DC and carefully studying the wording of this bill we feel that we can support it because of the safeguards that are built into it - specifically sections 4 + 7.

I understand Our government has two ways of amending the U.S. Constitution: (1) a 2/3rds vote by Congress, followed by ratification by 3/4ths of the states, or (2) a constitutional convention, followed by ratification by the states. Thus we should not be overly or unduly concerned by the possibility of a "Con-Con", for that is one of the ways our government has of dealing with Constitutional issues. Because the method of calling for amendment suggested in this bill is Constitutional (and that's our main ~~not~~ concern), we would respectfully urge your support of HJR 15.

3/4

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jerry Loble DATE: 2/10/91

ADDRESS: Box 431, Bozeman Mont.

PHONE: 442-9736 (Helena number)

REPRESENTING WHOM? Montana Pro-Choice Coalition

APPEARING ON WHICH PROPOSAL: HJR 15

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: See written testimony

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

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 themself. 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 magnitutde 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 wou'd 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 daugnter 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,

Jerry Keck

Jerry Keck, Field Representative
Montana Pro-Choice Coalition

NAME: Esther Wagner DATE: 2/14/21

ADDRESS: 3212 Clotan

PHONE: 442-0585

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: _____

Submitted

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

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 WANT TO THANK YOU FOR THE OPPORTUNITY TO ADDRESS YOU THIS EVENING ON THE SUBJECT OF HOUSE JOINT RESOLUTION NO. 15.

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 THE MEMBERS OF THIS COMMITTEE, AS WELL AS FOR ALL THE MEMBERS OF THE LEGISLATURE, YOUR VOTE ON THIS RESOLUTION COULD BE THE MOST DIFFICULT, AND PERHAPS THE MOST FAR-REACHING VOTE YOU CAST THIS SESSION.

BECAUSE OF ITS SIGNIFICANCE, THOUGH, 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. THE FIRST CONCERN IS THAT A DANGEROUS AND UNPREDICTABLE PRECEDENT WILL BE SET IF A CONSTITUTIONAL CONVENTION IS CALLED FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION OUTLAWING ABORTION. I WOULD EMPHASIZE THAT CALLING A CONSTITUTIONAL CONVENTION IS THE ONLY BINDING EFFECT THIS RESOLUTION COULD HAVE ON CONGRESS. MY SECOND CONCERN

DEALS WITH LEGAL PROBLEMS THAT WILL ARISE IF OUR NATION ADOPTS A CONSTITUTIONAL AMENDMENT LIKE THE ONE BEING PROPOSED.

TURNING FIRST TO THE ISSUE OF A CONSTITUTIONAL CONVENTION, YOU ARE AWARE THAT ARTICLE V OF THE UNITED STATES CONSTITUTION PROVIDES TWO METHODS FOR PROPOSING AMENDMENTS. IN THE FIRST METHOD CONGRESS PROPOSES AMENDMENTS TO THE CONSTITUTION WHEN 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 ANY 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. KEEP IN MIND THAT IF YOU VOTE FOR THIS RESOLUTION YOU ARE VOTING FOR A CONSTITUTIONAL CONVENTION. IF 34 STATES DO THE SAME CONGRESS HAS NO CHOICE UNDER THE CONSTITUTION BUT TO CALL A CONVENTION. THIS METHOD OF PROPOSING AMENDMENTS HAS NEVER BEEN USED AND THE PROSPECT OF SUCH A CONVENTION RAISES VERY SERIOUS 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? IT IS MY UNDERSTANDING THAT NOT ONE OF THE 19 STATES WHICH HAVE CALLED FOR A CONSTITUTIONAL CONVENTION HAVE INCLUDED AMENDMENTS

LIKE THOSE INCLUDED BY OUR HOUSE OF REPRESENTATIVES EXCLUDING VICTIMS OF RAPE OR INCEST OR IN CASES WHERE THE MOTHER'S LIFE IS THREATENED.

IS CONGRESS REQUIRED TO ESTABLISH PROCEDURES FOR SUCH A CONVENTION IF IT RECEIVES THE APPLICATIONS OF TWO-THIRDS OF THE STATES? IT IS IMPORTANT TO NOTE THAT CONGRESS HAS NOT ADOPTED SUCH PROCEDURES THOUGH IT HAS HAD SEVERAL OPPORTUNITIES. WHAT RECOURSE DO THE STATES HAVE SHOULD CONGRESS REFUSE? THE FEDERAL COURTS? HOW MUCH POWER DOES CONGRESS HAVE TO CONTROL THE SCOPE OF A CONVENTION? COULD SUCH A CONVENTION BE LIMITED TO ONE ISSUE?

THIS LAST CONCERN IS ONE OF 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? THE POSSIBILITY EXISTS THAT 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 BASIC PRINCIPALS COULD BE LOST.

MY SECOND CONCERN IS THE EXTENT TO WHICH CURRENT LAWS WOULD BE CHANGED IF AN AMENDMENT SIMILAR TO THE AMENDMENT PROPOSED IN THIS RESOLUTION BECAME THE SUPREME LAW OF THE LAND.

WOULD THE STATE BE REQUIRED TO ENFORCE LAWS RELATING TO CHILD ABUSE AGAINST PREGNANT WOMEN? WOULD COURTS BE REQUIRED TO APPOINT GUARDIANS FOR UNBORN CHILDREN TO REPRESENT THEM IN ACTIONS FILED AGAINST THEIR MOTHERS? WOULD INQUESTS BE REQUIRED TO DETERMINE IF A MOTHER WHO SUFFERED A MISCARRIAGE WAS GUILTY OF CRIMINAL HOMICIDE? WHAT RAMIFICATIONS DOES GIVING CONSTITUTIONAL

PROTECTION TO FIRST TRIMESTER FETUSES HOLD FOR COUPLES WHO ARE ABLE TO CONSIDER HAVING CHILDREN FOR THE FIRST TIME BECAUSE OF RECENT MEDICAL ADVANCEMENTS?

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 INTERESTS 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, TO THE EXTENT THEY MAY BE APPROPRIATE, SHOULD COME THROUGH THE COURTS, ONE STEP AT A TIME AND WITH AN OPPORTUNITY TO FULLY ASSESS THE RAMIFICATIONS OF EACH STEP.

NAME: Rev. William A. Burkhardt DATE: 2/11/81

ADDRESS: 530 Hazel Green place

PHONE: 442-0735

REPRESENTING WHOM? Myself + pro-Choice Coalition

APPEARING ON WHICH PROPOSAL: HJR #15

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

COMMENTS: My Comments are in printed form and have been given to each Committee member

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

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 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.

NAME: Wayne E Pennell M.D DATE: 2/11/81

ADDRESS: PO Box 5067 Missoula MT

PHONE: 7284318

REPRESENTING WHOM? Self / Choice

APPEARING ON WHICH PROPOSAL: Choice

DO YOU: SUPPORT?_____ AMEND?_____ OPPOSE? X

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Mr. Chairman, members of the Committee:

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 have 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.

I would like to clarify that I am not pro-abortion, I am pro-choice. When circumstances are such that an individual feels she is economically and emotionally ready for family growth and eager to provide the necessary love and care, it is beautiful and rewarding to deliver a normal healthy, newborn infant.

On the other hand, when socio-economic disaster or psychological devastation is at hand, or an abnormal fetus is contained in the uterus, or a woman's life hangs in the balance because of medical complications.....then let me say loudly and clearly that performing a safe and legal abortion is equally rewarding.

Above all, I ask you consideration for the abnormal or complicated pregnancy. Consider the mongoloid pregnancy, as well as massive radiation, excessive medication and German measles in the first trimester. Do you feel comfortable coercing abnormal reproduction? Consider the medically complicated pregnant woman, the severely hypertensive patient, the

diabetic, the 16 year old paraplegic that happened to be pregnant after the automobile accident, the pregnant woman with breast cancer 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.

You might hear that only 2-3% of abortions are done for medical reasons. Two to three percent of two million represents forty to sixty thousand American women pregnant with complications seeking abortion. If this, in your mind is insignificant, let me remind you that recently 52 American hostages were significant enough to carry a price tag of 23 billion dollars.

(You can prove or disprove almost anything with statistics, but numbers don't count when it is your daughter, it is 100%. When it is your daughter paralyzed from the waist down that looks up and says "I'm just beginning to accept my condition, I want to learn to take CARE of myself, I want to get on with rehabilitation. I can't take care of myself much less a baby, I don't want to be a mother or have a baby for some infertile coupe, I want it over and done with now." Interestingly enough, she can deliver the baby, most likely a normal vaginal delivery, it won't kill her. Pass this legislation and she may have no choice. She will also likely be unable to take her own life and certainly will physically be unable to seek out an illegal abortion. The Senate is now the jury - what is your verdict?)

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 daughter, and say ------ I am proud to live in a free democratic society.

Let me add in closing that Montana has a long history of falling prey to the influence of large corporate and private interest with huge financial backing which does not necessarily represent or benefit the majority.

Let us now make a stand for the freedom and well-being of all American people for which I believe our Constitution was created.

Thank you for listening.

NAME: Edna Mae Lyons DATE: 2/4/81

ADDRESS: Hamilton Mt.

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: H.B. R-15

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: _____

Reading testimony for Rep. Lynch.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Senators!

My name is Amos R. Little, Jr. I am a licensed physician in Montana where I have lived since 1944. I am a graduate of Johns Hopkins University School of Medicine and have practiced general medicine and surgery in Helena until two years ago when I retired from active clinical practice. I am now involved in administrative medicine. I wish to go on record with a statement about HJR 15 which is before you at the present time.

In my practice which has included obstetrics, gynecology and surgery, as well as medicine, I have seen, especially in the early years the tragic end results of illegal and/or incompetent, or self-induced interruption of pregnancy. There is no law that will prevent young women from attempting to obtain termination of an unwanted pregnancy anymore than the Vollstead Act prevented people from desiring to drink or seek out illegal sources of liquor. The only real difference in the two situations is that the end result of self-induced or illegal, "backdoor" abortion is hemmorhage, infection, sterility and/or death. The facts were quite clear in the early days of my practice when pregnancy termination was totally unacceptable both legally, morally and ethically, that the abortion business was booming, unfortunately often the wealthy could find medical or quasi-medical types who might provide a reasonably safe procedure, but it was the poor and/or unintelligent young women who sought self-help by the use of coathangers, knitting needles or a multitude of medications which while rumored to be effective, never were, and often resulted in death, that paid the real price.

Regardless of religious or moral viewpoints, as long as co-habitation exists, in spite of modern day conception planning ability, there will be unwanted and undesirable pregnancy. That is a fact as sure as the sun rises in the east! To legislate against the personal desire of a woman to terminate her pregnancy only forces, in some instances, the individual into exposure of her life, and future conception capability and health to extreme danger.

A constitutional position against abortion will remove the termination of undesired pregnancy from the safe confines of accepted hospital and medical facilities into the hands of incompetents, ignorant or criminals. This is certainly not a desirable position for the constitution or for intelligent legislation.

Amos R. Little MD

2-16-81

NAME: Virginia A Burgett DATE: 2-11-81

ADDRESS: 6286 Shaw Road, Helena, Mont 59601

PHONE: 443-2656

REPRESENTING WHOM? Montana Pro-Choice

APPEARING ON WHICH PROPOSAL: HJR-15

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: A copy of my statement has been given to the committee.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

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, finacially 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.

NAME: Marilyn Grady DATE: 2-11-81

ADDRESS: 3500 green meadow Dr.

PHONE: 449-3969

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HJR 15

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

COMMENTS: See type sheet

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Mr. Chairman and members of the Public Health Committee, my name is Marilyn Greely. I am a registered nurse and am here representing myself - and for the benefit of the press I am not representing anyone else in my household.

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.

Sixty years ago this country adopted a prohibition amendment to impose a moral standard on society. This experiment led to many problems not the least of which were the bootleggers. If this amendment should pass the same imposition of moral standards will lead to a new group of bootleggers, only the consequences will be far worse than disrespect for the law and increased alcoholism. It will drive those who don't morally agree with this amendment underground. I, for one, predict if this amendment were adopted that it would be repealed in a relatively short period of time just as the prohibition amendment was. I urge you to vote against HJR 15.

Thank you Mr. Chairman and committee members for your kind attention.

NAME: Pat Bauernfeind DATE: 2/11/81

ADDRESS: Star Route, Box 152, Clancy, MT 59634

PHONE: 443-4802

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HJR 15

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: See written testimony

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

TESTIMONY

ON

HOUSE JOINT RESOLUTION NO. 15

By

Pat Bauernfeind

Chairman Hager and members of the Senate Public Health 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 mgiht 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 preped 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.

NAME: Randy H Bellingham DATE: 2/11/81

ADDRESS: 240 Ave F Billings Montana

PHONE: 248-5442

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HJR 15

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: written testimony is being supplied.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

R. H. Bellingham
240 Avenue F
Billings, Montana 59101
February 10, 1981

TO: Senate Public Health Committee

ATTENTION: Senator Tom Hager, Chairman

RE: Human Life Amendment

Dear Senator Hager:

In considering the Human Life Amendment, 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 bill would protect "all innocent human life, including unborn children". An amendment provides that abortions would be allowed only in cases of rape, incest, or where the mother's life is in danger. At this juncture, the question becomes twofold: (1) when is a fetus an unborn child?; (2) who will make that determination? Proponents of the bill obviously believe that the fetus must be protected from conception.

From the amount of publicity this bill is receiving, both pro and con, it is clear that the determination of when a fetus becomes an unborn child 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 v. 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 bridge the Constitutional separation between church and state.

Our founding fathers came to this country to escape such religious persecution and militant intolerance. 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. 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 the human life amendment 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 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 --- whether my wife's life is in danger or not.

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

NAME: Ann German DATE: 2/11/91

ADDRESS: 545 Woodford Missoula

PHONE: ~~243-54~~ 243-5955 (Law School)

REPRESENTING WHOM? Pro Choice

APPEARING ON WHICH PROPOSAL: HJR 15

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

COMMENTS: I oppose this resolution as stated in my testimony and because I doubt the constitutionality of a "right to life" bond. This issue has not been put to the people of Montana; they are "pro-choice" not anti.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SCHOOL OF LAW

(406) 243-4311

University of Montana

Missoula, Montana 59812

February 9, 1981

Senator Bill Norman
Capitol Station
Helena, MT.
59601

Dear Dr. Norman,

Enclosed is a copy of a petition which I drafted opposing HJR15, which was signed by every law faculty member I could contact at the time except one (and he said he was pro-choice). The basic thrust of the petition is that regardless of one's personal views on abortion, this proposed resolution is a terrible measure. First, it seeks to visit criminal sanctions on conduct the propriety of which is subject to a serious split of opinion and as to which most serious claims are made (admittedly on both sides). Second, the call for a constitutional convention is a most dangerous move, for while purporting to merely pressure Congress, what it in fact could do is call a convention, a very dangerous method of proceeding (very possibly opening things up to who knows how many "secret agendas" for "reforming" the Constitution) when the more reasonable alternative of merely seeking a specific constitutional amendment is available.

As to the first point a bit more elaboration is necessary. The abortion situation is distinct from the situation regarding marijuana laws (or laws regarding prostitution and gambling), as to which there is some mild dispute. The reason is that the claim of a person who wants to just smoke a darn weed simply does not begin to approach the magnitude and seriousness of the claims made by a pregnant woman who does not want to have an enforced pregnancy under penalty of a criminal prosecution. Even if the nature of this claim is not, as the Supreme Court said in Roe v. Wade, of constitutional dimension, it is in fact (regardless of the law) so serious a claim that it should not be overriden because a vocal minority persuades 51% of the legislature to make such conduct criminal.

As to almost all of our criminal laws there is virtual unanimity--robbery, rape, speeding (while we may ourselves speed occasionally or dispute the precise limits, we generally all agree that speeding laws are a good idea). That certainly cannot be said as to abortion. My background as a prosecutor and legal scholar tells me that there should be that kind of unanimity before a decision to CRIMINALIZE conduct is made.

In sum, I urge you, regardless of your views of the morality of abortion, to vote against this resolution.

Sincerely yours,

James T. Ranney

James T. Ranney

cc: Senator VanValkenburg
Senator Halligan

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.

Donald C. Wyse

James T. Ranney

Albert W. Stone

Lester R. Rusoff

[illegible]

[illegible] Patterson

Noel Larrivee

Carl German

Larry M. Elison

Carl W. Tobias

Margery 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

Albert W. Stone.

NAME: Nancy L. Esp DATE: 2-11-81

ADDRESS: 536½ N. Davis Helena Mt. 59601

PHONE: 442-9272

REPRESENTING WHOM? Pro-choice coalition

APPEARING ON WHICH PROPOSAL:

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: This country was founded with a principal that Church and State be seperated. Now, the State wishes to become involved in that which is the Church's jurisdiction.

How is it then, that the persons we elect to represent us in making the laws of the State vote do not represent us, but rather, solely themselves.

I will hold the right to do what I want with my body until I die. And no regulatory agency cand take that right away. And no legislator can have the right to enable that agency to do so.

Nancy L. Esp

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Karen Kenne DATE: 2/10/81

ADDRESS: 915 Elizabeth St- Helena

PHONE: 443-3280

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: resolution favoring Anti-abortion amendment

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X ("pro-choice")

COMMENTS: I urge the committee, & the Senate, to reject this proposal.

Women have always needed, and sought abortions. No method of contraception is absolutely reliable & some are unsafe to use. Outlawing abortion condemns thousands of women to "bootleg" abortions, exorbitantly priced and often fatal. It also means that babies will be born whose mothers cannot care for them. Will these unwanted children become wards of the state?

I demand for myself and my daughter, the right to choose freely when I will have a child, for once it is born, a child is entirely my responsibility.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

February 11, 1981

TO MEMBERS OF THE SENATE COMMITTEE ON PUBLIC HEALTH

Subject: HJR 15

I am unable to attend the hearing this evening because I have to work, but wish to register my strong opposition to HJR 15. I feel what the resolution proposes is a completely unnecessary interference in the lives of private individuals by government; forces the religious beliefs of a relatively small group of people on all people; and jeopardizes the constitutional separation between church and state. I urge you to vote against HJR 15.

Jerry A. Williams
809 Harrison
Helena, Montana 59601

NAME: Dave Goor DATE: 2-11-80

ADDRESS: 731 N. Jackson

PHONE: 443-[illegible]

REPRESENTING WHOM? [illegible]

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: Neuter)

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Cathy Kindrick DATE: _____

ADDRESS: Capitol, Montana Kalispell

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

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 stabalize 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 delerious 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 <u>many</u> 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.

Testimony of Michael Dahlem on HJR 15-- February 11, 1981

On behalf of the Associated Students of the University of Montana, I wish to state our strong opposition to HJR 15. Nearly 80% of students surveyed on this issue are opposed to any attempt to limit a woman's right to choose whether or not to seek an abortion.

The chief difference between this year's resolution and that offered two years ago is the request "that no convention be called until federal statutes are enacted that specifically provide for a process by which the Convention's subject matter may be delineated, restricted, deliberated, and voted upon."

Of course, there is no certainty what statutes might be enacted-whether they would grant equal participation to the smaller states, how delegates would be selected, etc. Once called, there is no guarantee that the Convention would be bound by the rules adopted for it by Congress.

According to Constitutional specialist Lawrence Tribe, Professor of Law at Harvard University,

> If a Convention is called its potential for radical change will be hard to confine; there are numerous opinions about what such a convention could or could not do, but there are no precedents, and there can be no confident answers. (Testimony before the Massachusetts House and Senate Judiciary Committees on April 4, 1977.)

It was suggested in floor debate in the Montana House of Representatives that a Constitutional Convention could propose an amendment to liberalize abortion laws, establish gun control or other provisions not envisioned by the sponsors of this resolution. It should be noted that our nation's origional Constitutional Convention had been called only to revise the Articles of Confederation. We believe that the possibility of a "runaway Convention" is a serious one that deserves your careful consideration.

We also oppose HJR 15 because it forces an unnecessary intrusion into the lives of millions of human beings. A constitutional prohibition against abortion would have chilling effects not only on women, but also on the relations between the sexes and on the family. The disruptive effects on society could not be legislated away. A practice as widespread as abortion will continue. We will have only succeeded in turning half of our people into potential criminals.

Because there is no general agreement as to when human life begins, the U.S. Supreme Court ruled in 1973 that states cannot regulate the practice of abortion before the sixth month of pregnancy except to protect the health of the mother. After six months the fetus could survive outside the mother's womb and is therefore afforded certain rights.

We agree with the Court's opinion that the belief that human life begins at conception is a religious one-not subject to proof. To adopt any religious belief as the standard by which all people must live is to place in serious jeopardy the constitutional separation between Church and State. We believe that the passage of HJR 15 would challenge the very principles upon which our democracy was founded.

In deciding whether or not to approve this resolution, two policy questions should be answered. One, is it morally correct for political bodies to legislate questions of personal morality? Two, will the prohibition actually prevent abortions from taking place?

We believe that the answer to both of these questions is No. We urge you not to pass this resolution.

Michael Dahlem

Michael Dahlem
Associated Students of the
University of Montana

2/10/81

To: Senate Public Health 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 pregnancys 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. Be advised that in the amended Human Life Amendment presented to you, there is NO exception for abortions in cases where there are chances of birth defects. Advanced medical technology has offered early diagnosis of such cases with aminocentesis and studys showing incidence rates of malformation in certain situations. Legal abortions must remain available for these situations.

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 there 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 pregnancys 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

Ann L. Gidel

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 choice 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

February 11, 1981

To Chairman Hager and Members of the Senate Public Health Committee

My name is Kate Bratches and I am here to express my opposition to HJR 15.

I believe that the right to life amendment must be discussed on many levels: the unknowns in calling for a constitutional convention; the fact that back-alley abortions will continue but with great dangers to the mother; the conflicts existing in religious dogma as to when a fetus becomes a human being (the Catholic church took its current stand in 1869); the risks all women engaging in sex will take, as no method of birth control is 100% foolproof (except abstinence, as I'm sure the right to lifers understand).

I wish to discuss the issue using logic similar to that used by the right to lifers. The question to be asked is "When do the sperm and egg have rights equal to me?" They are alive before fertilization and are potential human life. Thus, all methods of birth control are destructive of potential human life.

However, the right to lifers make a distinction between potential human life in the form of an egg that is fertilized and potential human life in the form of an egg not fertilized; to them, a fertilized egg must not be destroyed. I assume the IUD would be outlawed if the amendment were to pass. It prevents the fertilized egg from implanting.

Again using their logic, the woman who intentionally induces abortion through miscarraige would be guilty of deliberate infanticide. Is the woman who accidently miscarries guilty of negligent infanticide?

These philosophical questions illustrate the incongruities in attempting to legislate into an absolute time and place -- conception -- the process of human birth which extends far beyond that moment in time. Many other social, religious, economic, and moral questions must be raised as well.

I ask the Committee to consider the complexity of these questions and the variety of circumstances under which an unwanted pregnancy could occur. I also ask the male members of the Committee to imagine themselves as women and ponder from their hearts what they would do if faced with an unwanted pregnancy.

I recommend a DO NOT PASS on HJR 15.

Kate Bratches
Helena

January 29, 1981

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

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.

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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.)

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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.

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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.

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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.

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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

THE BILLINGS CLINIC

THE BILLINGS CLINIC — HEIGHTS OFFICE

NINTH AVE NORTH AT BROADWAY
MAILING ADDRESS: P.O. BOX 2555
BILLINGS, MONTANA 59103
(406) 252-4141

WICKS LANE AT BABCOCK BOULEVARD
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(406) 252-4141

ALLERGY
L. Bruce Anderson, Jr., M.D.
James B. Larson, M.D.

DERMATOLOGY
Thomas P. Gormley, M.D.
William H. Smoot, M.D.

IMMEDIATE CARE
Oscar W. Baltrusch, M.D.
Gene V. Holden, M.D.

INTERNAL MEDICINE
Allan Lee Goulding, M.D.
George R. Brosius, M.D.
Paul V. Hoyer, M.D.
Lucinda M. Husby, M.D.
eights Office - Barry M. Hochstadt, M.D.

CARDIOLOGY
Walter C. Degnan, M.D.
John R. Burg, M.D.
Herman D. Sorensen, M.D.

ENDOCRINOLOGY
Martin E. Kodish, M.D.

GASTROENTEROLOGY
John C. Finke, M.D.

HEMATOLOGY
Warren D. Bowman, Jr., M.D.

INFECTIOUS DISEASES
Ronald H. Smith, M.D.

MEDICAL ONCOLOGY
Donald I. Twito, M.D.

NEPHROLOGY
Donald L. Hicks, M.D.
James D. Knostman, M.D.

PULMONARY DISEASES
Terrence J. Fagan, M.D.

RHEUMATOLOGY
Phillip E. Griffin, Jr., M.D.

NEUROSCIENCES
NEUROLOGY & ELECTROMYOGRAPHY
Dale M. Peterson, M.D.

NEUROLOGICAL SURGERY
Robert C. Wood, M.D.
Lashman W. Soriya, M.D.

PSYCHIATRY
William H. Hague, M.D.

PSYCHOLOGY
Robert E. Tompkins, Ed. D.

OBSTETRICS AND GYNECOLOGY
William H. Deschner, M.D.
Thomas C. Olson, M.D.
Mark E. Randak, M.D.

GYNECOLOGY AND INFERTILITY
Edward F. Randak, M.D.

OPHTHALMOLOGY
James S. Good, M.D.

ORTHOPEDICS
Sterling R. Hayward, M.D.
Willard J. Hull, M.D.
James E. Scott, M.D.
James F. Schwarten, M.D.

OTOLARYNGOLOGY
Stephen A. Kramer, M.D.

PEDIATRICS
Allen P. Hartman, M.D.
Patrick Sauer, M.D.
Roy F. Davis, M.D.
Paul H. Kelker, M.D.
Heights Office - Marian A. Jones, M.D.

GENERAL, THORACIC, CARDIAC AND VASCULAR SURGERY
John W. Heizer, M.D.
O. Adrian Johnson, M.D.
Hewes O. Agnew, M.D.
Paul F. Grmoljez, M.D.
Robert N. Hurd, M.D.

UROLOGY
Robert S. Hagstrom, M.D.
C. Dale Vermillion, M.D.
John J. Martin, M.D.

RADIOLOGY
Jerry D. Wolf, M.D.
V. Paul Johnson, M.D.
CONSULTANTS

MEDICAL DIRECTOR
Paul V. Hoyer, M.D.

ADMINISTRATOR
William H. Nicholson

January 28, 1981

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

Dear Mr. Keyser:

I would like to express opposition to H.J.R. 15 for a number of reasons but primarily because it could easily turn out to be a Pandora's Box. Regardless of the issues involved (abortion) it could very easily put our constitution in jeopardy in many areas not just in terms of the abortion question.

I would further state that I feel freedom of choice for individuals in regard to abortion is a fundamental right and should not be interfered with.

Sincerely,

L. BRUCE ANDERSON, JR., M.D.

lsg

LEE A. RAITZ, M.D., P.C.

OBSTETRICS & GYNECOLOGY

945 Broadwater Square • Billings, Mt. 59101

Phone (406) 259-4541

January 28, 1981

House Judiciary Committee
State Capital
Helena, MT 59601

RE: HJR 15

Dear Committee Members:

This letter is to express my strong opposition to the proposed bill HJR 15 proposing a constitutional convention designed to re-write the constitution primarily to ban voluntary termination of pregnancy or voluntary abortion. I see this as a total travesty which would have severe consequences in our society and totally abrogates society's responsibility to the rights and privacy of women.

I trust you will seriously consider the consequences of this action and vote against this bill.

Sincerely,

Lee A. Raitz, M.D.

LAR/jmk

THE BILLINGS CLINIC

THE BILLINGS CLINIC — HEIGHTS OFFICE

NINTH AVE. NORTH AT BROADWAY
MAILING ADDRESS: P.O. BOX 2555
BILLINGS, MONTANA 59103
(406) 252-4141

WICKS LANE AT BABCOCK BOULEVARD
MAILING ADDRESS: P.O. BOX 2555
BILLINGS, MONTANA 59103
(406) 252-4141

ALLERGY
L. Bruce Anderson, Jr., M.D.
James B. Larson, M.D.

DERMATOLOGY
Thomas P. Gormley, M.D.
William H. Smoot, M.D.

IMMEDIATE CARE
Oscar W. Baltrusch, M.D.
Gene V. Holden, M.D.

INTERNAL MEDICINE
Allan Lee Goulding, M.D.
George R. Brosius, M.D.
Paul V. Hoyer, M.D.
Lucinda M. Husby, M.D.
hts Office - Barry M. Hochstadt, M.D.

CARDIOLOGY
Walter C. Degnan, M.D.
John R. Burg, M.D.
Herman D. Sorensen, M.D.

ENDOCRINOLOGY
Martin E. Kodish, M.D.

GASTROENTEROLOGY
John C. Finke, M.D.

HEMATOLOGY
Warren D. Bowman, Jr., M.D.

INFECTIOUS DISEASES
Ronald H. Smith, M.D.

MEDICAL ONCOLOGY
Donald I. Twito, M.D.

NEPHROLOGY
Donald L. Hicks, M.D.
James D. Knostman, M.D.

PULMONARY DISEASES
Terrence J. Fagan, M.D.

RHEUMATOLOGY
Phillip E. Griffin, Jr., M.D.

NEUROSCIENCES
EUROLOGY & ELECTROMYOGRAPHY
Dale M. Peterson, M.D.

NEUROLOGICAL SURGERY
Robert C. Wood, M.D.
Lashman W. Soriya, M.D.

PSYCHIATRY
William H. Hague, M.D.

PSYCHOLOGY
Robert E. Tompkins, Ed. D.

OBSTETRICS AND GYNECOLOGY
William H. Deschner, M.D.
Thomas C. Olson, M.D.
Mark E. Randak, M.D.

GYNECOLOGY AND INFERTILITY
Edward F. Randak, M.D.

OPHTHALMOLOGY
James S. Good, M.D.

ORTHOPEDICS
Sterling R. Hayward, M.D.
Willard J. Hull, M.D.
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January 28, 1981

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

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Sincerely,

L. BRUCE ANDERSON, JR., M.D.

lsg

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 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!

Anna S. Shouse

Anna S. Shouse

3220 Country Club Circle
Billings, Montana 59102
January 28, 1981

Rep. Kerry Keyser
Ch. House Judiciary Committee
Capitol Building
Helena, Montana 59601

Dear Mr. Keyser:

I am adamantly opposed to HRJ 15. The calling of a constitional convention to propose amendments to the U.S. Constitution raises grave questions of legal debate and political uncertainity. No one issue- abortions included- justifies such a drastic move which threatens the founding and proven document, the Constitution; on which this country has been based and has had two centuries of freedom and success.

Aside from questions of procedure such as what constitutes a valid application to Congress, what is the obligation of congress? How would delegates be selected and votes allocated in the convention? What is the role of the courts? The issue of whether the amending convention would be limited to the single issue or could revise the entire constitution is undertermined.

The Judicial Committee should, in my opinion, deny any further action on this folly.

Sincerely,

Jean Anderson

Jean Anderson

TO WHOM IT MAY CONCERN:

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Anna S. Shouse

Anna S. Shouse

January 28, 1981

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

Rep. Keyser,

I wish to express that I oppose HJR 15. As a Registered Nurse, I have memories of many complications and needless deaths before abortion was made legal in the U.S., as a result of self-induced abortions, or unethical practice. A great deal of research and medical expertise has been invested to now make it a safe option for those with problem pregnancies. Even with the availability of contraceptives now, birth control methods are not always effective! I do not believe women will go backwards and discontinue seeking them if abortion were again made illegal. As a health professional, I feel it is wiser to continue providing for safe services, rather than to promote ill mental and physical health by forcing women to resort to the back alley methods of the past once again. The choice to plan when one will bear children should be a personal decision, made by that individual.

Calling for a Constitutional Convention to ban abortion is contrary to the values of the Republican party which demand minimal governmental interference. I feel this matter should not be legislated, and strongly oppose HJR 15.

Sincerely,

Cynthia Bargman, R.N.

Cynthia Bargman, R.N.

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 convenced that I would be dead, by now. I was depressed to the point of being out of touch with reality, when both pregnancies ocurred, drifting in and out of serious periods of suicidal ideation.

Because of the negative social stigma attatched 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 begining 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

January 28, 1981

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

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Cynthia Bargman, R.N.

Cynthia Bargman, R.N.

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.

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 Consititutional 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.

Ruth Kornfield

Dr. Ruth Kornfield
Billings, Montana

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.

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

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

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 collegues 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.

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

Testimony for Hearings on HJR15

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

GEORGE F. SHECKLETON, M.D., P.C.
General Preventive Medicine
114 YELLOWSTONE AVENUE
BILLINGS, MONTANA 59101
(406) 245-8495

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.

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 amendment.

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 would 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,

Diana L. Sebald (Mrs.)

HARDIN CLINIC

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

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

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 evironment. 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

MISSOULA PLANNED PARENTHOOD

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 concerning pregnancy in prayerful consideration with their God--to include the option of abortion as a moral choice.

The proposed amendment further raises interesting legal questions, including: what is the liability of a woman who suffers a miscarriage? Who would be responsible for enforcing this amendment; and would every woman who had an abortion be subject to prosecution for murder? Finally, since this would be the first and only Constitutional amendment that would prescribe punishment against an individual, rather than regulating governments, who would claim jurisdiction for prosecution?

As for the call for a Constitutional Convention, I submit the League of Women Voters' reprint (attached), which demonstrates that this "untried alternative" is rife with disagreements between Constitutional scholars, particularly as to whether or not such a Convention could be limited in scope, as HJR-15 would assume in resolutions 2, 4 and 7.

I therefore urge you to table this proposed Resolution in committee, and to uphold the rights of privacy and choice of all Montanans, and of all Americans.

Robert M. Smith

"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 accepted 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 childbearing. (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 re-affirm[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

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

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

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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.

If 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 convention 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. □