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THE WHITE HOUSE

WASHINGTON

February 18, 1983

Rev. Glenn A. Foster
14240 North 43rd Ave.
Glendale, Arizona 85306

Dear Rev. Foster,

Thank you for your letter and your suggestions on the school prayer issue. It is obvious you have a good understanding of the subject and have given it thoughtful consideration.

I agree with you. The President does speak from his heart when he addresses the issue of voluntary prayer. He appreciates your support in his efforts to bring prayer back to our public schools.

As he said in his January 31st speech to the National Association of Religious Broadcasters, "Last year we tried to pass an amendment that would allow communities to determine whether voluntary prayer should be permitted in their public schools. ...I am determined to bring that amendment back again and again and again..."

With that kind of committment I am confident the President deserves your support. I hope you feel the same.

Thank you again for your thoughts.

Sincerely,

Morton C. Blackwell
Special Assistant to the President
for Public Liaison

THE WHITE HOUSE

MEMORANDUM

February 11, 1983

MEMORANDUM FOR RED CAVANEY

FROM: DEE JEPSEN

SUBJECT: POTUS EFFORTS IN SUPPORT OF HUMAN LIFE

There is an issue which is "hot" right now which I propose POTUS address.

The pro-life leaders were very pleased with the meeting they had with POTUS and with his letter to the March for Life. However, they took note that there was no mention of abortion in SOTU and they will be watching the Administration closely. The American Life Lobby has issued a press release (attached) regarding what they feel to be mishandling of the infanticide issue by HHS. This is one of the matters which they brought to POTUS attention in the meeting several weeks ago.

For a variety of reasons, in addition to the abortion issue, the question of the value of human life is moving to center stage in national attention. As a result of the new "surrogate mothering" movement, Mrs. Judy Stiver gave birth recently to a child which will probably be retarded. Neither she nor the contracting father wanted the child. It was alleged that the contracting father requested that it be allowed to starve to death after its birth.

This situation has raised many ethical and practical questions in the entire area of the value of human life. The Donahue show devoted a program specifically to the Stiver case and there has been much media attention from all quarters. A CBS station in Boston is producing a documentary on infanticide for release in early March. Also CBN, Christian Broadcasting Network, due to the attention POTUS focused upon this subject at his meeting with pro-life leaders, is planning to develop a documentary on the pain experienced by the unborn at the time of abortion.

Attached are articles by Mary McGrory and Richard Cohen, very strenuous detractors of the Administration, voicing their concern about the entire issue of surrogate mothering, adoption, etc. Even these two self-styled adversaries are supportive of POTUS pro-family policy in their own fashion. The stage is set and attention is focused on the value of human life issues which cut across philosophical and political lines.

We should develop ways in which POTUS can take a role of moral leadership on the value of life issue, especially focusing on those aspects where we enjoy broad potential support.

MEMORANDUM

Page 2

- 0 POTUS should urge pro-life and evangelical community to develop homes for unwed mothers. This could be coupled with a visit to such an agency or home.
- 0 We should make sure that HHS develops regulations on infanticide that are effective in identifying and stopping starvation of unwanted infants.
- 0 Urging adoption rather than starvation for unwanted babies is a no-lose proposition
- 0 We could add to the Fifty States Project an assignment to study how state laws can be reformed to be more open to adoption.
- 0 We should consider the possibility of supporting legislation to allow a tax deduction of adoption expenses in all cases of adoption -- not limiting deductions for hard-to-place children.
- 0 We should boost the Adolescent Family Life Program, which provides several million dollars for alternatives to abortion, but which we have not yet publicized.
- 0 We should see if Senate hearings are possible on pain for aborted unborn children especially in such techniques as saline abortion.
- 0 Hearings should also be considered on informed consent for abortion -- many women are rushed through clinics without being informed about the nature of abortions.

Benefits from these actions would be:

- 0 Give moral leadership in an area where it is needed.
- 0 Project the true image of a President who cares.
- 0 Project the President as one who is for something positive, not just against abortion.
- 0 Project a leadership image.
- 0 Be applauded by the pro-life and evangelical community.
- 0 Allow for very little criticism from the pro-choice community and his political detractors.

I have discussed these proposals with Morton Blackwell and he supports them.

USA TODAY

OPINION

John Seigenthaler, Editorial Director
John J. Curley, Editor
Allen H. Neuharth, Chairman

The Topic:

SURROGATE MOTHERS

Each day, USA TODAY explores a major issue in the news. Today's page includes our opinion that laws are needed to protect children of surrogate mothers, other views from Illinois, Kentucky, Michigan and the District of Columbia, and voices from across the USA.

It's the Baby Does laws must protect

What was to be a bundle of joy became unwanted Baby Doe. It's a messy little story, played out in messy detail on the *Phil Donahue* TV show.

The hoopla is too bad, because it hung a number rather than a name on an innocent victim. It's good because it has drawn national attention to surrogate parenting, an unregulated and growing practice in which a couple arranges for another woman to bear the man's child, usually for a fee.

The legal debate begins with whether the surrogate mother is selling a baby or a service when she bears a child. Every state has laws that govern adoptions and prohibit baby-selling. No state regulates surrogate parenting.

Without laws, does the real mother have any rights? Should the wife be acknowledged as the baby's legal mother? Who should be responsible in case of death, abortion or defect? Could the child legally inherit from one, two or three people?

This latest case seemed simple enough. Alexander Malahoff wanted a baby to save his marriage. Judy Stiver agreed, for \$10,000, to be the surrogate mother. She was impregnated by artificial means with Malahoff's sperm.

The great day drew near. Malahoff's wife left him. Mrs. Stiver delivered a defective baby boy. Malahoff rejected him. Tests confirmed the baby was not Malahoff's; it may be that of Mrs. Stiver's husband. Baby Doe could be declared a ward of the state. Lawsuits are flying.

This may sound like an isolated case, but it could happen to anyone involved in surrogate parenting. No one knows how many women are pregnant by this ungoverned arrangement, and how many Baby Does may be waiting.

Some arrangements are made through agencies that match a willing woman with a hopeful couple, and claim to provide participants with professional counseling and medical, psychological and genetic testing. Fees vary.

Moral questions aside, as a practical matter it is necessary to have a legal contract to protect the rights of the child. There also must be a plan for a court or social agency to see that the child receives proper care, as in adoptions. All costs should be borne by the couple, not the taxpayers.

Surrogate mothering has been around since the days of Solomon. The techniques to perform it without man and woman ever meeting have been with us for a century. Now it is time for the law to catch up with advances in medical technology.

Several state legislatures are considering laws to regulate or ban surrogate parenting. With 3 million childless couples in the country, the problem will not go away. States must protect all the innocent Baby Does who are not yet born — and who never volunteered in the first place to join us.

WHEN A MATERNITY case was brought to Solomon, he called for a sword and ordered the baby in dispute to be cut in half. The real mother revealed herself by expressing utter horror at the idea.

Today's electronic Solomon, talk-show host Phil Donahue, presided over a paternity quarrel employing less drastic means: a sophisticated blood test for a baby nobody wanted, a baby born to a surrogate mother. The program where all this unfolded could be a kind of Three Mile Island for the growing surrogate-parenting movement, which its critics call "rent-a-womb."

Donahue likes to explore the outer reaches of sexual mores. Wolf-gray head down, he prowls among the preening women in his studio audience, hungrily snapping up their views. Are they sorry that truck drivers no longer whistle at them? What do they think of male prostitutes? Transvestites, anyone?

His "surrogate parenting" peep-show brought together an odd trio — the surrogate mother, her husband and the putative father of the baby. Led by the intrepid Donahue

Mary McGrory is a Washington Post columnist.

Curb Lurid Donahue Shows: Adopt a Baby

and his hand-held mike, they all went plunging into a thicket of ethical, emotional, and legal considerations of pregnancy by contract, which like the other kind, is a risky business.

Telling their tale to Phil and his 8 million viewers, were Judy Stiver, 26, who is unquestionably the mother of a month-old, possibly retarded baby, her husband, Ray, and Alexander Malahoff, 46, who denied that he told the doctor to let the disappointing baby die.

The principals have been invading their own privacy ever since the birth of Baby Doe on Jan. 10. The one thing they agreed about, is that they did not want the baby, who was born with a smaller-than-normal head. Ray Stiver, a bus driver, has been telling the world that he did not have sex with his wife during the proscribed period before she was artificially inseminated with Malahoff's sperm. Malahoff has been broadcasting his certainty that the baby was not his, not because it is abnormal but because early tests showed a different blood-grouping. Malahoff, who had

agreed to pay Ms. Stiver \$10,000 on delivery of the baby, wanted his money back.

They have filed suits. Malahoff is asking \$50 million of the Stivers. They are suing the doctor who made the arrangements. But where some people would go to court, the

Mary McGrory

YECCCH!

Stivers and Malahoff went to Phil Donahue. The reason? According to a spokesman for the Donahue show, "they all have a strong commitment to the idea of surrogate parenting, and they would all do it again."

Besides, "Phil creates a comfortable atmosphere, where people can speak out."

What drives people to reveal their most intimate secrets to a camera, and through it, to millions of people who may be titillated but not moved by their confidences is not entirely clear. Apparently, celebrity comforts certain souls. Letting it all hang out is tea and sympathy to the participants, who do not observe that some of their viewers find it terminally tasteless.

The Donahue showdown show made all the network news programs, and no wonder. The defense budget cannot compete with the sight of the final news being brought from the laboratory and disclosed live, to the three people whose lives it will forever mark. Malahoff was not the father. Mr. Stiver is the father of his wife's child. The ladies in the audience applauded, as is their custom, when their need to know has been sated. Astonishingly, Ms. Stiver clapped, too, whether out of politeness or a sudden gladness that she could keep the baby she had so recently re-

jected, she did not say. There's a second segment to come, and we may, if we are not careful, know more later.

The socially redeeming aspect of it all may be that it calls attention to the desperate hunger of America's childless couples. Mr. Malahoff's reason for seeking out a surrogate mother was the worst in the world. He hoped to paste together his faltering marriage, an admission which would have made him ineligible to some surrogate parenting organizations and would have ruled him out for adoption, which has become the forgotten option in the terrible, ongoing row between pro- and anti-abortion groups.

Dr. William Pierce, chief of the National Committee on Adoption, hopes that the Donahue show may set people to thinking about adoption. An estimated 2.5 million Americans have applied for babies. In 1980, some 1.55 million abortions, according to the Alan Guttmacher Institute, were performed. Obviously, there is less supply than demand. But Pierce believes that as a first step, instead of screaming at each other, pro-life and pro-choice groups should sit down at the negotiating table and figure out ways to make adoption a more appealing alternative to abortion and surrogate parenting.

RICHARD

COHEN

Sunday, February 6, 1983

ALTERNATIVE

A single woman I know wanted a child. She had been married once, had nothing against being married again, but just did not see a likely candidate and was getting a bit old to believe in Prince Charming.

She considered all the alternatives—artificial insemination, an affair with a man she liked—but in the end she adopted a child from a Third World country. She said with so many unwanted babies in the world, it would be a sin not to take one of them.

I recognize that her solution is unacceptable to many, if not most, people who cannot have their own children. I recognize also as a father myself that there is a special kick in producing what we like to call our own kid—a kid linked by genes if not appearance and behavior to ourselves, our parents and all those who went before. There is continuity here—nice, neat and emotionally rewarding.

But I think of that woman often now. I think of her whenever one of those surrogate mothers appears on some television talk show or when the issue of who controls or owns (tell me the right term) a baby produced by a surrogate mother hits the courts.

Recently, there was a dispute about a deformed child whose mother was an alleged surrogate and whose father, it turned out, was not the man who artificially inseminated her. These cases are still relatively rare, but they are sure to increase as the practice of surrogate motherhood increases—as earnest and good people try somehow to produce a child that is in some way genetically like them.

They are not alone. Others attempt *in vitro* fertilization and artificial insemination. Some single women, desperate for a child and hearing the biological clock tick towards midnight, become pregnant by men they simply use for stud purposes. Sometimes these men know they are being used and sometimes they do not, but either way

There is something sad and desperate about all this—something very understandable as well. And it behooves someone like me, whose fatherhood was attained in the conventional way, to tread lightly here. I would be lying if I did not admit that I get a certain joy in knowing that my son is like me in some ways and like his mother in some ways. Of course, he is like himself in most ways, proving that two and two sometimes add up to something more than four.

But having said that, and acknowledging that the rich should not tell the poor how to live, it is nevertheless a fact that the world is awash in unwanted babies, some of them in this country. The Third World is teeming with them. They are starving and dying by the millions—yes, the millions. In some countries, girl babies are abandoned simply because they are girls, while in others, more sexually liberated, children are abandoned regardless of sex. Sometimes, stark poverty is an equal-opportunity plight. To adopt an abandoned child is tantamount to saving a life.

But the energy and the efforts of this society are not being directed towards adoption. At home, couples seeking to adopt have to undergo what they see as humiliating scrutiny. And when they seek children from abroad, they have to undergo the same scrutiny and also fight the silly nationalism that sometimes presents either an obstacle or a barrier to adoption. The effort, instead, is directed towards producing babies that are either genetically like the father or the mother, sometimes by simply renting someone to take their place. This is medical science that has nothing to do with saving lives.

Until that woman I mentioned earlier adopted her child, I admit that I had not given the matter much thought. And until she laid out her choices in such stark terms—either save a life or bend over backwards to produce one—I had not thought that those were the alternatives.

I realize that this was one woman's solution and it is not for everyone. But it has been several years now since the adoption, and her child, once an abandoned girl, is as much her child as my child is mine. She gave herself a child. And she gave that child a better life—and maybe life itself.

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

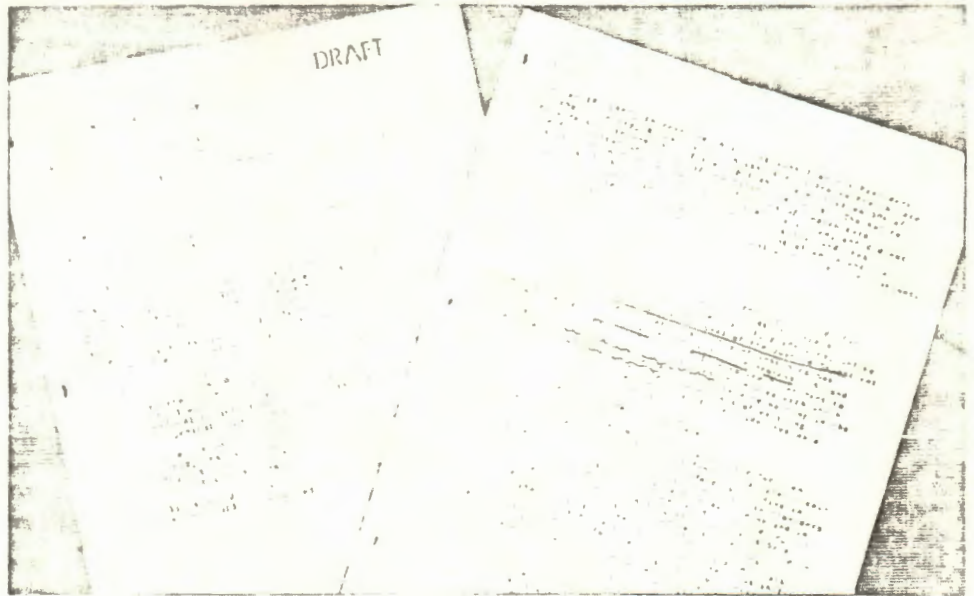
The general counsel of DHHS proposes that state agencies, not the Justice Department, should pursue cases like Infant Doe.

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

"Guidelines versus regulation."

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

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



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

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

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

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

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

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

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

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

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

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

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

Action for A.L.L. Readers:

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

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

President Ronald Reagan
1600 Pennsylvania Ave.
Washington, DC 20500

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

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

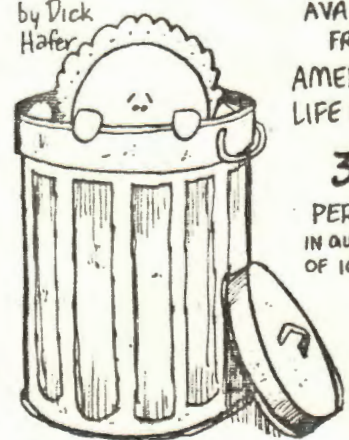
We intend, at American Life Lobby, to track this question of infanticide and pursue every available action known to us in order to assure the total protection of the rights of all children born and preborn.



You'll laugh until you cry.
THE EASY-TO-UNDERSTAND
TRAGEDY OF ABORTION.
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"I KNOW THAT WE'RE A
THROW-AWAY SOCIETY
... BUT THIS IS RIDICULOUS!"

by Dick
Hafer



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Support These Regs— They Defund the PP Lobby

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

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

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

ADVOCACY
CARTOONING
FOR
CONSERVATIVE
CAUSES



dick hafer
THE COMICS COMMANDO

301/577-7036

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author of...

"YOU'RE NOT
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"WHERE WERE
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"THE MONSTER
THAT EATS
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For Immediate Release
February 4, 1983

CONTACT: Judie Brown
202-546-5550

REAGAN OFFICIAL ABORTS PRESIDENT'S ANTI-INFANTICIDE EFFORT

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

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

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

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

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

"Enforcement of Federal Laws Prohibiting Discrimination Against the

(more)



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

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

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

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

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

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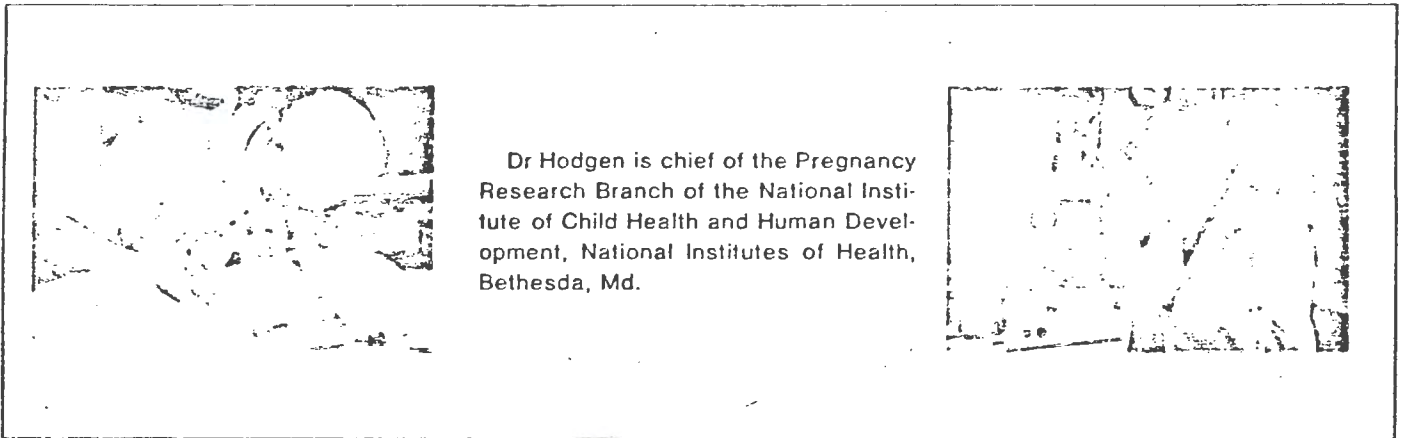
Editors Please Note: Enclosed are proof copies of the article from February A.L.L. About Issues. A copy of the entire del Real memo is available on request from 202/546-5550.

*file
Fetal pain*

Antenatal Diagnosis and Treatment of Fetal Skeletal Malformations

With Emphasis on In Utero Surgery for Neural Tube Defects
and Limb Bud Regeneration

Gary D. Hodgen, PhD



Dr Hodgen is chief of the Pregnancy Research Branch of the National Institute of Child Health and Human Development, National Institutes of Health, Bethesda, Md.

NO DETERMINANT of an individual's ultimate potential is as important as the normalcy of their development in utero. When confronted with the consequences of severe fetal malformations, the adage "an ounce of prevention is worth a pound of cure" seems worthy of serious consideration. The forfeiture of human potential arising from debilitating birth defects is a tragedy. In contrast, the

See also p 1093.

healthy fetus becomes an infant with superior opportunities to enjoy the benefits provided within the home and the community. During the course of a normal lifetime, the healthy child is likely to contribute to society. Malformed children with extensive physical and mental incapacities often may not have the same opportunities. Some will have anomalies that can be repaired during early childhood. For some, even survival will not be

possible. Scientists in reproductive medicine must recognize both the responsibilities and opportunities for preventing or treating fetal malformations.

Antenatal diagnostic tests provide a screening process whereby initial detection of many major developmental defects can be accomplished. When fetal malformations are indicated by biochemical markers or morphological assessments, additional tests may be necessary to substantiate these preliminary findings. After anomalous fetal development has been confirmed, the parents are offered counseling about the prospects of the coming child's developmental limitations, along with the anticipated postnatal course of treatment and the degree of ultimate disability or recovery expected. Presently, on the basis of the diagnostic information provided and their individual ethical standards, some choose elective abortion, whereas others opt to continue the pregnancy and await undertaking appropriate postnatal therapy.

ANTENATAL DIAGNOSIS AND THERAPY

New antenatal options may soon claim the middle ground between the extremes of abortion and inaction.

Reprint requests to Pregnancy Research Branch, National Institute of Child Health and Human Development, National Institutes of Health, Bldg 18, Room 101, Bethesda, MD 20205 (Dr Hodgen).

Unique opportunities, deriving from remarkable accomplishments in diagnostic technologies and surgical techniques, suggest the pursuit of aggressive, efficacious treatments of certain fetal anomalies in utero, up to several months before term. These treatments are most attractive for intrauterine therapies that markedly improve prognosis as compared with treatment conventionally withheld until after birth. Particularly attractive would be those instances in which an early corrective action may uniquely avert or ameliorate otherwise irreversible fetal incapacities. Although the availability of antenatal diagnosis linked to in utero treatment of congenital anomalies is still more theoretical than demonstrated, preliminary evidence supporting such therapy has begun to emerge from both the laboratory and the clinic.

It is important not to generate false hopes for the antenatal repair of fetal anomalies. Many fetal defects may not be amenable to any form of direct repair. Some defects appear unsalvageable; anencephaly seems to be such a condition. Other teratisms defy current diagnostic skills and would remain untreatable despite fetoscopic accessibility. Frequently, individual fetuses have multiple malformations. As groups like ours begin to develop approaches to the in utero repair of fetal defects in nonhuman primates, it will be important to emphasize the tentative and experimental nature of the work.

Ultimately, the decision to develop and apply in utero surgical procedures for alleviation of human fetal malformations must be justified through demonstrated biologic feasibility and ethical acceptability, like any other medical procedure. On the whole, there must be greater opportunity for good than harm, and we must be willing to accept the associated risks.

BIOLOGIC FEASIBILITIES

Scope of Neural Tube and Limb Bud Defects

This discussion will focus principally on antenatal diagnosis and in utero treatment of hydrocephalus and spina bifida, two common and often devastating neural tube defects, as well as limb bud malformations that impair growth and differentiation of the extremities. Neural tube defects are among the most common major congenital malformations. In the United States, approximately 6,000 infants per year are born afflicted with these deformities (approximately two per 1,000 births). In parts of Great Britain the incidence is even higher, being estimated at six to eight per 1,000 births. Since about two of every three cases of spina bifida in humans show development of hydrocephaly in utero or during the early months of neonatal life, we have included hydrocephalus in this discussion of neural tube defects. Also, it is noteworthy that spina bifida may occur in varying degrees of severity.

It is clear that the causes of fetal skeletal anomalies are multifactorial, vulnerabilities being exhibited in a variety of anatomic sites where genetic flaws or environmental (including medicinal) agents may affect organogenesis and differentiation. The burdens resulting from congenital defects are heavy, since they include fetal and neonatal demise, mental retardation, disfigurement and paralysis of limbs, and urinary and bowel incontinence, as well as anguish on the part of the affected families.

There are a variety of technologies by which developmental abnormalities may be detected. Some approaches rely on specific biochemical markers of malformations; others depend on morphological features of the fetus that can be distinguished by noninvasive instrumentation. Finally, endoscopic means permit direct observation of certain defects. Four principal techniques are relevant to fetal skeletal malformations:

1. Radioimmunoassay of α -fetoprotein (AFP) in maternal serum (Fig 1) or amniotic fluid is useful in screening programs designed to detect open neural tube defects, although safeguards against "false-positive" results are necessary. Also, when amniocentesis is performed, inherent procedural risks must be appreciated.

2. Intrauterine sonography can detect cranial (Fig 2), spinal, and limb abnormalities of the fetus, even before midgestation.

3. When anomalies of the fetal skeleton are suspected, roentgenographic evidence is useful (Fig 3) despite its attendant risks to embryogenesis.

4. Fetoscopy is accomplished by insertion of a small surgical telescope into the antrum of the amnion (Fig 4), thereby permitting direct detailed inspection of the fetal corpus. Whereas the fetoscope provides the greatest degree of accessibility, it is also the most invasive of these procedures and involves the most risk.

Collectively, these techniques accomplish more than the detection of ongoing congenital malformations. They inform us about the nature and extent of fetal defects; more important, they permit the assessment of the feasibility of repairing the defects. As described in a companion report (p 1093), all four of these technologies were applied in the laboratory setting during antenatal diagnosis and in utero treatment of hydrocephalic nonhuman primate fetuses.

Advantages of In Utero Surgical Therapies

Advantages inherent to intrauterine repair of fetal defects are as follows:

1. Early intervention before irreversible damage has occurred is the paramount benefit of in utero surgery.

2. The fetal immune surveillance system is not yet intact; thus, antenatal closure of the neural antrum may be accommodated by allogeneic bone transplantation without the risk of immune rejection.

3. Limb buds retain regenerative potential during embryogenesis, although redifferentiation is suppressed as gestation advances.

4. Rapid healing, fostered by fetal growth factors, is characteristic of the unique milieu of pregnancy.

5. The umbilicus services both respiratory and nutritional needs without extracorporeal support.

6. Infections are combated by transplacental passage of maternal immune factors.

7. Surgical manipulations and the postoperative period are technically simplified with a fetal patient.

8. Medicinal agents administered directly to the fetus have greater efficacy at reduced doses than comparable treatments routed through the mother, whose metabolism of the medication might make fetal therapy complicated.

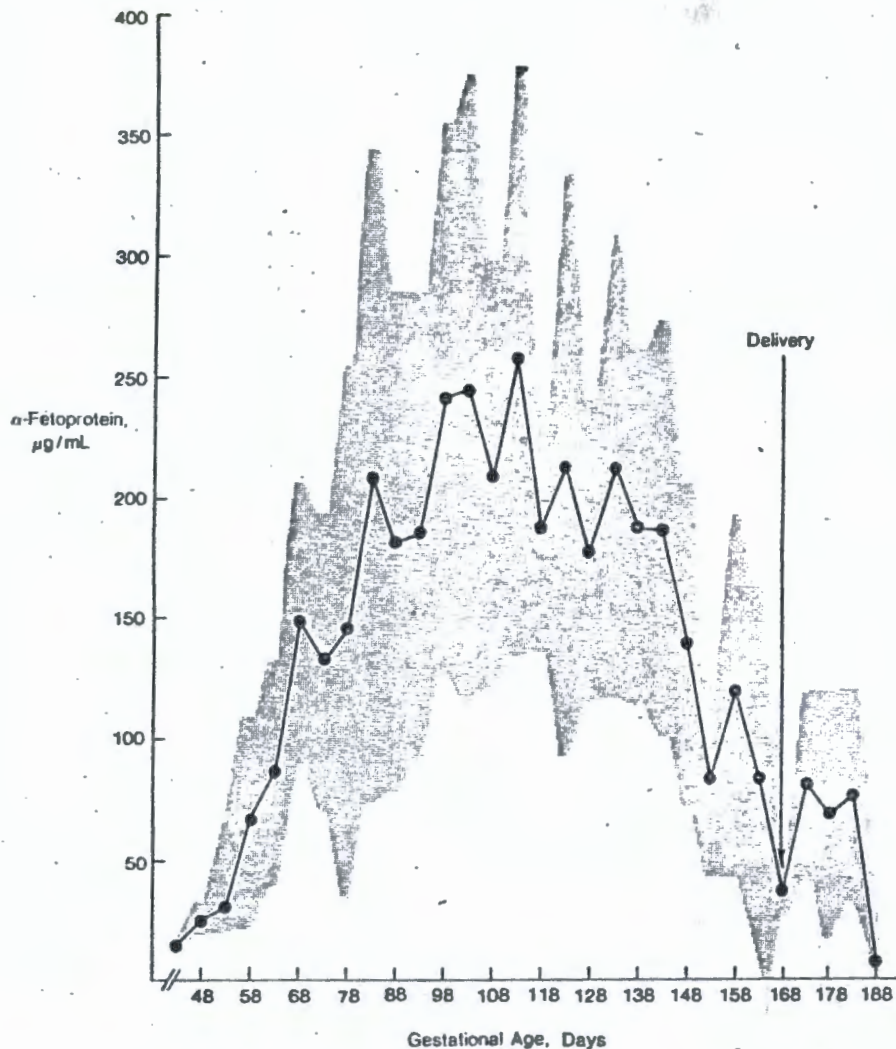


Fig 1.—Normal pattern of α -fetoprotein (AFP) concentrations in maternal serum from day 40 of gestation through initial postpartum interval. Shaded zone depicts mean ± 2 SDs for pregnant monkeys (N=285). This pattern is similar to that established in normal pregnant women. Representative abnormal AFP elevation, which accompanied open neural tube defect, is illustrated in companion report (see p 1093).

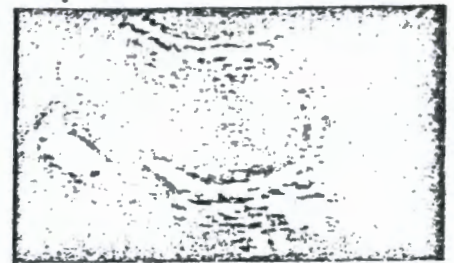


Fig 2.—Sonographic image of hydrocephalic fetal monkey cranium. Note symmetrical dilation of lateral ventricles, a condition of fetal hydrocephalus that often accelerates as gestation advances.

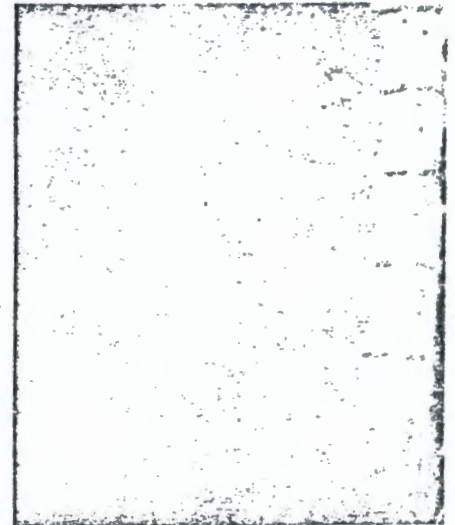


Fig 3.—As ossification of cartilage and bony tissues progresses, roentgenography becomes important diagnostic procedure for intrauterine assessment of neural tube and extremities. Shown here is hydrocephalic fetal monkey bearing hydrocephalic antenatal vent for intrauterine treatment (HAVIT), a prosthetic valve that allows excess CSF to escape into amniotic fluid, thereby reducing intracranial pressure and averting prenatal brain damage with associated neurological problems.

Several of the advantages of in utero surgical interventions have been implemented as described in the following.

PRIMATE MODELS Induced Neural Tube Defects

It is impossible to advocate an aggressive course of human fetal therapy without first having successful trials in relevant laboratory animal models. Primates are well suited for such studies because their metabolism and anatomy during embryogenesis and fetal differentiation are nearly identical to humans (Fig 5).

Accordingly, our ongoing research has addressed antenatal diagnosis and in utero surgical treatment of induced neural tube defects and limb bud regeneration in rhesus monkeys. Malformations are produced by administration of synthetic corticosteroids, thalidomide, or both to pregnant monkeys ranging from 18 to 28 days beyond fertiliza-

tion. The type of defect induced can be manipulated by varying regimens and doses of the teratogen; spinal or cranial fistulae of the neural antrum are produced in more than 90% of the exposed embryos (p 1094).

Comparative Diagnostics

Several problems of clinical import may be pursued by studying these primate models; chief among our early priorities has been comparison of diagnostic technologies in the laboratory. We asked: How early in pregnancy do serum (maternal) AFP screening tests reliably indicate the presence of open neural tube defects? When does uterine sonography reliably confirm these congenital anomalies? What circumstances warrant roentgenographic studies of the fetus? Our findings show that circulating AFP levels and sonographic images both usually provide early definitive corroboration. Furthermore, when spinal and cranial aberrations are suspected on the basis of



Fig 4.—Left, Fetoscopic view within amniotic sac. Note vascular network over surface of placental chorionic plate (white, in background) at gestation day 41. Such is the aperture for inspecting the monkey embryo (2 cm in length) and supporting placental tissues. Right, Fetoscopic view of differentiating fetus at 47 days' gestational age (right elbow, foreground; face and crease of mouth, background).

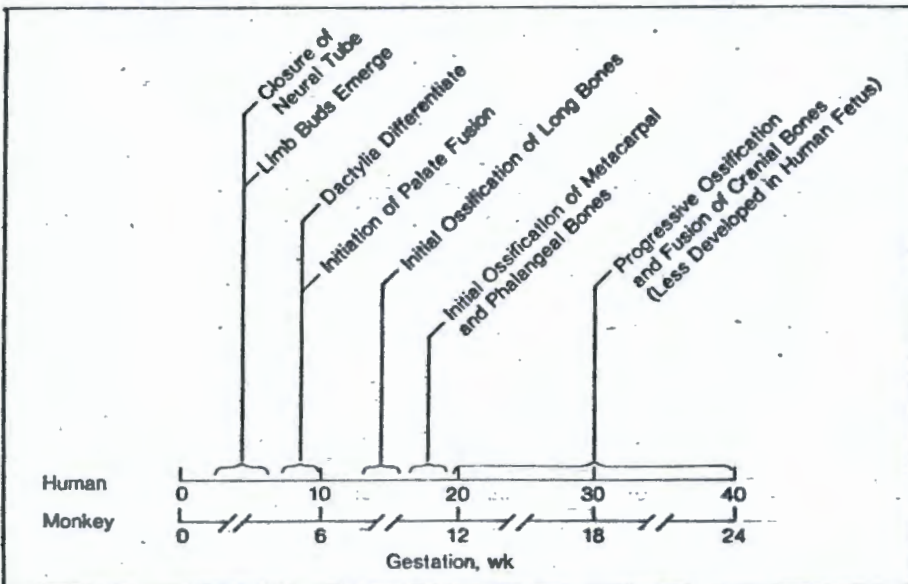


Fig 5.—Conceptual illustration of fetal skeletal formation in human and monkey gestations, normalizing the time-course of major events in differentiation.



Fig 6.—Top and center, Hydrocephalus in neonatal monkey after corticosteroid administration in early pregnancy. Note encephalocele protruding from cranium bifidum (top) and bulging eyes and disproportionate expansion of frontal aspects of skull (center). Fetus was not treated via hydrocephalic antenatal vent for intrauterine treatment (HAVIT). Fetuses such as this one suffered high mortality and poor neurological prognoses as neonates. Bottom, Neonatal monkey treated with HAVIT.

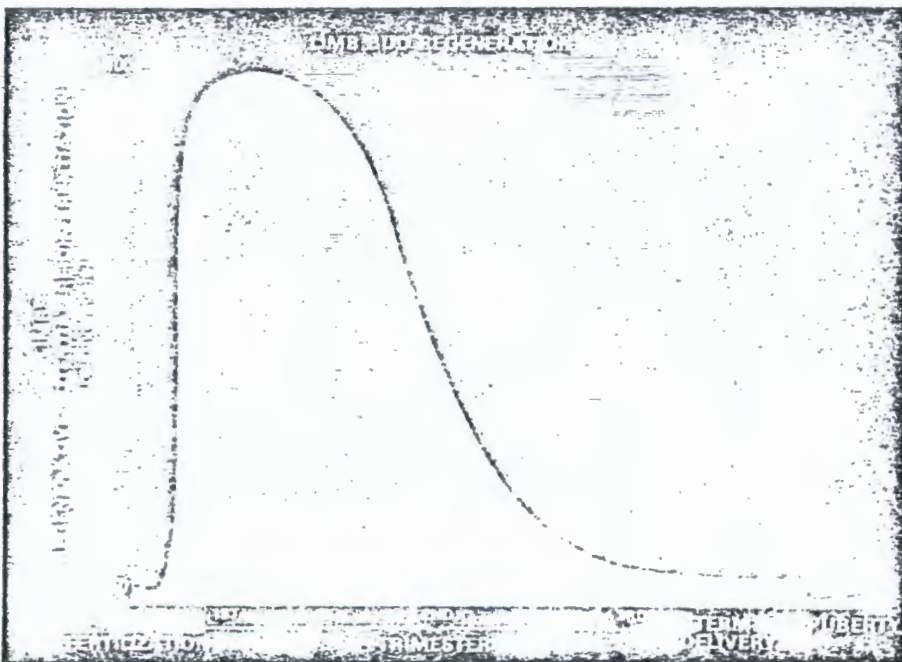


Fig 7.—Conceptual illustration of limb bud regeneration potential in monkey fetuses in utero. Although some redifferentiation of dactylia persists into late pregnancy, even the juvenile years, postmenarcheal monkeys (older than 5 years) show no regenerative ability.

abnormal AFP patterns or sonographic imagery illustrating myelocelic effusions (with or without dilation of the lateral ventricles), radiological studies have proved to be an informative third-level confirmation. Ultimately, fetoscopy allows direct evaluation of the areas overlying the spinal cord, brainstem, and cranial vault. In these ways, various myeloceles and encephaloceles may be diagnosed and assessed antenatally.

Intrauterine Surgeries

Having achieved relevant laboratory simulation of some clinical disorders of the neural tube, as well as techniques for their early and reliable diagnosis, we began to investigate what could be done in utero to alleviate the irreversible neurological damage that occurs in these disorders and that may eventually result in mental retardation, disfigurement of extremities, paralysis of limbs, and incontinence.

Hydrocephaly.—With regard to hydrocephalus, we devised the hydrocephalic antenatal vent for intrauterine treatment (HAVIT) prosthesis to relieve excessive CSF pressure (adjustable set point) into the amniotic fluid, thereby averting some of the damaging sequelae of severe prenatal hydrocephaly (Fig 6). Having tested this indwelling intracranial valve in hydrocephalic fetal monkeys, results of initial studies (p 1093) are encouraging in that monkeys implanted with the HAVIT in utero have demonstrated superior survival rates, timely motor skill development, and the absence of seizures as compared with those aspects in unaided hydrocephalic control subjects.

Spina Bifida.—Of even greater potential significance are results demonstrating that intrauterine allogeneic bone transplants are not rejected because of fetal immune incompetence. Furthermore, we have developed a technique in which an agar-based medium containing crushed bone particles can facilitate closure of fissures of the neural tube. This technique has special import for bony fistulae of irregular dimensions. Ongoing studies are aimed at evaluating the utility of this bone paste for sculpting antenatal enclosures to overlay and correct herniated spinal nerve bundles. These laboratory findings may point the way to potential clinical repair of some forms of spina bifida, where early in utero repair of various myeloceles, especially spina bifida cystica, may ameliorate the gross incapacities that often accompany

these severe congenital malformations.

Regeneration.—Recently, we have observed a surprising degree of limb bud regeneration in monkey fetuses; that is, after severing some fingers unilaterally, the missing dactylia were regenerated. The redifferentiated digits replicated their original conformation as compared with that of the contralateral hand. To a limited extent this process continues even into the postnatal interval. However, as gestation advances, regeneration becomes relatively suppressed (Fig 7). Perhaps this finding, although remarkable, should not be totally unexpected. As biologists we know that starfish and other animals regenerate arms. Primate embryos, like all mammals, develop along the paths of evolution that the species has experienced. The earlier one examines the embryo, the more ancestral it appears.

Ultimately, this remarkable observation of intrauterine reexpression of differentiation may have far-reaching significance with regard to malformations of the extremities. While one would imagine that developmental anomalies resulting from genetic abnormalities would recur on regeneration, deformities of dactylia and more proximal limb structures that result from teratoid agents in the environment (including medications) might eventually be treated by regenerative surgery in utero.

Most of the findings summarized here are subjects of active research. I wish to emphasize the tentative nature of our present interpretations.

COMMENT

There is considerable public debate concerning the legal standing of the fetus. Irrespective of this debate, I believe that parents deserve the option of effective treatment of fetuses afflicted by developmental abnormalities. Admittedly, current experience with in utero surgery is limited; yet, the work demonstrates an accretion of new medical and surgical expertise. In science, technology begets feasibility, which, in turn, leads to realization. Ultimately, I believe that with the availability of techniques to treat effectively congenital malformations in utero, a great deal of disability and suffering will be prevented.

The laboratory investigations summarized herein will appear as a series of forthcoming research reports in *JAMA*; the first of these can be found in this issue, p 1093.

Nobel Prize Winner
Mother Teresa of Calcutta
speaks.

Glasgow Green,
12.30 p.m.,
Saturday, 31st July.



Mother Teresa, world famous in the promotion of human rights and dignity, is pleading for the protection of unborn children in Scotland, as she does everywhere. Come with us and hear her.

WE ARE: former unborn children marching to bear witness with her to the plight of unborn children **NOW!** We seek to restore to them the protection of the law which they had throughout all civilized ages until our time. **YOU CAN HELP US. VOTE FOR PRO-LIFE M.P.s VOTE FOR THE BABY.** Join S.P.U.C. (address overleaf).

Is it sensible to vote on a single issue?

ABORTION IS NOT JUST A SINGLE ISSUE.

People have no value at all and no rights if they do not have the right to life. The legalised killing of unborn children affects us all.

In her address on the occasion of receiving the Nobel Peace Prize at Oslo on 10th December, 1979, Mother Teresa said: "Today the greatest destroyer of peace is the crime committed against the innocent unborn child . . .

" . . . We pay attention in the newspapers to the number of people killed here or there, to everything that is destroyed, but no-one speaks of the murder of millions of little beings conceived with the same life as you and I; with the life of God: we do not say anything! We accept it in order to be at peace with the views of the countries that have legalised abortion. These nations are the poorest.

" . . . Let us all pray to have the courage to defend the unborn child and to give him the possibility of loving and being loved. And I think that in this way—with the grace of God—we could bring peace into the world."

A VOTE FOR THE BABY IS A VOTE FOR PEACE

Without the right to life what happens to medical ethics?

ABORTION LEADS TO EUTHANASIA. If a doctor can kill a tiny human because he/she is a nuisance, so the mentality is created whereby bigger people can be killed. Hence the practice which has developed since the Abortion Act, of overdosing newborn handicapped babies with drugs and deliberately starving them until they die. Don't think that there are not doctors who, given the chance, would not be prepared to treat the old in the same way. An M.P. who cares about the right to life is more likely to care about people and their various needs.

A VOTE FOR THE BABY IS A VOTE FOR US ALL

Which issue is more important than abortion?

ABORTION IS THE MOST SERIOUS ISSUE TODAY. A nuclear holocaust is a possible future evil. The holocaust of abortion is happening **NOW**. There are 500 such deaths every day in Britain. What other evil or injustice compares with this?

PUT ONLY PRO-LIFE M.P.s INTO PARLIAMENT. M.P.s make the laws and only they can unmake them.

A VOTE FOR THE BABY IS A VOTE FOR JUSTICE

VOTE FOR THE BABY	X
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Published by: Society for the Protection of Unborn Children (Scotland), 53 Cochrane Street, Glasgow. G1 1HL. (Tel.: 041-552 5361.)

DAY-CARE ABORTION

A WOMAN'S RIGHT TO LOSE

A SUBMISSION PREPARED BY THE COLCHESTER
BRANCH OF THE SOCIETY FOR THE PROTECTION
OF UNBORN CHILDREN - THE CASE AGAINST
DAY ABORTION IN COLCHESTER.

APRIL 1982

For Ailken
7 TORFON ST
LONDON SW1
222 5845.

THE CASE AGAINST THE PROPOSED COLCHESTER DAYCARE ABORTION UNIT
(Submission by Colchester Branch of the Society for the Protection
of Unborn Children)..... April 1982.

The campaign for a daycare abortion unit at Colchester relies on claims that daycare "improves" staffing, bed pressures, costs and patient care. However, the experience of daycare abortion clinics already in operation demonstrates that the reverse is true.

1. Staffing and facilities Employment or redeployment?

(i) To run a new unit, either new staff must be employed, increasing expenditure; or existing staff must be redeployed, with corresponding loss of cover elsewhere.
Therefore there must be a large price to pay in terms of extra salaries or loss of existing staff cover.

(ii) Consultants. In practice, consultants perform most abortions, but in any case a unit would require full consultant cover - essential for urgent repair of accident at operation (e.g. laparotomy and bowel resection after uterine perforation - see below). So consultant time would be under additional pressure - with corresponding loss of cover to other aspects of gynaecology, and also obstetrics.

(iii) Anaesthetists. Even if daycare is done under local anaesthesia, an anaesthetist (in practice at or above registrar level) must provide cover for emergencies, including procedural complications occurring after administration of local anaesthesia. Therefore, either existing anaesthetists would be under extra pressure, or new staff would be appointed, incurring extra expense.

(iv) Nurses. Staff nurses, Sisters and SEN's are involved, and the same questions of deployment arise. In one daycare centre there has already been "discontent among the nurses" who imposed a limit on numbers of abortions. Conscientious objection may arise after experience of daycare and disposal of the "products of conception".

(v) Other. Units also require administrators, receptionists and counsellors. Colchester Labour Party Women's Council has suggested "new" psychological follow-up-who will do this and at what expense?

The DHSS admits to "critical" shortage of doctors, anaesthetists and nurses (Care in Action, HMSO, 1981).

Premises - conversion or building? If a daycare unit is to be built, capital costs will have to be found and the priority to be placed upon this must be seen in the context of Colchester's other health needs. If existing premises are to be converted, this will incur conversion costs and the premises in question will be lost to some other specialty.

THERE IS NO JUSTIFICATION FOR DIVERTING OR EMPLOYING STAFF AND PREMISES TO PERFORM ABORTIONS ONLY - THE VAST MAJORITY OF WHICH ARE NON-ESSENTIAL IN MEDICAL TERMS.

2. Bed pressures. (i) Daycare caters only for early abortions; it does not cover young girls, older women, those in poor health, or second-trimester abortions after prenatal diagnosis of foetal handicap.

As a local gynaecologist specialises in prenatal diagnosis, gynaecological beds will still be under pressure from late abortion cases. This has ALWAYS been the case with other daycare units - e.g. South London (Medical News, 5.9.79), Wanstead (Ilford Recorder 27.9.79) and Kingston (Out Patient Abortion, PAS, 1974).

(ii) Far from "freeing" beds, abortion unit proposers demand that gynae. beds be devoted to more abortions. (National Abortion Campaign publications).

(iii) In the light of the evidence that a local gynaecologist specialises in late "eugenic" abortions, there is surely a risk that a "daycare" clinic will simply become an "abortorium" with corresponding loss of staff cover for gynae. beds and perhaps even closures of these, to the detriment of sick women on the gynae. lists.

3. Costs. These will depend on staff and facility provision/redeployment. Facts from existing daycare units show high capital and running costs:

(i) "The unit is still costing more in running expenses than it was last year, and we are still filling our gynae. beds". (Evidence from NHS daycare abortionist to Government Expenditure Committee, HMSO, 1977.)

(ii) "A daycare unit for abortions only within the hospital is not likely to be economic." (Lane Report, Vol. 1, Section 0.)

(iii) "The recurrent costs of £104,930 a year are broken down as follows: Medical staff £20,110; nursing staff £24,340; counselling £10,440; administration £8,705; pathology £15,903; supplies £9,534; and general £15,903". (Liverpool AHA(T).)

(v) "Two centres spent £35,000 and £10,000 respectively converting premises..." (Survey of 12 centres, Dr. S. Rowlands.)

Any housewife knows that purchase and upkeep of an additional and inessential item is not "saving". Daycare does not "free"

resources; it ties them up, while in-patient beds are NOT released.

4. Patient care - Physical problems. Daycare is NOT the "safe", "simple" procedure its advocates imply. The problems already found in British daycare experience are:

- uterine perforation (Survey of 12 centres);
- haemorrhage, retained products, acute pelvic sepsis, urinary symptoms, tip of Karman catheter breaking off inside uterus - complication affecting 17 out of 127 surveyed (Outpatient Termination of Pregnancy, S. Lewis et al., British Medical Journal, 4.12.71);
- incomplete evacuation (6%), sepsis (6%) (Hull & Boylston, Outpatient Pregnancy Termination in an NHS hospital, Nursing Times, 3.10.74);
- incomplete evacuation requiring subsequent admission (6%), pelvic pain with pyrexia (5%), blood transfusion for a patient requiring two hospital admissions (Minimal Delay Outpatient TOP, J. McGarry, Health Trends, 1977, vol.9);
- 17.5% foetal loss in patients pregnant after vaginal TOP, 5% rate of cervical laceration (Effects of Legal Termination on Subsequent Pregnancy, Richardson & Dixon, BMJ, 29.5.76).

The Cardiff University Hospital daycare unit closed last year after a two-year trial because the consultants found greatly increased complication rates, "primarily postoperative haemorrhages and also the risk of infection and uterine perforations". (Western Mail, 23.3.81).

Psychological problems: (i) "...depression, bereavement, regret and guilt...a psychic wound which renders the women more vulnerable to mental breakdown after stress". (Lane Report, Vol.1, Section E.)

(ii) Several studies showing persistent depression/guilt among 13-30 per cent of women followed up (Article, "Abortion, the psychological aftermath", H.S.Greer, Journal of Maternal & Child Health, March, 1977.)

(iii) Colchester Labour Party Women's Council, the daycare unit proposers, cite psychological problems among local women having abortions, and expect these to continue with daycare! (Essex County Standard, 22.1.82)

It can be seen that accident at operation or complications such as haemorrhage due to retained products would necessitate

in-patient admission after daycare - putting additional pressure on gynae. beds, particularly as daycare has a proven high complication rate.

Long-term treatment of depression and guilt, or infertility resulting from pelvic sepsis, would put an additional strain on local resources. Late and latent abortion complications are unquantifiable - particularly as follow-up is not statutory and certainly not rigorously applied by daycare abortion clinic operators in general.

Priorities. Any consideration of increasing abortion provision in Colchester must depend on numbers of abortions and length of stay versus the pressing needs of other specialties for equipment, premises or staff.

ABORTIONS ON COLCHESTER RESIDENTS, 1978 & 1979 (latest breakdown, OPCS Monitors)

YEAR	TOTAL	HOME REGION		OTHER REGION	
		NHS	NON NHS	NHS	NON NHS
1978	531	345	93	13	80
1979	578	338	89	21	130

The great majority of Colchester residents seeking abortion already obtain it on the NHS within their Home Region. Local gynaecologists are of "liberal" abortion persuasion. There is thus no "need" whatever to extend abortion provision in Colchester. According to the abortion campaigners themselves, in-patient stay for abortion is already only a maximum of three days (Essex County Standard, 22.1.82).

- Other needs. Every NHS service is subject to "regional inequality". There are other local projects deserving greater priority than an abortion unit - for example, the hospice, which has a great deal more popular support, is much-needed but has not yet reached its financial target. If there are funds available in terms of the many thousands needed to set up, staff and run an abortion unit, the money should go to a life-saving or life-enhancing project - particularly as abortion is already well catered for in Colchester.
- Aims of the abortion lobby. Both the Labour Abortion Rights Campaign and the National Abortion Campaign want

abortion on demand, and see the daycare campaign as only one step towards that end. Pressures for late abortions (NAC want abortion up to term) will continue even if an abortion unit is provided. Colchester is just another target in a national campaign relying on claims which actual daycare experience has proved to be untrue.

7. Aims of SPUC. Every abortion involves more than the mother's "convenience" or a clinic's "cost-efficiency". It involves a unique being, genetically separate from the mother, who long before the 12-week daycare limit has a functioning heart, brain, nervous system and internal organs. By seven weeks the child is able to move his or her limbs, complete with all digits by that time.

What will be the cost to the health and social services of the loss of nursing morale and recruitment, and the physical and psychological damage to mothers, caused by the disposal of these tiny but human beings?

THE EVIDENCE DEMONSTRATES THAT DAYCARE ABORTION IS NEITHER SAFE, CHEAP, BENEFICIAL TO THE GYNAE. WORKLOAD NOR ECONOMICAL IN STAFFING AND FACILITIES. COLCHESTER NHS ABORTION PROVISION IS ALREADY GENEROUS AND, EVEN IF DAYCARE IS IMPLEMENTED, IN-PATIENT BEDS WILL CONTINUE TO BE FILLED BECAUSE OF LATE ABORTIONS.

Accordingly, Colchester SPUC requests that priority be given to life-preserving health care for all the people of Colchester and that the Authorities resist all pressures to set up an outpatient abortion unit.

NORTH CAROLINA RIGHT TO LIFE, INC.

P.O. Box 9363 Greensboro, North Carolina 27408

A non profit Educational Organization

July 26, 1982

CST
919-282-2112
Home

President Ronald Reagan
The White House
Washington, D. C.

Dear Mr. President:

The highlight of our National Right to Life Convention was your filmed address. Thank you so very much for taking the time from your arduous schedule to address us.

North Carolina Right to Life is having a convention in Salisbury, N. C. on September 25th. Could you please drop us a short note to be read at our opening ceremonies.

Mr. President, perhaps you will remember my wife and me from your 1976 campaign against President Ford. We had the pleasure of meeting with you and Mrs. Reagan in a motel in Asheville, N. C. We, at that time, presented you with a pro-life paperweight and Mrs. Reagan with a sterling silver pro-life medallion. I hope you will use the paperweight on your desk and Mrs. Reagan will have occasion to wear her medallion.

May God continue to give you strength and courage as you work to lift our country from the moral and economic pitfall into which it has slipped. Thank you again.

Yours for Life,

NORTH CAROLINA RIGHT TO LIFE, INC.

David G. O'Steen
President

DGO:np

cc: Morton Blackwell

THE WHITE HOUSE

WASHINGTON

September 22, 1982

I welcome this opportunity to send warmest greetings to the North Carolina Right to Life Convention. I am deeply grateful for your presence here.

It is caring and concerned individuals such as you who represent the conscience of our society. Your attempts to protect the helpless and your efforts to speak for the unborn bring hope to all who believe in the sanctity of human life.

Together we must work and pray in the struggle for life. God bless you.

Ronald Reagan

AMERICAN LIFE LOBBY INC.

NATIONAL HEADQUARTERS: MAILING ADDRESS: P.O. BOX 490, STAFFORD, VA 22554
OFFICES: ROUTE #6, BOX 162-F, STAFFORD, VA 22554
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August 5, 1982

546-5550

Carolyn,
call Judie +
suggest she draft
a written message.
I doubt we can
get another filmed
message.
8/26/82
CS

Mr. Morton Blackwell
Special Assistant to the President
The White House
Washington, D.C. 20500

Dear Morton:

As you know, we have invited President Reagan to appear at our upcoming "UNITY '82" Grassroots Pro-Life Education Conference to be held November 11-14, 1982, at the Marriott Gateway Hotel in Crystal City, VA.

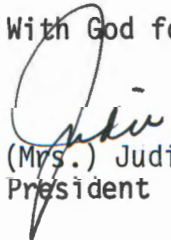
To date we have received the expected, traditional, response "its too early to commit..." We are, needless to say, reminding the appointments office periodically.

Without "tipping our hand" to the appointments office, or providing them with an "out" to not schedule the president, we would like to suggest that if President Reagan is not able to attend we would be delighted to have a filmed "greeting" from him to our attendees.

If this is possible, it would tie in perfectly to our opening session on Thursday, when you are already scheduled to speak, and you could do the "introduction" of the message.

Please keep me posted on your thoughts on this matter.

With God for Life,


(Mrs.) Judie Brown
President

Thanks!
Cong. Dornan
Key note speaker
personal message
to Dornan



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

September 22, 1982

I welcome this opportunity to send warmest greetings to the North Carolina Right to Life Convention. I am deeply grateful for your presence here.

It is caring and concerned individuals such as you who represent the conscience of our society. Your attempts to protect the helpless and your efforts to speak for the unborn bring hope to all who believe in the sanctity of human life.

Together we must work and pray in the struggle for life. God bless you.

RREAGAN

RR:SILVERMAN:vs

cc: K.Osborne/T.Silverman/M.Blackwell/CF

(Call Carolyn Sundseth - Morton Blackwell's office for delivery)

EVENT: SEPT. 25

ROBERT L. SASSONE

Attorney at Law

900 North Broadway • Suite 725 • Santa Ana, California 92701

(714) 547-5611

August 16, 1982

file
R + L

MORTON BLACKWELL
White House
Washington, D.C.

Re: Abortion related questions

Dear Mr. Blackwell:

I was the attorney whom Judie Brown introduced you to at the Unity 81 Conference. You then introduced me to a member of the Justice Department and informed him that he could answer my questions relating to (c) (3) activities. I talked to the gentleman in the Justice Department, but as far as I know, nothing has come of it from the Justice Department. Meanwhile a lawsuit against the San Diego Catholic Church by pro-abortionists is causing attorneys all over the U.S.A. to send out letters again this year similar to those which I gave copies of last time I was in Washington. The general tenor of these letters, although they differ in varying dioceses, is that the pastor should have nothing to do with the distribution of any literature relating to abortion voting records or positions, that the pastor should not permit the right to life groups on the premises to distribute this material, and that the pastor should publically disassociate the Church from these efforts if the right to lifers decide to distribute in spite of the pastor asking them not to, by the pastor telling the parish that the right to lifers have been asked to not distribute and they are distributing them against the request of the pastor and without his consent.

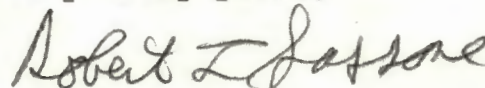
Since the above positions are totally unsupported by any past cases or practices of IRS, I should think that the Right to Life Movement would be able to get more cooperation out of the administration than we have so far received in the past eight months since I informed you of this problem. In addition, I wonder if it would be helpful if you would contact the U.S. Attorney in San Diego or cause him to be contacted so that we could make certain that he has all information available on this topic to us.

I have before me a monthly publication of the Population Action Council. Three of its four front page stories feature appointees of President Reagan speaking out in favor of population control and informing the audience how strongly the administration favors population control. Now for reasons that I will not list in this letter but could if requested, advocacy of population control almost must cause to follow advocacy of abortion.

MORTON BLACKWELL
August 16, 1982 - Page 2

One of these members was an appointee on the Presidential Commission on World Hunger. Is there any way that a person who is informed on world hunger could be appointed to this commission, because it would be relatively easy to substantially mitigate world hunger if appropriate steps were taken. No large amount of money would be needed. Yet the very commission that apparently deals with this is apparently packed with people who don't understand the situation. In like manner, U.N. Ambassador Kirkpatrick in her statements at the U.N. honoring a member of the Presidential Commission on World Hunger makes a very anti-life statement which is either based on a prejudice or false information. On the same front page, we have M. Peter McPherson in testimony before a House subcommittee making similar statements. Statements by these persons and other similar statements become widely publicized among pro-lifers and substantially reduce the strong support that the President receives from pro-lifers. I realize that your powers are limited, but we would appreciate any suggestion you could give which might help us help the President to stop shooting himself in the foot like this.

Very truly yours,



ROBERT L. SASSONE

RLS:ts

P.S. Enclosed please find an opinion of the Legislative Council of California. Why can't we get something similar out of your administration? A statement such as this might well double right to life effectiveness.

OWEN K. KUNS
RAY H. WHITAKER
CHIEF DEPUTIES

JERRY L. BASSETT
KENT L. DECHAMBEAU
STANLEY M. LOURIMORE
EDWARD K. PURCELL
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July 13, 1982

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Honorable Nolan Frizzelle
Assembly Chamber

Taxation: Religious Organizations - #964

Dear Mr. Frizzelle:

FACTS

A religious organization which is presently exempt from state bank and corporation taxes and federal income taxes is planning to permit the use of its property for the distribution of pamphlets to the general public containing the results of a survey of the voting records and positions of various federal and state candidates and elective officeholders on specific issues of interest to the organization. The survey was conducted and compiled and the pamphlets were published by other than the religious organization. Distribution of the pamphlets is to be undertaken by various individuals, some of whom may be members or officials of the religious organization. Distribution by members or officials of the religious organization will be on a voluntary basis.

QUESTION

Could the religious organization in question permit the use of its property for the activity described above and still retain its tax-exempt status?

OPINION

In the absence of additional facts and circumstances indicating that the religious organization's participation in connection with the pamphlets is of a more substantial nature than the Facts indicate or that its participation in other activities is of a type proscribed by state and federal tax regulations, the religious organization in question could permit the use of its property for the activity described above and still retain its tax-exempt status.

ANALYSIS

The Bank and Corporation Tax Law (Pt. 11 (commencing with Sec. 23001), Div. 2, R. & T.C.) exempts certain nonprofit organizations from taxation (Sec. 23701, et seq., R. & T.C.). Section 23701d exempts, among other organizations, corporations operated exclusively for religious purposes.

Section 23701d of the Revenue and Taxation Code provides that a church may qualify for the exemption only if "no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation ..., and which does not participate in, or intervene in ..., any political campaign on behalf of any candidate for public office."

The exemption is similar to the exemption for religious organizations under the federal income tax laws (see 26 U.S.C.A. Sec. 501(c)(3)) and the state regulations are substantially the same as the federal regulations (18 Cal. Adm. Code 23701d; 26 C.F.R. 1.501 (c)(3)).

The regulations implementing Section 23701d provide for an organization test and an operational test (18 Cal. Adm. Code 23701d). Under the organization test, an organization is not organized exclusively for an exempt purpose if

its articles of organization expressly empower it to do any of the following: (1) devote more than an insubstantial part of its activities to attempting to influence legislation by propaganda or otherwise; (2) directly or indirectly participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; or (3) have objectives and engage in activities which characterize it as an "action" organization.

Under the operational test, an organization is not operated exclusively as an exempt organization if it is an "action" organization. An "action" organization is described as follows:

"(3) 'Action' Organizations. (A) An organization is not operated exclusively for one or more exempt purposes if it is an 'action' organization as defined in subparagraph (B), (C) or (D) of this paragraph.

"(B) An organization is an 'action' organization if a substantial part of its activities is attempting to influence legislation by propaganda or otherwise. For this purpose, an organization will be regarded as attempting to influence legislation if the organization:

"(i) Contacts, or urges the public to contact, members of a legislative body for the purpose of proposing, supporting, or opposing legislation; or

"(ii) Advocates the adoption or rejection of legislation. The term 'legislation,' as used in this subdivision, includes action by the Congress, by any State legislature, by any local council or similar governing body, or by the public in a referendum, initiative, constitutional amendment, or similar procedure. An organization will not fail to meet the operational test merely because it advocates, as an insubstantial part of its activities, the adoption or rejection of legislation.

"(C) An organization is an 'action' organization if it participates or intervenes, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office. The term 'candidate for public office' means an individual who offers himself, or is proposed by others, as a contestant for an elective public office, whether such office be national, State or local. Activities which constitute participation or intervention in a political campaign on behalf of or in opposition to a candidate include, but are not limited to, the publication or distribution of written or printed statements or the making of oral statements on behalf of or in opposition to such a candidate.

"(D) An organization is an 'action' organization if it has the following two characteristics:

"(i) Its main or primary objective or objectives (as distinguished from its incidental or secondary objectives) may be attained only by legislation or a defeat of proposed legislation; and

"(ii) It advocates, or campaigns for, the attainment of such main or primary objective or objectives as distinguished from engaging in nonpartisan analysis, study, or research and making the results thereof available to the public. In determining whether an organization has such characteristics, all the surrounding facts and circumstances, including the articles of organization and all activities of the organization, are to be considered."
(Emphasis added.)

Thus, the Franchise Tax Board regulations (and, similarly, the federal regulations) contain a broad prohibition against political activity by religious organizations and are not limited to direct lobbying by those organizations with respect to particular legislation or to direct activities in connection with the campaigns of specific political candidates. Under these regulations, the board (and, similarly, the Internal Revenue Service) must look at the facts and circumstances surrounding each case to determine if the activities of a specific religious organization involve

either influencing or attempting to influence legislation in a substantial and continuous manner or participation or intervention in a political campaign.

Based upon the facts presented, there is nothing to indicate any activity on the part of the religious organization which is of a lobbying nature. Thus, we think the activities of the religious organization in question must be evaluated for purposes of the retention of its tax-exempt status in terms of whether those activities constitute proscribed participation or intervention in a political campaign.

In this regard, we note that even though the federal regulations have been upheld as applied to proscribed lobbying activities (see Christian Echoes National Ministry, Inc., v. United States, 470 F. 2d 849, cert. denied 30 L. Ed. 2d 716, denying a religious organization's tax-exempt status on the basis of its activities in connection with influencing legislation), there are no judicial decisions which have considered the validity of those regulations in the context of proscribed participation or intervention in a political campaign.

Thus, there are no specific judicial decisions available to provide guidance in evaluating the conduct of the religious organization in question in terms of the regulations' proscription against activities related to political campaigns.

However, in this connection, we note that both the state and federal regulations do recognize an exception to that proscribed activity with regard to nonpartisan analysis, study, or research and the making of the results thereof available to the public, i.e., so-called "voter education" activities (see Sec. 23701d (c) (3) (D) (ii), 18 Cal. Adm. Code; 26 C.F.R. 1.50(c) (3)-1 (c) (3) (iv)).

In addition, the Internal Revenue Service has issued guidelines concerning the tax-exempt status of organizations that engage in "voter education" activities (see Rev. Rul. 78-248).

Based upon these guidelines, an organization will be considered an "action" organization and will lose its tax-exempt status if a publication of the type referred to in this inquiry contains any of the following:

(1) Editorial opinion of the organization.

(2) Contents and structure which imply approval or disapproval of the candidates, officeholders, or their political positions or voting records.

(3) Responses of candidates and officeholders to questions submitted by the organization in which the questions evidence a bias on the part of the organization on certain issues.

(4) Responses of candidates and officeholders to questions which are limited to issues of importance to the organization, indicating that the publication's purpose is not nonpartisan voter education.

With respect to the above guidelines, we note that the Facts indicate that the pamphlets in question contain survey information which is limited to the stated responses and voting records of political candidates and officeholders in connection with issues of concern to the religious organization in question.

Thus, based on the above guidelines, the pamphlets in question could conceivably violate three of those guidelines, thereby subjecting an exempt organization connected with those pamphlets to the potential loss of tax-exempt status.

However, it should be pointed out that all of those guidelines are framed in terms of a tax-exempt organization's active involvement in "voter education" activities by way of providing editorial opinion in voter education pamphlets or by way of compiling, preparing, publishing, or distributing the information contained therein.

Therefore, it is unclear what significance those guidelines hold for the religious organization in question, whose involvement with the pamphlets extends only to permitting the use of its property for their distribution.

However, in our view, the nature of that involvement alone would not constitute the type of active involvement at which the guidelines and, ultimately, the state and federal statutes and regulations are aimed.

Therefore, we conclude that, in the absence of additional facts and circumstances indicating that the religious organization's participation in connection with the pamphlets is of a more substantial nature than the Facts indicate or that its participation in other activities is of a type proscribed by the state and federal regulations . . . discussed above, the religious organization in question could permit the use of its property for the activity described above and still retain its tax-exempt status.

Very truly yours,

Bion M. Gregory
Legislative Counsel

James A. Marsala
James A. Marsala
Deputy Legislative Counsel

JAM:dfb



Compliments of

ASSEMBLYMAN NOLAN FRIZZELLE, O.D.
73rd District
California Legislature

Helms Stopped by Single Vote in Senate Despite All-out Support from President

Showdown Vote Comes after Bid to End Filibuster Falls Short; Final Tally is Only 47-46

REAGAN KEEPS HIS PROMISE

Strong Lobbying Effort Fails to Move GOP Pro-aborts, but Dems Remain 'Party of Abortion'

Special to Lifeletter

WASHINGTON, Sept. 16: The Senate, by a 47-46 vote early last night, voted to kill Senator Jesse Helms' anti-abortion bill for this session.

The vote came after a third attempt to break Senator Bob Packwood's pro-abortion filibuster failed, 50-44, ten votes short of the 60 required.

President Ronald Reagan had given Helms 11th hour support in a strongly worded letter to "selected" senators last week, asking them to help end the filibuster.

Gains Some Support

The President called the Helms bill "the first clear-cut vote in this Congress on the humanity of the unborn," and said "it is crucial that a filibuster not prevent the representatives of our citizens from expressing their judgment on so vital a matter."

The Reagan letter came after a first attempt to break the "pro-choice" filibuster got only 41 votes, and was credited with picking up the nine additional votes on the final count. But it failed to produce support from the GOP's pro-abortion wing of some 20 senators.

The vote to kill Helms' SuperBill came on a motion from Senator S.I.



PRESIDENT RONALD REAGAN AND SEN. JESSE HELMS (shown here in a recent White House photo) provided strong leadership for anti-abortion forces in the Senate show-down on abortion. The President personally called many senators, and made several anti-abortion speeches.

Hayakawa (who is retiring from the Senate this year) to "table" the measure without further debate. Only 13 Dem senators voted for Helms, while 29 voted pro-abortion; 33 GOP members voted yea, 18 nay. Four Dem and 3 GOP members were absent/not voting.

Vote Politically Explosive

The on-the-record vote was the only one on abortion in this Senate session. National anti-abortion groups depend heavily on voting records to mobilize support for anti-abortion candidates, and most Washington spokesmen agreed that Helms won an important "victory" by getting such a vote before the November elections.

The Washington Post reported this morning that Helms had "suggested" that those who voted pro-abortion would face "retribution" at the polls, and quoted him as saying the vote "sets the stage for next year."

Pro-abortion spokesmen were elated by the vote, which they believe will prevent any further anti-abortion efforts in this congress.

Dem Sasser Casts Decisive 'No' Vote, Now Faces Bitter Fight with Anti-aborts in November

HATCH DITCHES AMENDMENT

Admits Lack of Support, Says Baker Promises 'Full Debate' in New Congress Next Year

By Robert M. Patrick

WASHINGTON, Sept. 15: Senator Jim Sasser cast the decisive vote tonight against Senator Jesse Helms' anti-abortion SuperBill.

Sasser is facing a strong re-election challenge in November from Robin Beard, a three term GOP congressman from the Memphis area. Beard is strongly against abortion, and in favor of prayer in the schools. Both issues are expected to be hotly debated in the fall campaign.

Beard is expected to get all-out support from anti-abortion groups, which now see the Sasser-Beard race as a crucial test of voting strength.

Hatch Withdrawal Is Surprise

Earlier today, Senator Orrin Hatch announced that he was withdrawing his anti-abortion "Federalism" constitutional amendment proposal, at least until next year when, Hatch said, Senate Majority Leader Howard Baker had promised a "full debate" on the measure.

Hatch cited "lack of votes" for his surprise move. Earlier this week, Hatch had turned down Baker's proposal for a debate on Hatch yesterday, saying that he too faces a tough re-election contest, and was flying back to Utah.

WELL, WHAT HAPPENED? Evidently, it depends on who's describing it all: the morning headlines illustrate the point. A happy New York Times headlines top-front-page "Senate Kills Plan to Curb Abortion" and adds "Reagan Setback Is Seen" (just a week ago -- on Sept. 8, when it should have headlined RR's announced support of Helms just like all the other papers did -- the Times didn't even mention abortion!). The Washington Post headlines "New Right Defeated on Abortion." But the non-ideological Wall Street Journal says "Senate Narrowly Casts Aside a Measure to Ban Federal Money for Abortions." So the public perceptions are coming through the political tints of the reporters and editors, as usual. But this time they may have a point: the vote does mean a lot of different things.

●To rank-and-file anti-abortionists it's a galling setback (near-miss victories don't count) after almost two full years of grinding work, a final crushing of hopes that their stunning political victories in '80 had finally turned the abortion war in their favor (the first caller this morning to Lifeletter's giant switchboard ended with "So we're finished!"). But wait: listen to the pro-aborts: only a few rash ones are gloating; the general feeling (as of now at least) is profound relief -- the whole HLB-Helms campaign had them terrified -- they can hardly believe the nightmare is finally scotched (none are so rash as to believe it's been "killed," pace the Times). Fact is, it's way too early to tell what the net result will be when the dust settles. Indeed, it's probable that the long-awaited Senate showdown represents another milestone victory in the protracted war that strong-minded troops on both sides know will be won only after many more years of battle (after which the defeated side will try to rise again!).

●The thing to do now is step back and take a long look at the proverbial Big Picture. It will shortly be a full decade since the Supreme Court nonchalantly handed pro-aborts the incredible gift victory of '73. Then the Court was riding high, at the peak of its legislation-by-fiat form. Point #1 is that it was precisely Roe v. Wade's extremism that generated not only the anti-abortion counterattack, but also the growing public perception that the Court must be brought back within the system of "checks and balances" that makes the American system work. (It's amusing to hear petulant pro-aborts accuse "pro-lifers" of "running to the Constitution" for an amendment to overturn the Court; presumably only the Court should amend that document!) So anti-aborts, in targeting the Court, have gained and produced hosts of allies they never expected. That's why pro-aborts do all possible to make "New Right" and "Right to Life" synonymous. Paradoxically, many New Rightists do likewise, knowing that abortion is their key to winning votes they'd never get otherwise, etc.

●But if the enemy is a pro-abortion Court, the fight against it had to be waged in the political arena, which is why, from the start, anti-abort strategists focused on the Congress. Without congressional action, the Court's fiat would stick fast, presumably forever. Point #2 is that action is not synonymous with victories, big or small. Britain bragged that it lost the battles but won the wars. Just so, the political goal was to make abortion "the issue that won't go away." The American system is the politics of compromise: issues that can't be compromised must be solved outside the system. Slavery is the Great Example; Prohibition and Women's Suffrage are others (men didn't have to vote women the vote -- they just couldn't stand it any longer). Few will now deny that abortion is becoming -- has become? -- that kind of issue. The Helms "defeat" did nothing to lessen that public perception.

●Point #3 is that the congressional battles have greatly influenced electoral politics. Thus in the early years anti-aborts won no congressional votes because they'd as yet elected no congressmen (remember that the first Hyde Amendment wins in '76 came by the same 220-190 size votes by which earlier anti-funding riders were defeated). But by '80, state after state had organized anti-abort constituencies that could produce a solid 3-5% of the vote (i.e., precisely the difference between victory or defeat in dozens of races in every election). True; it may have worked a little too well in '80: not only was the first anti-abortion President elected, along with a phalanx of anti-abort members, but also most of the vulnerable Big Name pro-aborts were wiped out at one stroke. This produced both overconfidence and "quick victory" delusions among many grass-roots troops. But most Washington pros -- on both sides -- knew better.

● Without question, the '80 results were near-miraculous, if only because having an honest-to-God anti-abortion President (and RR has proved he's that, time and again) was as important to ultimate victory as Lincoln was to the Abolitionists (indeed, history may well record the exact analogy). And the anti-abort majority in the House seemed big enough to hold that fortress indefinitely -- a tribute to the very tangible power of anti-abort voters among those pols closest to the voters. But the Senate is (by design of the Founders) at least once-removed from such closeness; not surprisingly, it has been the chief pro-abort bastion all along. It remains that still -- but just barely. Obviously the now-fragile "pro-choice" majority couldn't survive another '80; the question is, can the necessary new victories be won this November -- and has Jesse Helms' tenacious battling helped that hope?

● The most important point of all comes in right here: action has been the key to all the anti-abort advances from the beginning. Way back in '74 -- when those prototype "Hyde" riders were getting regularly drubbed on the floor, some anti-abort leaders argued "we can't take such defeats" -- they wanted to wait for coming elections, etc. But the actionists prevailed, and the results are on the record -- each new vote produced more strength, more votes, and steady, bone-crunching advances, at least in the House. The Senate remained the problem. When Helms & Co. sat down to strategy for this congress, they had no illusions. The head-count showed 48 solid/probable senators maximum, and almost exactly the same numbers opposed. Far too close not to try, even though, by the most optimistic appraisal, there were no more than five members who might be coaxed-pressured into switching. But if just three could be coaxed/pressured to come over, and "the 48" held firm, it was just possible to win on straight legislation (everybody knew that a constitutional amendment was simply out of the question).

● The legislative vehicle designed for the test was of course the original Human Life Bill. Lifeletter has told the sad story of HLB opposition from anti-aborts a dozen times -- no need to repeat it again now. The fact is, General Jesse kept his forces intact through it all (helped by Sens. East, Denton, Jepsen, Exon, and the other stalwarts whose honorable names we've printed so often -- and will again, before November), weathering assaults, delays, and setbacks that would have made just about anybody else but Jesse plain quit. And lo, some 18 months after Howard Baker began promising that "the time is near" to face the "social issues," the time actually did come. Even then, of course, the final showdown was long and bitter, and needlessly protracted by Liberal Bob Packwood's choice-denying filibuster (the joke among anti-abort insiders was: Why is he so sure he'll lose?).

● The most incredible thing about the final result was that the HLB backers' original head-count was right on the mark: nobody strayed, nobody switched; they got 46 of the 48 "probables" and probably would have got counted-on Bennett Johnson (D., La.), who was absent. Trouble was nobody crossed over either. (By the way, Lifeletter's own candidates for "possibles" included Sens. Dixon, Nunn, Melcher -- and Sasser -- well, you can't count 'em all! We had Bill Roth as the "missing man" of the original 48.) What does it prove? Well, it sure lays to rest all that talk about members who were "uncommitted" on abortion, the guys who would "buy" the right compromise if only it were served up to them, etc.: The plain truth is that nobody is uncommitted on abortion: the steady pounding of years of Hyde votes has long since solidified everyone into cement-hard positions. That's why every abortion vote is on substance -- an up-or-down vote on abortion itself. So the Helms vote is exactly that on-the-record accurate tally anti-aborts wanted so badly before the elections. And as usual, one "showdown" runs right into the next one: the new struggle is to produce enough victories in November to crack the Senate's "veto" over the anti-abortion legislation that the congressional majority -- and the President of the U.S. -- support.

● It's a tall order. Off-year elections aren't easy to win, and although RR came through as promised in the crunch, the long delays could make it all too little and too late for this year. And while anti-aborts have the troops, they're woefully short of money (as usual -- a condition aggravated greatly by the very costly two-year fight for the HLB). And of course much depends on factors far removed from abortion. But at least the grass-roots voters know the good guys from the bad guys. And they also know that Ronald Reagan

is their man. So the word is going out to support him in the coin of the political realm, votes. (As one Washington strategist put it: "We're saying that unless somebody like Ron Mazzoli is your congressman, vote for Reagan's man. You owe him.")

• There were many other interesting things illuminated by the long HLB struggle, chief among them the glaring difference Ronald Reagan makes when he personally gets into the fight. That is the substance of the endless charges that "the men around the President" are pro-abortion: a lot undoubtedly are, but they came through when RR said "do it." We could hardly believe some of the stories we've heard, from our most unimpeachable sources -- e.g., would you believe George Bush was burning the wires to get anti-filibuster votes? We're assured he did it, hard (thanks, Mr. Vice-President, we owe you one). So did cabinet members, although that's not unusual (we wonder if Mr. Watt shouldn't have "offered" to burn all the soggy trees in Oregon ... Packwood might have listened).

• Another major player who needs a plug is Howard Baker -- he'll need it, because a lot of people are blaming him for various things that happened (or didn't happen). E.g., the pro-Hatch forces are saying Howard sand-bagged their amendment, or Hatch himself, or both. But the facts indicate otherwise. In the main, Baker did stick to his promise to bring on the abortion battle and -- as we've tried to explain in detail -- nobody could really be surprised by what happened. And if Jesse couldn't get 51 votes, Hatch was strictly a kamikaze-flight (so nobody should blame Orrin for flying back to Utah instead, rather than take a defeat that would hurt him -- and embarrass the President too). But Baker stands guilty on two major counts: as the top GOP Senate leader, you'd think he could get somebody in his leadership apparatus to support their President; yet nobody in that hierarchy (except Conference Boss Jim McClure) voted yea; Baker's Whip Ted Stevens, John Tower (Policy), and of course Packwood (Campaign) all voted pro-abortion. And the little-noticed fact is, so did Baker. Indeed, he could have re-tied the vote at 47-47, but instead quietly "paired" his vote with the absent Robert Stafford (home recovering from a tough primary fight in Vermont). Point is, such a "live" pairing is rare indeed, and virtually impossible to get when it's the decisive vote -- ask Sen. John Tower, who tried exactly that to avoid the embarrassment of not supporting RR's recent veto (he couldn't get a "pair" then -- but of course Baker could arrange it for himself!).

• Some footnotes: when the vote was tied, an agitated Alan Cranston, Dem mainstay of the pro-abortion coalition, was running around looking for another vote; he ducked into the cloakroom and emerged with an unhappy Jim Sasser intow. Dutch Uncle Cranston left Sasser at the table with a note. Jim read it, paced back and forth awhile, re-read note, and cast his fatal anti-Helms (and anti-Sasser?) vote, head down. Then he ripped up the note and walked away "in a huff," our man reports. Oh yes: the voting-time had expired, but somebody "made" extra time for Sasser. Another fascinating item: the sight of so many Southern Dems voting against cloture; it's another indication that, when abortion is the issue, anything can change. We'd say it shows growing strength of anti-abortion "Born Agins" in Old South?

1984 PRESIDENTIAL POLITICS obviously influenced -- and will be influenced by -- the abortion vote. Item: Ohio Dem presidential hopeful John Glenn provided a Profile in Jello by being absent. Item: Arkansas Dem Dale Bumpers voted pro-abortion, then took the opportunity to announce that he's running for president too -- and against the "social issues"! He may win Lifeletter's coveted Birch Bayh Award as the first candidate knocked out of the race by "pro-life" ambushes in the early primary states (as poor Birch was in '76 -- they kept playing taps at his rallies). Cranston can expect the same treatment if he actually pursues his quixotic ambitions (he's already been dubbed the "Star Wars" candidate). So can young Gary Hart, who voted anti-Helms. So did -- to nobody's surprise -- Teddy (we're told he really isn't against the HLB, just "personally opposed").

WHILE BIG FIGHT WAS GOING ON, President Reagan was making lobbying calls from Air Force One; newsmen made much of his calling Pa. Rep. Bill Coyne when he wanted Sen. Bill Cohen -- as if a befuddled RR didn't know what he was doing, etc. But obviously RR's operator made the goof, and when "Bill" answered as expected RR leaned on him to vote anti-abortion (the laugh is on the media's bias showing so publicly).

*file
General Right to Life file*

Morton,

You may have already seen this memo from the USCC to pro-life coordinators all over the country.

Page 2 says it all. I just cannot stress too strongly what I warned you about earlier this year: the USCC people cannot be trusted, cannot be worked with, cannot be placated. And if the Administration or -- Heaven forbid -- any of our own people outside the Administration fall in, next year, with the USCC's 1983 version of the Hatch Amendment, we can expect gratitude from them similar to this piece of slander.

Note that there isn't a word in here about the Administration's efforts on behalf of cloture.

Bill Gutt

NATIONAL CONFERENCE OF CATHOLIC BISHOPS
BISHOPS' COMMITTEE FOR PRO-LIFE ACTIVITIES
1312 MASSACHUSETTS AVENUE, N.W. • WASHINGTON, D.C. 20005 • 202/659-6673

September 17, 1982

MEMORANDUM

TO: Pro-Life and Respect Life Coordinators
State Catholic Conference Directors

FROM: Richard Doerflinger *RD*
Legislative Assistant

SUBJECT: Senate Abortion Debate

On Wednesday, September 15, three things happened in rapid succession on the Senate floor:

(1) Anxious to be rid of the abortion issue by the end of this week, Senate Majority Leader Howard Baker suddenly brought up the Hatch amendment (S. J. Res. 110) during the filibuster against Senator Helms' abortion funding rider. When Senator Hatch questioned this untimely move, Senator Baker replied that time was running out for the 97th Congress and that actual debate on the amendment was sure to be delayed further by a filibuster. In return for Senator Baker's public assurance that his amendment will receive full and fair consideration early next year, and that another run through the Committee process will not be necessary for it to reach the Senate floor at that time, Senator Hatch withdrew S. J. Res. 110 from immediate consideration.

(2) Despite the absence of any competing pro-life proposal, Senator Helms' attempt to invoke cloture on his abortion funding proposal failed for the third time by a vote of 50 - 44.

(3) A motion by Senator Hayakawa to "table" the Helms rider (and thus remove it from consideration) succeeded by one vote, 47 - 46. Senator Sasser cast the deciding vote; Senator Baker abstained.

At this point, then, the chances of enacting any new pro-life legislation before the 97th Congress adjourns seem miniscule. On the brighter side, the Hatch amendment has yet to receive an unfavorable vote at any level of Congress, and has a running start which no other proposal has for the 98th Congress. Senator Hatch's firm but gentlemanly efforts on behalf of his proposal have given it a generally favorable image in the Senate, and Senator Baker has promised to do everything in his power to facilitate its consideration as the first pending business after February. This is a delay but not a defeat -- it offers plenty of time for new efforts and strategies to increase support in Congress for a reversal of Roe v. Wade.

Before we are all deluged with armchair political analyses of "what went wrong" with the 97th Congress, I would like to offer a few observations on what we have learned in the last few months.

First of all, Senator Helms' effort to link the pro-life effort with various "New Right" concerns (such as the court-stripping measure on school prayer) did not prove to be a formula for success. By blurring the issues, Helms prevented unified pro-life support and allowed his opponents to caricature his efforts as an attack upon the "separation of powers." It is clear that many Senators will seize on whatever opportunity is available for avoiding the abortion issue itself -- a consoling thought in one sense because it indicates recognition that a straightforward pro-abortion image is not a political asset.

Second, there is no denying that the effort to reverse Roe v. Wade by constitutional amendment suffered from lack of total unity in the pro-life movement. But this is not true in the way that some anti-Hatch factions had thought. No Senator was committed to voting against S. J. Res. 110 because it was too weak; a significant number complained that it was too strong. Hatch supporters had spent much of the year convincing their friends of the amendment's potential for universal and effective protection of the unborn; there was little time for selling the amendment to the Senators themselves, who needed to hear how "moderate" it is compared to the extreme policies of Roe. Senators unsympathetic to the pro-life cause, as well as the President of the United States, were all too willing to seize on pro-life disunity as an excuse for inaction.

Third, much remains to be done in the U. S. Senate. Some alleged "states rights" supporters in Congress backed off from S. J. Res. 110, apparently showing their true colors as supporters of the Supreme Court's abortion decisions, and the leadership of neither major party seems to think that the 1980 elections produced a mandate for change with regard to abortion. Ignorance and misrepresentation with regard to the radical character of the Supreme Court's decisions continue, despite some major advances along this front.

We now face another general election in which abortion may well be a major issue, and a new Congress with plenty of time for extended debate on this matter. Our educational efforts -- directed at the media, Congress and the general public -- should continue to counter pro-abortion rhetoric and to clarify the question raised by S. J. Res. 110: Shall our Constitution enshrine unrestricted abortion on demand as a fundamental human right, or shall we restore sanity by allowing our elected representatives to set some restrictions?

For the final word on the 97th Congress I defer to Cardinal Cooke, whose most recent public statement on the Hatch amendment is enclosed.

White House
1982

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PMS MORTON BLACKWELL SPECIAL ASSISTANT MEMBERSHIP GROUPS

WHITE HOUSE DC

ON BEHALF OF PRO LIFE AMERICA, THANK YOU, THANK YOU, THANK YOU FOR
YOUR TIRELESS EFFORTS ON BEHALF OF GOD'S PRE BORN CHILDREN. MAY GOD
BLESS YOSU.

PAUL BROWN LAPAC JUDIE BROWN AMERICAN LIFE LOBBY

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NNNN



Unity '82 **Grassroots Pro-Life** **Education Conference**

November 11-14, 1982
Marriott Gateway Hotel, Crystal City, Virginia
PO Box 190, Garrisonville, VA
(703) 659-4171 or Metro DC 690-2049

Co-Sponsored by:

(Mrs.) Judie Brown
American Life Lobby

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(Mrs.) Karen Davis
Christian Women's National Concerns

Elisah Drogan
Catholics United for Life

Liz Sadowski
First Women's Conference

Edward E. McAteer
Religious Roundtable

Joe Scheidler
Pro-Life Action League

Paul A. Brown
Life Amendment Political Action Committee

INFORMATION FOR SPEAKERS

In order to avoid confusion or misunderstandings, we want to set forth the procedures and related information for speakers at our upcoming "UNITY '82" Conference.

WASHINGTON, D.C., BASED SPEAKERS: TRAVEL

Speakers will be reimbursed for carfare and/or cabfare from their home or office to and from the Conference site.

OUT-OF-TOWN BASED SPEAKERS: TRAVEL

Speakers will be reimbursed for round-trip airfare, coach class, from the city of residence to Washington, D.C.; ground transportation, if necessary, to and from the airport will be reimbursed. [The Marriott Shuttle Bus will provide ground transportation between Washington National to the hotel.]

We ask that you provide us with your schedule as soon as possible so that we can take advantage of any "special fares" or advance reservation discounts that may be available. When you know your schedule, please call Mr. Jim Kappus; we will have your ticket prepared and mailed to you.

Speakers will be provided with one night's stay at the Conference hotel at the "double occupancy" rate. Speakers will be "doubled up" where possible, unless the speaker wishes to pay the difference in rate for single occupancy. Any "incidental" room charges are the responsibility of the speaker.

ALL SPEAKERS; CONFERENCE REGISTRATION

All speakers will be provided with a name badge allowing them to attend all of the Conference meetings and entitling them to refreshments during the coffee breaks.



Primary sponsor
American Life Education and Research Trust (ALERT)

INFORMATION FOR SPEAKERS UNITY '82

ALL SPEAKERS: MEALS

No meals are reimbursed. The banquet is not included in the complimentary conference registration.

ALL SPEAKERS: OPTIONS FOR MEALS, BANQUET, ROOMS

Naturally, we encourage all of our speakers to stay for the full Conference and are very sorry that we simply cannot bear the total expenses of such a stay. Enclosed is a convention registration form; please fill it out indicating the portions of the conference package that you desire. We will deduct the portion of the costs borne by the sponsors and will advise you of your share of the total costs.

ALL SPEAKERS: SPECIAL ARRANGEMENTS, TRAVEL, ROOMS

We encourage you to make your plans for UNITY '82 as soon as possible. If you need any "special arrangements" for rooming, travel, etc., please call Mr. Jim Kappus at (703) 659-4171 for assistance. We will again be using Summit Travel as our "agent" for purposes of ticketing and hotel rooming.

ALL SPEAKERS: SPECIAL ARRANGEMENTS, A-V EQUIPMENT, ETC.

Every meeting room will be provided with a standard podium and pa system. Please let us know if you will be needing any additional equipment or "props," such as chalk boards or slide projectors, etc.

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RW
WYNGARDEN-ABORTION

BY BETTY ANNE WILLIAMS

Pro Life
PAC

WASHINGTON (AP) -- SEVERAL ANTI-ABORTION GROUPS TODAY URGED PRESIDENT REAGAN TO FIRE DR. JAMES WYNGARDEN, NEW DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH, BECAUSE OF HIS STATEMENT THAT ABORTION SHOULD BE AN INDIVIDUAL DECISION UNREGULATED BY LEGISLATION.

PAUL BROWN, DIRECTOR OF THE LIFE AMENDMENT POLITICAL ACTION COMMITTEE, JOINED HOWARD PHILLIPS OF THE CONSERVATIVE CAUCUS AND DICK WALTERS OF THE AMERICAN LIFE LOBBY IN CALLING FOR WYNGARDEN'S DISMISSAL.

THEY SAID WYNGARDEN'S RECENT SELECTION AS DIRECTOR OF THE \$3.6 BILLION AGENCY WAS INCONSISTENT WITH THE PRESIDENT'S OPPOSITION TO ABORTION.

"I AM STILL CONVINCED THAT PRESIDENT REAGAN IS STRONGLY PRO-LIFE," BROWN SAID. "I AM EQUALLY CONVINCED THAT MANY OF HIS ADVISERS AND STAFF ARE NOT. MR. PRESIDENT, YOUR STAFF SCREWED UP AGAIN."

BROWN, WHO SAID HIS POLITICAL ACTION COMMITTEE PLANNED TO SPEND \$1 MILLION IN THE CONGRESSIONAL ELECTIONS THIS FALL, SAID THE REPUBLICAN PARTY CANNOT TAKE THE SUPPORT OF THE ANTI-ABORTION MOVEMENT FOR GRANTED. HE SAID REAGAN'S DECLARATIONS OF SUPPORT FOR CURBS ON ABORTION MUST BE MATCHED BY ACTION.

"WE'RE NOT GOING TO PLAY 'THROW US A BONE' WITH THE ADMINISTRATION ANY MORE. WE WANT ACTION," BROWN SAID.

PHILLIPS SAID THE ADMINISTRATION DOES NOT ACCEPT OPPOSITION TO ABORTION AS A BASIS FOR MAKING POLICY DECISIONS. HE SAID THE WHITE HOUSE STAFF TREATS THE ANTI-ABORTION MOVEMENT AS ANY OTHER SPECIAL INTEREST GROUP, AND MAINTAINED THAT THERE IS NO ONE ON THE STAFF WHO ARGUES FOR THIS FROM THE INSIDE."

WYNGARDEN EXPRESSED HIS VIEWS ON ABORTION TUESDAY AT HIS FIRST SESSION WITH REPORTERS. IN RESPONSE TO A QUESTION, HE SAID: "I BELIEVE THE ABORTION DECISION SHOULD BE AN INDIVIDUAL DECISION. I BELIEVE IN FREEDOM OF CHOICE."

HE ALSO DISASSOCIATED HIMSELF FROM VARIOUS PROPOSALS BEFORE CONGRESS THAT WOULD RESTRICT ABORTIONS.

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August 19, 1982

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Catholics United for Life

Liz Sadowski
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Edward E. McAteer
Religious Roundtable

Joe Scheidler
Pro-Life Action League

Paul A. Brown
Life Amendment Political Action Committee

Morton Blackwell
Special Assistant to the President
The White House
Washington, D.C. 20501

Dear Mr. Blackwell:

This is to confirm your appearance at "UNITY '82."

Your appearance as a speaker at our conference is scheduled for Thursday, November 11th from Noon - 1:15 p.m., on the topic "Administration Progress On Pro-Life Issues."

*Calendar
8/23 Cindy*

If you would send to us your biographical sketch and photo some time next week it would be greatly appreciated.

Sent 8/23 Carolyn

I am enclosing some of our first promotional flyers on the conference for your use. Please pass the word and let me know if you need more flyers; ad slicks and press releases will be provided as they are available.

Thank you for your help in making UNITY '82 an unequalled success!

With God for Life.

Judie
(Mrs.) Judie Brown
President, A.L.E.R.T.

JB/cbm



Primary sponsor
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Message from the President to the National Right to Life Convention July 1982

Last year there were more than one and one-half million abortions in America. This is an assault on the sacredness of human life.

No one in America is more sensitive to this enormous tragedy and no one in America has done more to put a stop to it than those of you attending this right to life convention. It is you who have attempted to protect the helpless and speak for the unborn; you have carried the burden and fought the good fight. For this, God will bless you; and for this, millions of Americans, myself included, thank you.

But now -- as Congress approaches the three-quarter mark in its current session -- you deserve much more than thanks or mere verbal support. And certainly the hundreds of thousands, and perhaps millions, of unborn children who face extinction this year deserve much more than words -- they deserve to have their right to life fully protected by law. The time has come for Congress to face the national tragedy of abortion -- to fully discuss and debate on the House and Senate floors the heartbreaking dimensions of this tragedy.

Those of you who supported pro-life candidates in the 1980 election -- and those of us who as candidates actively spoke out against abortion -- cannot be accused of being irresponsible or overly zealous in our pursuit of human life legislation. We have been patient and realistic. Last year we understood that past national policies had headed our country well down the road to economic disaster. We knew we had to deal with this momentous problem; we did so with urgency and effectiveness. I know that many of you supported and worked hard for this Administration's Program for Economic Recovery.

But as I said a few months after taking office -- and in the midst of our attempts to change our economic policy -- this Administration does not and will not have separate agendas -- one for economic matters, one for the so-called "social" issues. Our concern is to make America healthy: economically, morally, in every way. Abortion is an inescapable national dilemma. It is a problem that cannot wait; it must be confronted.

The abortion tragedy is after all one of the greatest moral -- and potentially one of the most divisive -- issues to ever face this country. As history shows in the case of other such great issues, attempting to ignore them only causes a deeper disarray in our national life and increases the potential for disunity and disruption.

The Supreme Court's ruling that legalized abortion will continue to have a profound and painful impact on our nation until it is properly addressed by the people through their elected representatives. Only the other day, a Federal judge in Connecticut reopened the whole legal debate on this matter when he ruled that a fetus had civil rights including the right to sue an alleged attacker. Recently, a report by the Senate Judiciary Committee emphasized the far-reaching impact of the abortion tragedy by concluding that the effect of the U.S. Supreme Court decisions has been to legalize abortion right up until the moment of birth.

A few months ago, in my own state of California, a garage was discovered containing the bodies of 17,000 abortion victims -- many of them late-term. The pictures I have seen are heartrending and clearly show abortion is an assault on human life.

And only a few months ago, many of us read of a child in Bloomington, Indiana, permitted by the courts to die only because he was handicapped.

As George Will would write in an emotional but carefully reasoned -- and, I might add, unforgettable -- essay, the freedom to do away with inconvenient life is now being extended -- just as those of us who are part of the right to life movement predicted -- beyond fetal life to entirely new categories of life.

That is why the House and Senate must deal with the abortion issue. Major human life measures, such as Senator Helms' Human Life Bill, Senator Hatch's Human Life Federalism Amendment and Senator Hatfield's Abortion Funding Restriction Bill, deserve full consideration by the Senate this session. Believe me, in all of this, I share your sense of urgency.

You know, it has always puzzled me that those who favor abortion will argue that because a child is not old enough or perfect enough or wanted enough that it is an act of kindness to deny him or her the chance of life.

C.S. Lewis once wrote that "love is something more stern and splendid than mere kindness." This is a critical insight into the present debate over abortion and it is something of what I meant when I wrote to George Will about his column on that child in Bloomington -- a column in which George mentioned his own handicapped son, Jonathan.

"Jonathan is indeed fortunate," I wrote, "that God has chosen the Wills for his parents; and, as I see from your column, the Wills are even more fortunate that God has given them Jonathan."

This is the heart of the matter. The world is not ours to superintend -- nor is innocent life ours to dispense with or terminate. Those decisions belong to another -- another to whom suffering in our world is fully comprehensible and who counts our resignation in these matters to our credit. It is His guidance we seek now and in all of our future efforts.

Obviously, the days ahead will be important ones in the struggle for human life legislation. And what you do during the next few days will be vital to the success of our efforts in this great cause. I want you to know that you have my wholehearted support and my fervent prayers for your success. Have a good convention and God bless you.

Ronald Reagan