

The original documents are located in Box 1, folder “Abortion” of the Loen and Leppert Files at the Gerald R. Ford Presidential Library.

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What is your position on abortion?

I'm in a moderate position in that area. I do not believe in abortion on demand. I do not agree with the Court decision of 1971. On the other hand, I do not agree that a Constitutional amendment is the proper remedy. I think we have to recognize that there are instances when abortion should be permitted.

The illness of the mother, rape or any of the other unfortunate things that might happen, so there has to be some flexibility. I think the court decision went too far. I think a Constitutional amendment goes too far. If there was to be some action in this area, it's my judgement that it ought to be on a basis of what each individual state wishes to do under the circumstances. Again I should add, even though I disagree with the court decision, I have taken an oath of office, and I will, of course, uphold the law as interpreted by the court, but I think there is a better answer.

decision

Doesn't the Supreme Court/itself seem to move against any possibility that the state can take any local action?

That is correct, but if there is to be a Constitutional amendment and there are some suggestions in the Congress now that would permit each state on its own through a vote of the people or through its/^{state} legislative branch to adopt its own state regulations. If there is to be one, I think that's a preferable answer rather than the one that's recommended by others.



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take a Constitutional amendment to let the states do that.

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THE WHITE HOUSE
WASHINGTON

Date 9-14-76

TO: Bill Bradley

FROM: CHARLES LEPPERT

Please Handle _____

For Your Information

Per Our Conversation

Other:



SEP 14 1976

September 13, 1976

MEMORANDUM

TO: Charles Leppert, Jr., Special Legislative Assistant
FROM: John K. Meagher
RE: Legislation Providing Alternatives to Abortion

You asked for a listing of pending legislation which relates to the above. Over the weekend, I did some research on the subject and submit the following as per your request. I would emphasize that this by no means is a complete list and there may be other bills that I have not found which deal with this subject. However, I think the list herein is representative of the kind of bills that are pending in Congress dealing with the subject.

In reviewing the question, I have concluded that bills dealing with alternatives to abortion fall basically into three areas. First, there are those which do something to immediately assist the pregnant woman. S.2538 introduced by Senator Kennedy is intended to insure that teenagers have a "meaningful alternative to abortion" by authorizing comprehensive health care for pregnant adolescents before and after child birth. I believe that this is a grant-in-aid type program which, in addition to providing health care for adolescents who are pregnant, also provides counselling and support services for centers where they can go and perhaps even live. You would have to check the details of the bill to get the specifics, but the thrust of it is to try and provide governmental assistance for the immediate problem of medical costs associated with delivery of a child and I assume the costs that are incurred immediately after delivery. In addition, national health insurance should provide medical benefits for pregnant women who are interested in having their baby, but cannot afford it.

The second area is that of encouraging adoption services. As you know many women, particularly teenage women, are interested in having a child but cannot either afford or



desire to keep the child. Some bills that deal with this area are H.R. 11970 which establishes a registry of adoptable children and H.R. 12917 which establishes an adoption services fund. Both are apparently designed to make it easier for women to have their children adopted. H.R. 426 and a series of other bills pending before our Committee, would allow a deduction from gross income for social agency, legal and related expenses incurred in connection with the adoption of a child by a taxpayer. These bills get at the issue of the high cost of adoption. As you are aware under existing law, if an individual incurs medical expenses attendant to the birth of a child or an abortion and is not covered by a health insurance program, that person can deduct the medical expenses in excess of three percent of adjusted gross income and thus there is a bias toward the medical route rather than the legal. On the other hand, there is no comparable deduction for the legal expenses attendant to adoption and it can be argued that many families who might otherwise adopt a child do not do so because they have neither the financial wherewithall nor are there sufficient tax incentives to do so. My understanding is that this may not be as critical a problem as it seems, since there are very few children that are available for adoption today. This situation is at least the result of the high number of abortions that are taking place in the country today.

The third area is somewhat more esoteric to the issue of alternatives to abortion, but nonetheless I think important. That is the issue of whether or not a woman who becomes pregnant and is working will be able to continue to work after she has her baby. The issue here is day care and as you know, there are numerous proposals including the Brademas-Mondale bill to provide extensive federal assistance for the establishment and continuation of day care centers around the country. More to the point, the tax reform bill contains a tax credit for day care expenses incurred. The change from a deduction to a credit is important since low-income people who do not itemize their deductions cannot take advantage of a deduction for these expenses, but would be able to utilize a tax credit. The Senate adopted a floor amendment sponsored by Senator Kennedy to the tax credit for the day care part of the tax reform bill which would have made that credit refundable, i.e., the woman involved who is low-income would have received a payment from the government for a portion of her day care expenses, even though she might not have paid any tax. While this notion is somewhat alien to Republicans, it is the most sensible approach to this problem since it essentially allows women to go out and purchase day care wherever

- Page Three -

they can best do so. If it is reflected in the withholding tables, they will be able to have more cash available throughout the year to provide these day care services. The refundable feature was not retained by the Conferees in the tax bill.

For your information I am attaching a couple of pages from the Congressional Research Services' listing of major legislation. I have marked a couple of bills which I think go to the issue you asked about.

Finally, let me say that it is important as your people look at this issue to remember that the most effective alternative to abortion is birth control. Of course, this would not be something that the bishops would be interested in pursuing since they are opposed to birth control, as well as abortion. I would suggest that this entire area is rather delicate and should be approached with caution.

If you desire further information, please let me know.

JKM:cjc
Enclosures

