The original documents are located in Box 4, folder "1973 (5)" of the American Citizens Concerned for Life, Inc., Records at the Gerald R. Ford Presidential Library.

TWO AMERICAN UNDERSTANDINGS OF LAW:

some theoretical and practical implications

(A paper presented by Dr. John Underwood Lewis to the DeKoven Conference, Sept.1973)

In spite of the fact that the practicioners, those who practice law, (as well as the makers, those who make it) often dismiss questions about its nature, thinking them matters for idle speculation, it is in fact astouding how often practical legal matters are decided on the basis of jurisprudential assumptions.

Two specific instances that come to mind are the classic American Banana Company v United Fruit Company case and, presently, the case that Special Prosecutor Archibald Cox has brought against the President of the United States concerning the Watergate tapes.

In the first case, American Banana sought to recover damages from United Fruit because the latter had not only monopolized the Costa Rican banana trade but had induced the local government to take over American Banana's land, supplies and railway accesses, all in contravention (so American Banana alleged) of the Act to Protect Trade Against Monopolies.

American Banana's action failed; and it did so not because United Fruit did not do all of these things; it did. It failed rather because it did them outside the jurisdiction of the United States. And the reason jurisdiction was important was because the Court, through Justice Holmes, defined law as a "statement of the circumstances in which public force will be brought to bear upon men through the courts." Holmes' reasoning, then, is an example of what the late Dean Pound called the "threat theory of law." Under a "rule of conduct theory," Pound adds, the result in the American Banana case might have been different. For in the light of such a theory the court would (or with consistency could) have regarded United Fruit's conduct as crucial -- i.e., as having broken a rule of law -- and paid little or no attention to the fact that American Banana's claim was for jurisdictional reasons unenforceable.

Essentially this same jurisprudential clash was repeated in the United States District Court of Judge John J. Sirica this past August 29th. Judge Sirica had been asked to rule on the President's appeal of a subpoena issued to and served upon him by special Watergate prosecutor Archibald Cox and his grand jury. Judge Sirica was at that time told by the President's lawyers that he ought to deny the grand jury subpoena because even if he were to uphold it his court lacked the power to compel the President to obey it. The underlying (but unstated) assumption here, as in the American Banana case, is that by definition law is what the courts can enforce. It was precisely this assumption, this way of characterizing the essence of law, that as his reply indicated, Judge Sirica disagreed with:

> "That the court has not the physical power to enforce its order to the President is," he said, "immaterial to a resolution of the issues...."

The philosophy of law being expressed by Judge Sirica in this case is clearly at odds with that expressed by Justice Holmes in the American Banana case, and it is the difference in these philosophies that is decisive in their differing results. This is why, as Sir Maurice Sheldon Amos said at the Londond School of Economics in a 1932 lecture on Roscoe Pound, jurisprudence "cuts ice;" for law, he said, "is made by beings endowed with consciousness, and what those beings think about law affects the kind of law they make."

So my thesis is simply this. It makes an important difference in the everyday lives of citizens what their society's conventional understanding is about the nature of law. In the process of elaborating this thesis I shall compare the thought of William Blackstone, the great 18th century English jurist whose Commentaries have been supremely influential in the development of American jurisprudence, with the strikingly contrary ideas of James Wilson, the only American to have been not only a signer of the Declaration of Independence and of the Constitution, but in addition a Justice of the United States Supreme Court.

Blackstone defines law as "a rule of civil conduct, prescribed by the supreme power in a state, commanding what is right, prohibiting what is wrong," and there is a question, familiar to Blackstone scholars, as to whether he meant by this that the act that is commanded *is* commanded because it is a morally right act or whether that act *becomes* right upon being commanded. (The meaning of this latter option parallels the view of William Ockham in the 14th century: a law, he wrote, obliges one to do or avoid doing certain acts that are good or bad "because they are prohibited or commanded.")

In other words, the question is this: does Blackstone think it makes any sense to talk about a course of conduct as "being right" before it is made legal, or does making it legal make it right?

My own position is that Blackstone is ambiguous on this point, and purposely so. His definition deliberately embraces two ideas, that of "sovereignty" and the notion of "commanding what is right, prohibiting what is wrong;" and his purpose in mentioning both is to allow him to shift their relationship as he moves from his consideration of positive (man-made) law to his treatments of natural and revealed law. As regards the latter, says Blackstone, what is known by men to be right determines their validity and binding force, so that in the cases of natural and revealed law the idea of "commanding what is right and prohibiting what is wrong" takes precedence over the idea of sovereignty whereas regarding positive law the relationship between the concepts is reversed. Here "sovereignty" is central; what is right is *determined* by the lawmaker.

So: here with Blackstone, and for perhaps the first time since the Roman Empire, there is expressed what was to become from the 18th century on into our own the conventional view of the relation between moral obligation and legal validity. When he wrote that men are indeed bound by the law of nature and divine revelation he meant us to understand, as I have suggested, that they are morally bound by them but that at the same time none of this is relevant to their legal obligations. In Blackstone's view legal obligations originate from a source different from moral (and religious) ones. God's will is the source of these, whereas legal obligations are created through the will-acts of the state's sovereign lawmaker. The implication is that when a person finds himself confronted with a positive law that runs counter to the demands of his conscience he is legally bound to obey, but morally bound to disobey, it. Here Blackstone is anticipating the usually accepted 20th-century view that the topic of moral obligation is unrelated to that of legal validity, and the courts in e.g. *Blair v Williams* have sanctioned this view:

> "...the obligation arising from conscience is but an imperfect obligation. It is called an obligation in an imperfect sense; for it influences rather than obliges...; whereas the legal obligation is a perfect obligation; it is the chain of the law, which binds equally all men, and compels them, by a real necessity, to perform their duties...."

Ther point here is that because they are backed by the negative sanctioning of punishment laws, unlike moral rules, really do create obligations.

What has happened, then, at first in theory with the acceptance of Blackstone's doctrines and gradually on into our own time in the everyday life of the law is that the idea of "legal sovereignty" has been unleashed from its conceptual dependence upon the notion that the overriding purpose of the law is the promoting of the public good, Instead legal sovereignty has been united with the idea of power. "Having legal authority" and "possessing political power" have became synonomous so that the Latin phrase *sit pro voluntate ratio* (the sovereign's will must coincide with reason) has been replaced with *sit pro ratione voluntas* (the will of the sovereign takes the place of reason).

As to the influence of Blackstone's thinking at this very foundational level of American jurisprudence there can be no doubt. His name is the only one mentioned in the *Corpus Juris Secundum* sections on definitions and classifications of law, and by

so naming him this influential reference bible for lawyers is simply reflecting the fact that whatever else anyone might want to say about a law this one point is beyond dispute, namely that it is a command issued by someone whose power to enforce it is supreme.

That this notion has dominated American jurisprudence from the beginning is clear from the following facts. By 1776 almost twenty-five hundred copies of his Commentaries were being used in the colonies, over half of which were in an American edition. The acceptance and use of his work was one of the important reasons the English law was favoured over French law in the formative era of the United States and, as Dean Pound wrote, the Commentaries "continued to be the student's first work in the law office and in most law schools until the end of the nineteenth century...." It should hardly be surprising to anyone, then, that American lawyers --including the President's own -- feel themselves most at home with the sort of decision found in the American Banana case, wherein law is defined in terms of a "sovereign" maker; for, as Holmes states in that case, the "very meaning of sovereignty is that the decree of the sovereign makes law." With Blackstone's blessing the legal sovereign is thought of as the one whose coercive power is sufficient to enforce his will.

There,are, though, on occasion, here and there, cases one can find that accept Blackstone's definition of law only hesitantly or not at all. Judge Sirica's proposition that it is "immaterial to a resolution of the [legal] issues" that the court in the matter of the Watergate tapes "has not the physical power to enforce its order" is obviously incompatible with the Blackstone doctrine; and in Devine v State ex rel. Tucker assent to Blackstone is qualified this way: "The American courts," the bench said, "have approved Blackstone's definition [of law] with this addition, that such [as the laws] command ... shall not be in clear conflict with our ... written constitutions." In a Tennessee case Blackstone was rejected outright: his definition, the court said, "gives no proper definition of a law in what may ... be termed the American sense;" and the reason for this, as a Kentucky court put it, is that his definition "is not compatible with the genius of our forms of government, neither is it literally true as applicable to our own system. We acknowledge no supreme power, except that of the people."

Just recently, in an important but mostly unpublicized decision in another United States District Court, this time in Detroit, Judge Daman Keith spoke to this same issue. He was the man who broke new legal ground, first in the area of school integration and then, still during the Attorney-Generalship of John Mitchell, in the field of wiretapping.
As to integration, his decision in 1970 pertaining to the Pontiac, Michigan school case made it clear that the 1954 Supreme Court ruling on school integration did indeed apply to the North: "Failure to take the necessary steps [in cases of de facto segregation] to negate or alleviate a situation which is harmful is," he said, "as wrong as taking the affirmative steps to advance that situation."

But Judge Keith's decision on government wiretapping is more to our point. Over a year before the Watergate break-in and over two years before the American public even knew of the existence of the White House spy unit called the "Plumbers" Judge Keith was assigned to what in 1970 appeared to be a routine criminal case. The Ann Arbor, Michigan branch office of the C.I.A. had been dynamited in 1968 and the federal government had indicted one Robert Plamondon and two associates. Plamondon was the defense minister of the White Panther Party (since renamed the Rainbow People's Party), and William Kunstler, fresh from the Chicago Seven trial, represented him.

As the trial commenced there was no hint that anything extraordinary might happen. But then in responding to a simple, straightforward, routine defense motion the Justice Department admitted that Yes, it had wiretapped parts of the defendant Plamondon's telephone conversations. At this point the defense asked that the wiretap logs be made available to it, but the government responded that to do so would violate national security. In support of its response the goverment attorneys presented what has since become popularly known as the "Mitchell Doctrine": the President, the then Attorney-General argued in a written brief before Judge Keith, had the inherent power "of the sovereign to preserve itself" and could consequently order wiretaps in matters of national security without court approval. He could, furthermore, validly refuse to reveal the resulting tapes to anyone, including any defendants in cases arising from the tapped information. This argument was presented to Judge Keith on January 14th and 16th, 1971. Nine days later Judge Keith said that the President was wrong.

The appeal was finally taken to the Supreme Court, but there Judge Keith was re-affirmed, eight to nothing; thus that highest court halted wiretappings that had not been approved by some federal judge. "History abundantly documents the tendency of government -- however benevolent and benign its motives -- to view with suspicion those who most fervently dispute its policies" wrote the Nixon appointee Justice Lewis F. Powell in words repetitive of James Wilson, who wrote that with "all reigning families ... it is a settled maxim, that every revolution in government is unjustifiable, except the single one which conducted them to the throne." (As an aside it is interesting to note that Justice Powell told Judge Keith at a dinner one night that his decision had determined the Supreme Court's own opinion that the Mitchell Doctrine concerning unlimited presidential power was wrong.)

What Judge Keith said in the Plamandon case was that although wiretaps were not forbidden in national security cases, the established rule was that a judge had to authorize them. "If democracy as we know it, and as our forefathers established it, is to stand then attempts of domestic organizations to attack and subvert the existing structure of government ... cannot be, in and of themselves, a crime. Such attempts become criminal only where it can be shown that the activity was carried on through unlawful means, such as the invasion of the rights of others by force or violence." The Covernment app ealed this decision to the United States Sixth Circuit Court, but Judge Keith was upheld two to one.

In the majority opinion at that level, written by Judge George C. Edwards of Detroit, the court said the following:

> "...it is strange, indeed, that in this case the traditional power of sovereigns like King George III should be invoked on behalf of an American President to defeat one of the fundamental freedomes for which the founders of this country overthrew King George's reign."

Unquestionably, in my view, American lawyers have come to think it quite natural to characterize American law in terms of the "Mitchell Doctrine," in terms, that is, of an identification of legal validity with political power, because of the influence of Blackstone. "Law," Blackstone wrote, "is a rule of civil conduct, prescribed by the supreme power in a state...." But as Judge Edwards' opinion affirming Judge Keith's wiretap decision tried to make clear, appeals to the concept of sovereighty are oddly out of place within the framework of American political and jurisprudential life. And if Blackstone, with his emphasis upon sovereignty, is un-American in this sense, James Wilson is not. Listen to the following, taken from his decision in Chisholm's Executors v Georgia:

"To the Constitution of the United States, the term sovereign is totally unknown. There is but one place where it could have been used with propriety. But even in that place it would not, perhaps, have comported with the delicacy of those who ordained and established that constitution. They might have announced themselves 'sovereign' people of the United States: but serenely conscious of the fact, they avoided the ostentatious declaration." In 1964 Mr. Justice Black cited Wilson as authority in Westberry v Sanders for the proposition that the Constitution requires congressional districts to be equal.

Wilson's work has, though, remained largely ignored in spite of the fact that his law lectures maked the "first important law course to be established since the inception of the Federal government" and although his legal credentials were impeccable. Besides having built up one of the largest legal practices in America, and having been a leader at the Constitutional Convention as well as a signer of both the Declaration of Independence and the federal Constitution as well as an arcitect of the Pennsylvania Consitution of 1790 and one of the original Justices of the United States Supreme Court, his established greatness actually lay in the field of jurisprudence.

One of the reasons an understanding of Wilson's thought could be helpful in a reshaping of American jurisprudence is that much of his thinking is developed precisely in terms of his criticisms of Blackstone, whose understanding of the nature of law and legal obligation induces in Wilson an attitude of scorn mixed with a healthy measure of anger. We have already seen him say in Chisholm that to the "constitution of the United States the term sovereign is totally unknown;" and in the same place he adds that under the Constitution of the United States "there are citizens, but no subjects." Finally, citing Blackstone by name he writes in the same opinion that "... a plan of systematic despotism has lately formed in England... Of this plan the author of the Commentaires was, if not the introducer, at least the great supporter. He has been followed in it by writers ... and his doctrines have, both on the other and this side of the Atlantic, been ... received by those who neither examined their principles nor their consequences. The principle is, that human laws must be prescribed by a superior..." How long, one wonders, will it be before those in America charged with jurisprudential responsibility begin that examination. The fact that the former Attorney-General could with only scant opposition attempt to argue the federal government's position on wiretapping by appealing to the concept of "sovereignty" makes it clear that it has yet to begin. I can think of no better bi-centennial project.

A start in this attempt to restate an American concept of law might begin with a look at a rhetorical question Wilson asks and that from a Blackstonian point of view makes no sense. "Because I cannot resist," he wonders, "am I obliged to obey?" In other words, simply because someone else possesses a power to enforce his will "am I bound to acknowledge his will as the rule of my conduct?" Judge Sirica, you will recall, like Wilson, thought not: that the court "has not the physical power to enforce its order to the President is immaterial to a resolution of the issues...." Obviously both Judge Sirica and Wilson are refusing to define law in terms of the lawmaker's will or to locate in that will the source of the citizens' legal obligations. Blackstone, however, wrote that "the will of ... one man or assemblage of men is ... understood to be law" and the citizens' obedience "depends on the maker's will."

One fundamental assumption that underlies Wilson's conception of law is his notion, familiar to readers of Aristotle, as well, that living in society with one another is not only natural to human beings but necessary to their very existence. If people are to live genuinely human lives he argues, they need the "friendly

assistance of [their] fellows in society;" and it is from this fact that the institution of law gets both its importance and its dignity. Law is the chief tool for directing and guiding human social relationships, and the implication is that because of this the overriding purpose of law is to do justice. Thus, a Delaware court held in 1890, the "object of all law, common and statutory is the establishment and enforcement of justice."

It is not surprising, then, that the central notion in Wilson's theory of law is what he calls the "publick interest" or the "common good", rather than the idea of "sovereignty". He insisted on this point both as a professor of law and as a Supreme Court Justice and in doing so he thought he was laying the cornerstone of an uniquely American jurisprudence. Indeed he thought he had found the key to jurisprudence itself as a science for, given his understanding of the human person as a social being he thought it logical to insist that the central function of law lay in directing people to their proper ends as citizens rather than in coercing them into doing the sovereign's will.

The chief value Wilson's theory of law has to the American situation lies not so much in the fact that it accords with the understanding of law that the courts have from time to time acknowledged, but rather in the fact that by utilizing his definition of law one can make a conceptual distinction that cannot, Wilson thinks, be made within a Blackstonian framework. This is the distinction between "power" and "authority", and it is crucial to the viability of American legal and political life. In Wilson's model of a legal system the authority to legislate originates in the consent of the governed; without this consent the legislator would have at most only the power to enforce his will but not the authority to create legal obligations amongst the citizenry.

What Wilson is saying here becomes clearer when his notion of "consent" is examined more closely. There are, he says, two acts of consent necessary for the existence of the American legal system, one by which the people decide to bestow an authoritztive force upon some person or persons so that he or they might then make valid legal rules and another moment of consent through which the people willingly agree to act in terms of those legal rules. This second moment of consenting has itself two aspects to it: there is the citizen's understanding that what the law is directing him to do is necessary if he is going to attain those goods that he desires and there is also his act of freely choosing to do what in his understanding the law is directing him to do. "Compulsion," Wilson insists, "will not be received as a substitute for consent. The common law is a law of liberty."

In sum, a person's obligation to do what a law directs him to do, even assuming that law to have been made and promulgated in perfect accord with the technical constitutional requirements, is not created by the fact that the law has an effective sanction attached to it -- i.e., because the lawmaker has the power to enforce his will; it is created, rather, (again assuming the technical constitutional requirements to have been met) by the law's content --ie., by the fact that what the law is directing the citizen to do or refrain from doing is in some sense necessary if the citizen's desired welfare is to be attained. Laws, it was held in People v Brown, are to be formulated according to the social needs of the people and are, consequently, as was recalled in City of Bangor v Etna, more than "mere will exerted as an act of power."

An acceptance of this view in American jurisprudential circles would radically change the current Anglo-American understanding of the concept of "legal validity". Gradually, beginning with Blackstone this concept has been turned into a purely

formal one; it has been given a purely technical sense that is completely detached from its popular, non-legal, one. In the popular, man-on-the-street sense a legal rule is thought to be valid if, as one court put it, that rule is understood to have a "substantial rectitude," a rightness of content, as distinguished from mere formal regularity. From a technical standpoint, though, a legal rule is said to be valid if it has legal strength or force, if it is efficacious or effective, regardless of the "rightness" of its content. This separation of the two senses of "validity" was of course the necessary logical result of defining law in terms of its maker's will and of the consequent refusal to distinguish between "authority" and "power". For through the neglect of this distinction there emerged the assumption that in the political arena there are two kinds of power -- legal and illegal, and that acts done legally (i.e., that were sanctioned) were authoritative whereas illegal acts were violent. For the first time in western culture "violence" had become identified with out-lawed behaviour, so that by definition those with the political power to enact laws were assumed incapable of commiting violent acts.

The most obvious practical result of this way of thinking has been systematic degradation of conscientious objection. The classical, traditional view of the role of conscience in human affairs was summed up by Wilson: "Every one who is called to act," he wrote, "has a right to judge." The conventional view in our time, however, is that a person has a right to judge only the morality of the law, but not its power to obligate him. Further, because it is also a part of the conventional wisdom that moral judgments have no objective correctness but are only private, biased opinions, it also is thought to follow that the conscientious objector's stance with respect to a given law not only <u>can</u> but legitimately <u>should</u> be overruled for the good of the state. The most any objector may ever be granted by the state is the choice Blackstone said he had: "either abstain from this, or submit to ... a penalty...."

Wilson was not surprised, of course, that Blackstone would look at conscientious objection this way. "I cannot," he said, "consider him as a zealous friend of republicanism...." Wilson, on the other hand, tried, in his writings, in his lecturing and on the bench to articulate and defend what he called the "revolution principle." It is the principle that because the sovereign power resides in the people they may change their constitution and government whenever they please. This very principle, he adds, is not one of "discord, rancour, or war; [but] of melioration, contentment, and peace...." Because in our time this principle is being ignored in the law school classrom and subverted in high government offices ithas, ironically, had to look for its preservation in the streets.

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MINNESOTA CITIZENS CONCERNED FOR LIFE, INC.
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September 3, 1973

To: Martin Ryan Haley
From: Marjory Mecklenburg

Thank you for considering these candid questions. I'm not sure they all have precise answers. The problems we face are very complex.

One of our greatest sources of support and comfort is the Catholic church. At the same time the institutional Catholic church appears to be locked into a power struggle with us for control of the organization, the position and the movement. (See Cardinal Cody's letter.) Also, Fr. McHugh visited the executive committee at its last meeting three weeks ago and told us no matter what we did that the Catholic church was organizing on abortion and that they may take away some or much of the visibility and the funding from Catholic sources for their own program -- headed by the Family Life Bureau and Cardinal Cody's Committee. Cardinal Cody has not been the least cooperative with the Illinois pro-life groups. They couldn't believe it when he was appointed chairman of the new Committee for Population and Pro-Life Activities.

Fr. McHugh worked me over -- even in public -- in an attempt to get some of his boys -- McKernan, VanDerhoef or Taylor -- on the executive committee of NRLC at the Detroit Convention. Mike Taylor is a perfect conduit for him. Ed Golden and Gloria Klein are solid followers. If you have read The Peter Principle you understand what we are up against in the executive committee.

One of Fr. McHugh's confidants recently proposed to a Protestant on the executive committee that if the Catholic church could come up with 20 million dollars and could guarantee they could win an amendment, would the Protestants be willing to be window dressing -- no rocking the boat?

We have been locked in a power struggle continuously within the executive committee. The result is little creative effort and forward progress. There is near desperation to get Warren Schaller removed as any functioning staff member with a base of operation. The latest proposal is to hire a man whose name came through Fr. McHugh as executive director and let him hire his own staff, including unloading Warren if he so desires. Warren has been in D.C. two weeks; was hired some time ago -- still has no signed contract -- and has been treated like a leper by Ed and Mike.

background

There is much more, but let me ask some questions:

Can the Catholic Church as an institution work with an ecumenical, independent organization without controlling it, or seeking to control it?

Are we in a power struggle with the Catholic Church or its representatives?

How would one go about establishing a cooperative effort with the Catholic Church & and still retain ~~independence of~~ autonomy?

How do you select an image for an organization?
Of What importance is the right image?
How do you project that image?
"Is a conservative, Catholic male a desirable image for NRLC?"

What do you do with dissidents in an organization as NRLC? (Such as Randy Engel)

How much power ~~control~~ should an exec. director have in a grass roots volunteer movement?

How do you engender the support & ~~commitment~~ commitment of people for a cause?

Do ~~we~~ we need a tight, ~~rigid~~ closed structure & ~~a~~ strong, small central decision making group or do ~~we~~ we need a ~~more~~ flexible structure with an opportunity for participatory decision making, if we wish to encourage involvement of the grass roots.

Which is most important in determining the vote of a Congressman - Constituent pressure & influence or Washington professional lobbying?

How might we ~~gauge~~ gauge when we are ready to have hearings in the Senate or House?

What problems might premature hearings bring?

Can an organization work effectively when the movement + the leadership hold ~~[illegible]~~ differing views of organization + widely differing philosophies?

Differences → ~~[illegible]~~ Catholic – Protestant

Conservative – liberal

~~theoretical~~ – activists

tight ~~[illegible]~~ – loose structure – participatory decision making
Central Control

Wash. oriented & aimed – grass roots oriented with adequate representation in Wash.

Considerable ~~PG-like Organizational~~ experience – little PG-like organizational background

experts Rigid – grass roots organization
+ running the show – people making the decisions – involved/dayto
with "much leeway" – Staff facilitates + coordinates

~~[illegible]~~

Is a direct mail campaign a good ~~[illegible]~~ fund raising and educational tool?

What are the strengths of this movement?
How utilize?
What are the weaknesses? How minimize or overcome

What are possible ways to gather political intelligence + plan ~~work with a political~~ strategy?

file

September 5, 1973

From: Warren A. Schaller, Jr.

To: Executive Committee -- NRLC

Subject: Miscellaneous thoughts after two weeks in the office.

1. To judge from what goes through the office, there is almost no committee work going on at the present time. Of course, I don't think this is true. However, I would like to impress on you the need to include the office in your communications. The Youth Pro Life Coalition has a regulation that a copy of all letters and memoranda are sent to the national office. That might not be a bad idea. If I am supposed to help keep track of the "agenda" I have to know who is doing what. Someone from the office should be on all conference calls and attend all committee meetings. If there is only one staff person in the office, then that one person should be so included. Internal communications is at least as important as external communications.

2. At the present time, whether by design or not, Ed Golden is functioning as the Executive Director of NRLC. (Ed would probably be a very good Executive Director, but he has the limitations of living in New York State and having another full time job.) We should all be aware of the terrific strain this puts on him, with the many small details which must be kept track of.

3. Our office is already "groaning" under the strain of trying to deal with new equipment, new projects, and just routine everyday work. Perhaps judicial use of temporary secretarial help and volunteers will help solve our problems for at least the next two weeks. But a more comprehensive plan for staffing the office must be developed very soon.

4. Two telephone calls which I placed during this last week, in response to some old copies of letters here in the office (in the big pile I found when I came), put me immediately in touch with what is surely a quarter of a million dollars worth of professional lobbying expertise begging to be used by us. There are eminently qualified, political consultants and lobbyists (whose fees we could never afford), who believe so strongly in the cause we represent that they will give us almost any assistance we might need. I have not followed up on these offers much more than to find out what is being offered. But if we consider ourselves fortunate to have Professor Witherspoon make available to us the wealth of his experience and insight, then it

would be criminal to ignore what is being offered here. I hope you will allow me an opportunity to make available to you some of the guidance these offers represent. However I would say that the opinion of a group who have together more than a century of successful lobbying experience is that a "lobbyist" Executive Director is not the only plan, and perhaps not the best plan for NRLC. A quote: "Two or three specialists in constitutional law or Washington, D. C. politics might be too many; two or three specialists in state organization and communication would not be enough for an undertaking like this."

5. On the basis of the five questionnaires which have been returned from the two mailings that went out about the August recess, we might conclude that that activity was a "bust", in terms of its stated purpose of finding out where the 535 member of Congress are at. (This does not mean to say that many commendable secondary goals might not be achieved.) Surely, if we were to approach the October hearings with the same degree of organizational follow through, the NRLC will have very little effect on the outcome. What is missing is a staff person with authority to follow through on the development and completion of program -- at the present time I do not feel that I have been given that authority.

P.S. Please find enclosed the ABA folder you all said you wanted to see a copy of.

Also, please remember to send to the office a picture of yourself and a prepared press release, and the name of the person you would like to have receive a duplicate mailing of everything that comes to you.

W.A.S., Jr.

MEMO TO: Public Policy Committee,
NRLC

FROM: D. J. Horan, Legal
Advisory Committee, NRLC

DATE: September 5, 1973

I think much of the concern that exists in the Right to Life movement at the present time over the content of the amendment arises from the misconception that the amendment will solve all of our problems. Approaching the technical question of drafting the amendment from that point of view leaves one with feelings of anxiety and uneasiness after reviewing each of the types of amendments. However, this exercise is not one of futility. It should become evident to any careful reader that the political climate being what it is, the technical legal problems being what they are, the amendment will solve only some, but not all, of our problems.

For example, neither the Buckley nor the Hogan amendment prohibit private action. As you are well aware, the bulk of abortions in America are done by private clinics, not through public hospitals. Unless the Hogan and Buckley amendments had the moral persuasive power to convince people that abortions should not be performed, or unless it was backed up by strong state legislation, neither of these amendments would affect the sphere of private action at all and thus, would not affect the bulk of the abortions that are being performed. This is not to say that these amendments are not important - quite the contrary.

If one decides that, based on prudential political wisdom, an amendment that prohibits private action is politically impossible at the present time, then the Hogan and Buckley amendments must be the next step. In my opinion, an amendment that reached only state action would need further state legislation. I understand from Bob Byrn, though, that asking a member of Congress to sign an amendment that prohibits private action is like asking a Senator to disavow apple pie.

The real lesson to be learned from this dialogue is that any constitutional amendment, no matter how carefully drafted, will need further state legislation in order to plug the loopholes. Not only that, we will continue to need the pro-life educational drive and the pro-life alternative drive, not only after the amendment is passed, but long after the new state statutes plugging the loopholes are passed.

In short, the constitutional amendment is only one prong of this attack. When one realizes this, one becomes less concerned about the technical problems in the amendments, although obviously the

best amendment possible should be the amendment pushed by the Right to Life.

As I have said before, looking at the movment as a whole helps put the amendment problem in better perspective. In that respect I see three overall approaches. The first is through a National political organization seeking the best amendment possible.

The second is through 501(c)(3) organizations, such as Birthright, Right to life Educational Organizations, Americans United for Life, and Alternatives to Abortion, providing the educational means and alternatives to women caught in this quandry.

The third is by a National Public Interest lawfirm, which would provide a spearhead for litigation toward the ultimate goal of reversing Roe v. Wade. This lawfirm could achieve 501(c)(3) status and thus, be the recipient of tax exempt funding.

To isolate anyone of those elements as though it were the total solution to the problem to me seems myopic. Even a constitutional amendment will not solve the problem if the hearts and minds of the people are not changed from the pro-abortion attitude that presently exists and, even if the attitudes changed, there would be little cessation in the number of abortions if organizations have not provided alternative means of handling the problem. Consequently, all these avenues must be pursued diligently until the final goal is achieved.

These comments, of course, do not solve the problems raised both by Professors Byrn and Rice as to the technical difficulties in each amendment. However, the dialogue is excellent and I think out of it will come an amendment acceptable to most.

I have sat down for many hours and attempted to draft a constitutional amendment considering all of the problems not only raised by Prof. Byrn and Prof. Rice, but by other people both in and outside of the movement. Having done this, I would add a few principles which I think should be considered in drafting the amendment:

1. Changing the definition of the word "person" is not enough, although it is a step in the right direction. There should be some actuating language prohibiting abortion under certain circumstances.

2. The definition of "person" should include the unborn child from the earliest stages of its biological development.

3. The first type of amendment should reach private as well as state action.

4. A second type of amendment should include most of the other points mentioned above, but should exclude private action.

5. Ambiguous phrases are to be avoided.

6. The amendment should be couched in language similary used in other amendments which have withstood the test of time.

7. The amendment should be selected by the movement. The movement should not have the amendment selected for it.

Both the Hogan and Buckley amendments are well drafted within the proscriptions that each accepted. I am sure that neither amendment attempts to prohibit private action based upon a prudential political judgment that such an amendment would never be accepted. However, if this is a necessary element, then prohibition of private action should at least be tested. I am advised that it was tested during the drafting stages of the Buckley amendment and found to be too hot a potato to handle in the Senate.

What makes the Buckley amendment so attractive is the prestigious list of sponsors, including Senator Eastland. However, I must agree with Prof. Rice that more technical problems with the Buckley amendment than with the Hogan amendment would be incurred. The basic problem that I have with the Buckley amendment is that it merely re-defines the word "person" and then attempts to omit the definition's applicability when the mother's life is in danger. I prefer stronger actuating language as is contained in the Hogan amendment. However, I agree that the Hogan amendment may lead us back to the old problem that state statutes passed under it might still contain enough exceptions to allow widespread abortion, yet be considered under the law to provide due process. <u>This is a most difficult problem</u>.

On the other hand, I disagree with both of them when they attempt to include and prohibit euthanasia. The euthanasia ballgame is so entirely different and rests on such different principles and applications from the abortion question that I think it is premature to include that concept in the abortion area. I think we unnecessarily divide the force of the amendment by including euthanasia as one of its concepts.

I should point out, though, that I do not consider any of my criticisms of either the Hogan or Buckley amendment substantial enough to deter my support of either amendment in the event that either amendment seems likely to succeed in Congress.

By that I mean that if either of these amendments pass they will do so in a flurry of activity which will perhaps carry the moral education necessary to persuade the country that abortion is evil. I'm sure that if the amendments pass Congress and the necessary

number of states adopt them, that in that climate we can pass state statutes that would plug the loopholes that either of these two amendments might still leave.

I hope that our own forces do not become divided through their support of either of these two amendments. I agree that both amendments seek to do the same thing as far as they seek to indicate when human life commences. I do not think that the Buckley amendment can properly be construed as one which allows early abortion and, as you know, I am one of those who will not accept early or microscopic abortion.

The greater danger is that Sentator Buckley and Congressman Hogan, two men who have committed themselves to our cause, will feel frustrated and trapped by the seemingly refusal of the NRTL to put its muscle behind their efforts. Unless corrected, greater harm can be done to the movement especially in the ennui that would be created in the minds of other potential banner carriers in Congress.

With these prefatory comments, I herewith submit for the Committee's consideration the attached amendment.

Dennis J. Horan

DENNIS J. HORAN

ms

att.

P.S. Please see Comment after Article.

ARTICLE

Sec. 1.

With respect to the Right to Life, the word "person" as used in the Fifth and Fourteenth Articles of Amendment to the Constitution of the United States, applies to all human beings, including their unborn offspring at every stage of their biological development.

Sec. 2.

The Right to Life being unalienable, the performance of abortions by any person within the United States and all territory, subject to the jurisdiction thereof, is hereby prohibited unless medically necessary to prevent the death of the mother.

Sec. 3.

The Congress and the several states shall have concurrent power to enforce this Article by appropriate legislation.

COMMENT

As you can see there is not a great deal of difference between this amendment and the amendment suggested by Prof. Witherspoon. I claim no pride of authorship.

It is essential that a complete dialogue be had on the substance of the amendment. Prof. Witherspoon correctly points out that this matter should not be left in the hands of the lawyers, just as war should not be left in the hands of the generals, nor life in the hands of doctors.

It is of the utmost importance that the movement select the amendment, or amendments, which best fit its plan of action. The movement cannot go shopping in the political forum and expect to find the cereal of its choice. The movement must bring its will and its choice of amendment to the Congress. It is one thing to say that the amendment must be "saleable" and quite another to preserve the ultimate goal of the movement.

I want to make several comments on the language of the amendment that I have enclosed, but I do not want to make a brief for its support.

The language of the Buckley amendment "... the word person as used in this article ..." was felt to be superfluous merely because the word person is, in fact, not used in the article.

Section 2 of the Buckley amendment presently reads:

> "... applies to all human beings, including their unborn offspring at every stage of their biological development, irrespective of age, health, function or condition of dependency".

It is not clear whether the draftsman intended the phrase beginning with the word irrespective to modify the words "unborn person" rather than "all human beings". I think the draftsman intended it to mean "... applies to all human beings irrespective of age, health, function or condition of dependency, including their unborn offspring at every stage of their biological development". As redrafted it clearly applies to the phrase "to all human beings". One wonders, however, why it is necessary to say "irrespective of age, health, function or condition of dependency" if one merely means "all human beings". The modifying phrase can create more problems than it solves. For example, it does not include mental health. I am also concerned that the words "function and condition of dependency" are too vague.

Section 2 of the Buckley amendment purports to make the Article inapplicable when there is a medical emergency. However, Section 1 merely defines the word "person". Therefore, Section 2 removes that definition when it is an emergency necessary to save the woman's life. Presumably then, the definition of "person" in the Texas and Georgia cases would be applicable and would create technical legal problems. It seems to me it does not get at the heart of the problem when one merely defines a word in one section of the Constitution and removes that definition in another. Consequently, the Witherspoon proposal or Section 2 as I have drafted it seems more appropriate.

As I have said, there are fewer of these technical drafting problems with the Hogan amendment, but the Hogan amendment leaves standing the problem of what constitutes due process in the abortion area. As Prof. Witherspoon indicates, one does not exactly trust this court in handling that problem.

It has been suggested that Section 2 of the enclosed Article can stand alone as an amendment. However, it seems to me that without Section 1 we have not reversed the effect of Roe v. Wade and, therefore, Section 1 is necessary. Although we know that the Fifth and Fourteenth Amendments already apply to all human beings, it seems to me that Section 1, as drafted in its present form as enclosed, is the most felicitous way of handling the phrase "including their unborn offspring at every stage of their biological development". Although Section 1 could be redrafted as follows:

Sec. 1.

> With respect to the Right to Life the word "person" as used in the Fifth and Fourteenth Articles of the Amendments to the Constitution of the United States applies to all unborn offspring of any human being at every stage of the unborn offspring's biological development.

I have omitted from my Section 2 the language of the Witherspoon proposal requiring every reasonable effort in keeping with good medical practice to preserve the life of the unborn offspring. I frankly do not understand the basis of the criticism that necessitated that response. Section 1 already defines the word person as applying to a human being and includes their unborn offspring. Obviously, therefore, Section 1 will require that every reasonable effort will be made to keep the unborn offspring alive. Also, state statutes could be drafted that would solve this problem and it seems to me that if we can pass a constitutional amendment through Congress and the necessary number of states, we can get the supporting state legislation.

I would, therefore, conclude that that phrase should be omitted.

Section 2, as I have enclosed, follows in form the prohibition amendment. The phrase "unless medically necessary" comes from the Roe v. Wade case.

The enclosed Article is sent for consideration and dialogue. Hopefully, the dialogue will produce the right amendment and the right spirit amongst our people.

Respectfully,

Dennis J. Horan

ms

Marjorie Mecklenburg
For Your files

National Right To Life Committee, inc.

1200 15th Street NW SUITE 500 Washington, D.C. 20005

M E M O R A N D U M

TO: INTERGROUP LIAISON COMMITTEE, NRLC Inc.

FROM: Judith Fink, Executive Committee Consultant Judy Fink

DATE: September 7, 1973

RE: Activation of Intergroup Liaison Committee; review of its charge; suggestions for agenda for Sept. 25-26, 1973 meeting

Please accept my gratitude for joining the Intergroup Liaison Committee of NRLC Inc. The ILC is one of nine functioning Committees - State's Organization, States' Programs, Education, Medical Advisory, Legal Advisory, Public Relations/Media, Finance and Public Policy are the others - through which the vital work of galvanizing the prolife movement in the United States into a force sufficient to pass a Constitutional Amendment to protect human life can be accomplished.

The precise charge of the ILC is: "to foster informed and productive relationships with organizations throughout the United States, both religious and secular, that will contribute to the development of a broad-based foundation for the National Right to Life Committee in keeping with the stated purposes and goals of NRLC."

All of us have extensive experience in prolife work, and are conscious of the multi-faceted nature of the movement. Wide divergences in political views characterize our "constituency"; theological interpretations show some variances, and methodology in implementing prolife action programs varies widely not only from state to state but from group to group. Our task will be to identify those passive sympathizers that can be turned into active participants and concurrently to chart a roadmap that will weld them into a politically insistent and informed conglomerate that can act in concert on the central core issue of protection for human life through due process of law. Developing a broad populist movement is obviously fraught with complexities. The synergy of all the Committees of NRLC working together defines the ILC role into one of identification of areas of prolife activity that has not been pulled into the mainstream, of communicating effectively with key persons in these organizations and then to develop and recommend methods and programs for the education and motivation of the grassroots people that fit into their own particular frames of reference. Of particular importance will be contacting seminaries and Bible colleges, and working prolife material into their curricula.

The ILC Committee will also necessarily have to undertake an analysis of potential ideological conflicts within the larger prolife movement, and attempt to head off clashes that could be destructive by identifying them in advance if possible. Uniting in common concern frequently serves

to also define the scope of basic differences. (Those who attended the NRLC June Convention and observed the banquet audience's reactions to Senator Mark Hatfield's "10 point program" were aware of how much difference of opinion exists among prolife people beyond the single point of protection for the unborn child.)

The Public Policy Committee is undertaking the recommendation of various policy positions to the Executive Committee and Board of Directors of NRLC for enactment -- this is not our task. However, evaluating the effects of policy positions as they apply to the thinking and reaction of diverse elements of our society will be one of the ILC Committee's functions as we seek to achieve maximum cooperation from a large and potentially fractious prolife base.

At present, the above brief goal definition is of necessity somewhat amorphous. There are no concrete guidelines for us to follow, although the study and evaluation of other contemporary social movements in regard to their motivation, foundation, and development will be helpful and should be undertaken as a research project by the ILC Committee. While we seek to build our own movement, it will be necessary to at the same time attempt to avoid as many pitfalls as possible. We can learn from the mistakes of others.

The ILC Committee's goal is not merely one of motivating inactive potential prolifers to move into the political realm; of necessity, basic education about abortion and euthanasia must be undertaken in religious and secular organizations that have no in-house resource material upon which to draw. Obviously, many of the groups with which we will seek cooperation will prefer to speak to their people as Baptists, Lutherans, Mormons, blacks, etc. rather than echoing an "outside" voice; wherever possible, direct cooperation with NRLC in developing educational materials is most desirable, but when required we may have to be satisfied with merely providing the impetus for these groups to develop their own teaching materials for distribution to their congregations as they see fit.

Establishing a network of known contacts with whom communication on a "rapid action" basis can be initiated is vital. Wherever a prolife person sits on a Protestant, Lutheran, Mormon, black, Spanish-American, or other ethnic or religious official Board, he or she should be listed in our files and be ready to take appropriate action when antilife activities begin within his sphere of influence. Far more of us exist than we realize, and identification with a recognizable peer group helps a prolifer's morale enormously when he feels as if he is part of a small minority inside an uncaring or hostile majority.

The reason for calling the meeting of the ILC Committee on Sept. 25-26, 1973 in Washington, D.C. is to discuss in depth the above ideas and as many other aspects of the question of motivating and energizing a broader base for NRLC than presently exists. From the discussion should emerge concrete ideas for developing a program report for submission to the Executive Committee by November 15. The ILC has been funded for $2,000 to develop this report, which will be perused by the full Board of Directors. Implementation of the recommended programs will not begin on any broad scale until approval has been given. All Committee members will be involved in report preparation, and definite task assignments will be delineated when we meet, each person working in the area in which he or she feels most competent.

All Committee members have indicated that they are able to attend the meeting. Reservations have been made for you in the Ramada Inn, 10 Thomas Circle,

Washington D.C., for the night of the 25th. The meeting will begin at 8:00 PM and continue until exhaustion sets in. On the 26th, we will assemble again at 9:00 AM and will end at 5:00 PM. Meals, lodging and travel are at the expense of the National Right to Life Committee. Please make your own plane reservations. If you wish to be reimbursed for plane expense prior to the trip, telephone Gloria Klein, NRLC treasurer, at 313-427-5875 and she will send you a check.

Recognizing that there is a vacuum in the compilation, review, and synthesis of the literature on the abortion issue appearing in religious periodicals, it has seemed to me to be a logical first step as a research project to attempt to assemble a vertical file of significant articles which have appeared in the past 24 months, with major religious magazines researched even farther back in time. I have been promised help in the data collecting from the SW Region of Pennsylvanians for Human Life, and hope that the project of reviewing this mass of material, Xeroxing significant pieces and sifting through them can be finished by October 15. College students will be doing the library work on a volunteer basis. The review and synthesis will be the work of our Committee.

The following articles are enclosed for your review as background:

"The Movement - Coming Together" (Triumph magazine, March 1973)

"Thunder on the Catholic Right" (Newsweek magazine, July 1973)

"The Advantages of Consensus Decision-Making" (Association Management magazine)

"A New Cause" - (Wall Street Journal, August 2, 1973)

"Human Rights Amendment - Sitting in Congress" -(Pittsburgh Catholic, Sept. 7, 1973)

Also enclosed is a memorandum for your perusal only from Prof. Joseph Witherspoon to the Executive Committee of NRLC, which will help define the semantics and legal ramifications of the Buckley and Hogan Human Life Amendments.

An NRLC Congressional consultant will open the meeting Tuesday evening, with his topic to be "A Political Update on the Constitutional Amendment Relative to the Need for Activating Bloc Vote". Msgr. James McHugh, Director of the Family Life Bureau, U.S.Catholic Conference, will meet with us at 3:00 PM Wednesday the 26th at my invitation if his schedule permits. Rev. Warren Schaller, interim Executive Director of NRLC will attend as much of the meeting as his time allows.

. . . . . .

As you all are fully aware, we go about our Father's business in many ways. Service on this very important Committee is something to which we feel a call, and I am deeply grateful that our Lord has chosen us to begin together the work of reaching out toward those of our people who respect the Commandment "Thou Shalt Not Kill" and who need to be made aware that it extends to all members of the family of man. Certainly the work will be difficult, but I keep remembering the admonition in Ecclesiastes 11: "If you wait for perfect conditions you will never get anything done."

See you in Washington!

To facilitate dialogue among ILC members, an exchange of memoranda prior to the Sept. 25-26 meeting would be helpful. Any items that you would want included on the agenda, or other comments regarding the work of the Committee would be appreciated.

INTERGROUP LIAISON COMMITTEE

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MEMO TO: Executive Committee,
NRLC

FROM: D. J. Horan, Legal
Advisory Committee, NRLC

DATE: September 7, 1973

TOPIC: State Structures and Our Presidential Candidate in 1976

It is imperative that the states be given guidelines and direction for the creation of a single unified state political organization under the aegis of the NRLC.

It was thought that the National would be organized along its present lines with a director from each state for the primary purpose of organizing the states and,thus, creating within each state a unified structure which would be a bulwark on behalf of NRLC. This meant that the given state director would be expected to return to his/her state and organize it along lines similar to the way the NRLC was organized. Thus, each state would eventually contain one political pro-life organization identified perhaps in this manner: National Right to Life Committee, Wisconsin Division.

To accomplish this is no easy task, but it was assumed that organizing along these lines would be one of the first matters considered by the Executive Committee. Now I understand that consideration is being given to affiliating with existing state organizations on an individual or organization by organization basis. This would be a tactical mistake since it would solidify existing organizations as independent entities and would not bring the people in the state under one unified structure. It would also solidify state organizational autonomy to a degree, which I would consider unhealthy. It would, in fact, build in autonomy and make fund raising and other policy questions even more difficult than at present.

This is not to say that presently existing state Right to Life organizations would not continue in existence, but merely that the national qua national as it existed in the state would be composed of the same people wearing another hat. E.G., in Illinois I would continue as a Director for Illinois Right to Life (a c(3) organization) but my political activities would be carried out in the state division of the NRLC.

This entails the national preparing a complete table of organization with form by-laws to be supplied each state director,

who would then shoulder the responsibility of organizing the political activities of the state under one roof. Why is this so essential in my view?

The reasons are numerous. Primarily the problem hopefully solved by this unified organizational plan will be the simplification of policy, the unity of response, and organization of fund raising. Currently the larger states are composed of many individual pro-life groups, some of which are incorporated and some of which have c(3) status. The implementation of NRLC policy through any of these organizations is on an ad hoc basis. There is no effective way to see that policy is carried out and no effective means to follow up. Fund raising is an obvious point in question. Merely assessing a sum of money to each state and doing nothing further to provide the ideas or means for raising the money is asking too much of the state organizations. If, however, the states were politically well organized under a single banner, then the dues method could be a viable means of fund raising. E.G., each state organization could then assess dues of $15.00 per member with $7.50 remaining at the local level and the balance going to the national. The states could then concentrate on membership drives and do fund raising at the same time, both for themselves and the national.

As it currently stands, the NRLC is an organization with a head, but no arms and legs. I do not consider the coalition method which is currently in vogue to be an answer to these problems, although it may be an important and effective step on the way to real unification. However, even the coalitions are being created ad hoc and without guidelines from the national. Currently the coalitions seem to be loose knit semi-policy making informational organizations. This is fine if they are ultimately used as the vehicle for creating a real state political organization, but they never will become such without direction, prodding and coercion from the national.

Our Presidential Candidate

The unity of response is particularly essential if we are to present America with a Presidential candidate by 1976. The opportunities to spread the pro-life message through such a vehicle should be self-evident. Equal time on TV with other Presidential candidates may be one of the most important advantages. I do not visualize either of the two dominant political parties adopting a pro-life plank and, frankly, I'm not sure that such a course of action on their part would be conducive to our ultimate goal. Northing short of their ultimate conviction to eradicate abortion, just as the GOP in 1854-1861 decided to eradicate slavery, would be satisfactory. Adopting a meaningless plank more revered in the breach than in the observance would be more harmful to us than their refusal to adopt a pro-life plank. We must have a visible task on which the people can focus and we should not limit our political activities to mere lobbying.

Having a presidential candidate would focus the eyes of the nation on our cause. If we can get a candidate on all 50 ballots and aim for a modest 3 or 4 million votes the first time around and achieve that goal we will have made a rather significant impact.

It could, of course, be argued that a presidential campaign will deter the lobbying effort and this may be true, but such a campaign, in my view, will be ultimately necessary and the sooner we learn how to do it the better.

Congressional Campaigns

I would not be in favor of focusing on congressional elections because it would spread our ranks too thin and deplete our assets. I would not be in favor of getting involved in senatorial campaigns either and for the same reasons. Think of the benefits that could accrue to our cause from a unified effort in every state during a presidential campaign - raising funds, circulating the necessary petitions, campaigning for a pro-life anti-abortion candidate at a time when political issues are at a feverish pitch. 1976 will also be a good year for 3rd parties, generally speaking.

In substance, then, organization and unity is a must and the impetus must come from the national.

This memo is sent in a spirit of good will in order to facilitate organizational ideas. Hopefully a dialogue on these points will produce the right path of action.

Dennis J. Horan

Dennis J. Horan

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Mechanism of action of the IUD?

A. The scientific community is not yet sure of mechanism of the action of the IUD. It has been generally thought that its effect was abortive. Two mechanisms were proposed. One suggestion was that the presence of the IUD caused increased motility and speeded the passage of the fertilized ovum through the tube and out through the uterus, not allowing it to implant. The other theory suggested that the mere physical presence of the foreign body of the IUD prevents implantation. A third probably rare mechanism of action was that implantation did occur, but that at some stage the foreign body caused death and abortion after implantation.

Several years ago an entirely different mechanism of action was proposed and given considerable support in several scientific studies. This theory noted the presence of a macrophage (pus) screen or barrier produced within the cavity of the uterus by the IUD. This was shown to be lethal to sperm, effectively preventing their passage through the uterus and quite effectively preventing conception. In laymen's terms it might be compared to the effect of spermacidal jelly.

In the event one would accept the original thesis the action of the IUD would be considered abortive. In the event one accepts the second explanation the action of the IUD is contraceptive. Other mechanisms of action could also be operative.

It is to be emphasized that the issue has not yet been settled and the various theories each have their supporters.

J. C. Willke, M.D.

Sept. 10, 1973

Mechanism of action of Diethylstilbesterol (DES)?

A. One mechanism of action is that of sterilization. It is well known that sperm have a substantially longer capacity to survive and to fertilize within the female reproductive tract than the female ovum is receptive to fertilization. Commonly accepted fertilizable life of sperm is 48 hours or more while that of an ovum is about 12 hours. Let us assume that this particular intercourse occurred at midnight Saturday. Let us also assume that this particular woman had been programmed to ovulate on Monday morning. The DES, if given post coital, would "freeze" the ovary and stop that projected ovulation. While there would be viable sperm within her reproductive tract, she would not become pregnant because ovulation would not occur. This mechanism of action is sterilizing.

The second possibility exists that an ovulation would already have occurred at the time of the intercourse and that the ovum would be in a fertilizable condition. In this case fertilization could occur, but, assuming that DES were given after the intercourse, a "pregnancy" would probably not occur. The probable mechanism of action in this case would be that DES would "harden" the lining of the womb. The fertilized ovum moving into the uterus could not implant because the lining would be unreceptive. This mechanism of action could be considered abortive. It should be noted that this effect on the lining may not be primary as other mechanisms of action may be operating.

Finally, it is well known that, statistically speaking, the great majority of intercourses do not result in pregnancy anyway and the DES, if used, to prevent pregnancy, wasn't needed anyway.

Mechanism of action of the Pill?

A. The earlier contraceptive pill plus the kind most commonly used today are almost totally sterilizing in their effect. They prevent the release of the ovum and thereby prevent pregnancy from occurring.

A second effect is that of producing a plug of thick mucus at the cervical opening. This is a mechanical barrier and possibly also hostile chemically to the sperm. In preventing the sperm from getting to the egg to fertilize it, this second effect is contraceptive.

Among the newer pills, the so called "mini" pill does apparently allow ovulation on occasion, but pregnancy seldom occurs. This same effect of allowing occasional ovulation has been known to occur at times with the other more standard pills. The exact mechanism of action of the prevention of these pregnancies is not known. One of the possible ways of that this could be acting would be by preventing nidation, or implantation of the already fertilized ovum within the wall of the uterus. If this were in fact the mechanism it would be considered abortive as the human life has already begun by the time of implantation. There is no specific proof of this mechanism of action however. It is possible even though ovulation occurs, that the hormone has effected the ovum so that it will not be receptive to the sperm and will not become fertilized. Another suggested mechanism is that there is a chemical affect on the sperm rendering them incapable of fertilizing. Other theories may yet be suggested.

As noted on the forgoing pages, all three of the methods outlined are at least potentially abortive at times. Assuming for the case of argument, that events were to materialize, and evidence would crystalize so that all three of them would be proven to have, at least at times, abortifacient activity, We would then pose the question: Would the passage of a human life amendment outlaw the sale or use of these three agents?

HUMAN LIFE AMENDMENT

For reasons that Professor Witherspoon has amply demonstrated let us confine our discussion to the Buckley Amendment and to the new section II as proposed.

The first point to be made is that all of the above drugs and devices do have valid non-abortional uses. It is obvious that a surgeon may do a D & C on a woman who is not pregnant for a number of completely valid reasons. Since the private use of a contraceptive method is a constitutionally protected right of a women, that use is a legally valid one. Assuming that the IUD, the DES, or the pill's effect would be contraceptive, their use is legally valid. The use, the sale, or distribution of any of the above therefore, could not be forbidden legally.

All of the methods discussed act within a space of time so soon after the union of sperm and egg that no one is (or probably ever will be) able to confirm her pregnancy in those early days. When there is no corpus dilecti, there is no crime of murder to be proven. When it cannot be shown with legal certainty that a women was pregnant, it cannot be said that she has had an abortion.

By the same reasoning it would be no crime to attempt an abortion, if later the women were proven not to have been pregnant at the time that specific drug or operation was preformed. Dr. Witherspoon is quite specific in saying that the amendment only affects a situation of proven pregnancy. No one "can be reached" by Buckley II unless she is, in fact, pregnant, and legally proven to be so. This clause then does not touch an attempt to perform an abortion in a non-pregnant woman.

Another problem exists as to proving a direct positive effect. Let's assume that one of these methods, or possibly even a menstrual extraction were to have been done. Assume further that some time later the woman were admitted to a hospital where she has a "spontaneous" abortion, the fact of her having been pregnant being then proven by examination of the pathological specimen. Since however, a natural spontaneous abortion is a common event, and since the initiating abortive activity left no trace, it might well be legally impossible to prove that an abortion had in fact been induced.

The issue of whether or not, when and if, any or all of the three methods discussed can be, or are abortive will undoubtedly remain a question of scientific scrutiny and investigation. It is of absolutely central importance to realize that in order to perform an abortion a woman must first be pregnant. In order to be sure that she is pregnant one must have ample legal proof of this fact. This is impossible to obtain within the first week ~~of~~ after fertilization. In order to even initiate a test case, which might be aimed at outlawing e.g. the IUD, the prosecution would first have to scientifically prove in this specific case that the woman: a) was pregnant and b) that the presence of the IUD specifically caused her abortion. Neither of these premises are at this time capable of legal proof. This being true, it would appear that Buckley II, as proposed by Witherspoon would not and could not apply to an individual's personal use of any of the three methods mentioned above. None of the methods could be outlawed by the proposed amendment.

LIFE OF THE MOTHER

It is well known that there are sincere people, who, for deeply held moral reasons, could not be a party to an amendment that would specifically allow a choice to be made between the life of the child and the life of the mother. It is also a generally agreed upon fact of political life, that, unless such an exemption were made, the amendment would not have any chance of passing. Buckley II as amended, provides a direct and acceptable answer to this for both of these lines of thought.

Buckley II, as amended by Professor Witherspoon is quite specific in outlawing the performance of an abortion. As written, it would not even allow an abortion to save the life of the mother. It does however, specifically state that each state is impowered to impliment that exception by its own legislative action.

This would seem to be an extremely wise political and conscience move. This will enable a person who, for religious reasons, could not accept the section that allows the choice between child and mother (if that ever happened) to accept and support this amendment as it does not specifically include that clause. It side steps it allowing the state to so legislate if desired. For the great majority of people who would favor that exception to the general norm, the amendment can also be supported. Their assumption (almost certainly totally valid) will be that when the federal amendment passes, the states will step in immediately to legislate this exception as permitted by the amendment. If then, a person for religious or moral reasons would oppose the life-of-the-mother-only clause, the time and place for that oppostiion to be manifest would be at the state level.

MENSTRUAL EXTRACTION

For reasons already discussed intra-uterine instrumentation by catheter or otherwise could not be prevented by the law prior to the missing of a menstrual period even if the amendment were passed. The reason for this is that pregnancy cannot be proven prior to the time she misses her period and therefore, prosecution would not be possible.

If however, she has missed her period and is then instrumented, catheterized, suctioned, etc. there is a different case. The physician doing menstrual extractions after the missed period would sooner or later have one or more cases who would hemmorrhage or become septic. Admitted to a neutral hospital, seen by a third party physician, diagnosed as having been pregnant by pathologic exam, the possibility and probability of prosecution would then be very real. Because of this it is doubtful whether physicians would attempt post "menstrual extractions."

PROSTAGLANDINS

To the extent that this drug might be used and be effective within the two weeks prior to missing a menstrual period, it almost certainly could not be outlawed. Prostaglandins do have and will continue to have other valid medical uses. After the time when the woman has missed her menstrual period however, it seems clear that the effect of the prostaglandins is to empty the uterus. In the late stages of pregnancy this is called, "premature labor." In earlier stages of pregnancy this is direct abortion. It would seem without that the use of prostaglandins, after missing a menstrual period, would be proscribed by the proposed Buckley II portion of the amendment.

ADDENDUM

The Word "Conception"

> *"Substantial problems for precise definition of this view [the existence of life from the moment of conception] are posed, however, by new embryological data that proport to indicate that conception is a "process" over time rather than an event...."*
>
> Roe V. Wade, U.S. Supreme Court decision, January 22, 1973, Page 45.

Do any of you have data about this new data referred to? Our lawyers committee is extremely worried about this phrase. In no way does it define how long the "process" would be. Might it be one day? Until implantation? Until a certain degree of maturation? It would apparently be within the providence of the same court to define more scientific facts. They have done a good job so far. To leave the word "conception" in the proposed amendment would leave the definition of that time interval up to the very justices who wrote Roe V. Wade.

Would the word "fertilization" fair any better at their hands?

Is not "from the earliest moment of biological existence" a more accurate way of saying it? Perhaps less open to being defined out of existence?

Draft

MINUTES

NATIONAL RIGHT TO LIFE COMMITTEE, INC.

EXECUTIVE COMMITTEE MEETING

O'Hare International Towers
Chicago, Illinois

September 14, 15, 16, 1973

Present: Edward Golden, Judith Fink, Marjory Mecklenburg, Albert Fortman, Prof. Joseph Witherspoon, Michael Taylor, John Willke, Robert Greene, Gloria Klein. Also present was Mildred F. Jefferson, vice chairman of the Board of Directors.

The first order of business was to accept the minutes of the previous conference call as read, and of the previous Executive Committee meeting as written.

MOTION by Marjory Mecklenburg, SECOND by Edward Golden, to accept the minutes of the previous conference call as read. CARRIED unanimously.

MOTION By Marjory Mecklenburg, SECOND by Joseph Witherspoon, to accept the minutes of the previous Executive Committee meeting as written. CARRIED unanimously.

The Executive Committee approved the mailing of the previous minutes of all Executive Committee meetings and conference calls to the Board of Directors.

No previous agenda having been submitted by the President, the Executive Committee agreed on the following matters for the weekend:

Friday: Office Report from the Rev. Warren Schaller
Discussion of January and June conventions
Organizational models

Saturday AM: Presentation by Thomas Bendorf on lobbying
Discussion of Finances of NRLC
Public Relations/Media

Saturday PM: Executive Committee's Working Relationships & Internal Structure
Proposed Interview with Catholic Conference Directors
Interview for position of Executive Director with Michael Batten

Saturday PM: Discussion of Michael Batten's presentation

Sunday: States Programs Committee report
Intergroup Liaison Committee report
Membership fee schedule analysis

During the discussion accompanying the setting of the agenda, Rev. Schaller reported that Thomas Galardi is at the moment in Chicago in the O'Hare Towers attending a meeting of the Roman Catholic fundraisers organization. Mr. Galardi

had previously made a proposal to the Executive Committee regarding direct mail solicitation, and had indicated that he would be available if called to talk to the Committee regarding other funding proposals. Mr. George Holloway, Director of the National Catholic Development Council, and Rev. Schaller have had a meeting and Mr. Holloway is willing to meet with the Exec. Committee.

Gloria Klein, in response to a question from Prof. Witherspoon, indicated that she was unsure whether Mr. Galardi had previously talked with the Finance Committee.

Ed. Golden reported that the state of Colorado is unable to host the January convention due to a conflict in hotel bookings with the Cattlemen's Association.

Marjory Mecklenburg asked for a discussion on philosophy vis a vis organization models before we interview people for staff positions. She also expressed concern that the Committee should review certain indications that the U.S.Catholic Conference should receive direct input from the NRLC executives regarding program development, and that dialogue could facilitate better understanding.

Prof. Witherspoon reported that the memorandum he has circulated regarding changes in wording on the Buckley Human Life Amendment has elicited response. A review and synthesis of the recommendations will be made after additional time has been alloted for reaction.

Office report of Rev. Warren Schaller.

Rev. Schaller distributed a memorandum outlining the action taken by himself in the Washington office to date. He stated that he has not yet received a final copy of job description for himself which Ed Golden had previously discussed with him.

He said that he is monitoring the returns from the States Programs Committee questionnaires, and that these are being collected from several states. He asked Michael Taylor if it would be possible to receive for NRLC's use the files on other previously-held Right to Life conventions (Barrett College, Macalester College, and the Detroit convention) and Michael Taylor agreed to do so.

A review by the Executive Committee of the memorandum took place, item by item. The questionnaires from the various Committees currently being distributed to the various states were considered a first priority item for response by state directors.

An "In-House" newsletter was recommended by Rev. Schaller as necessary to increase communication with core pro-life leaders as well as the Board of Directors.

MOTION by Robert Greene, SECOND by Judy Fink that an "In-House" memorandum/ newsletter be implemented by Rev. Schaller.

CARRIED unanimously.

A chart showing a proposed scheme for projected working relationships between the staff and the various Committees was reviewed by Rev. Schaller. Michael Taylor advised that before decisions regarding these schemes were made that a "war plan" must be first developed. He emphasized that program planning is of primary importance.

Rev. Schaller stated that he felt that office management and structure must be stable to allow implementation of any program, and that there was a strong need to discuss the matter.

Judy Fink requested that consideration be given to allowing Committee chairmen and consultants enough latitude to function without being bound by restraining "check-points", while still working as part of a team ultimately accountable for his or her actions.

Discussion on this concern brought forth the feeling that some committee activities will need to be more centralized in terms of their direction than others, while other committee functions are or should be almost completely autonomous, depending upon the nature of the work at hand.

Robert Greene then presented his own "war Plan" to the Executive Committee, which consisted of a 10 point program. Extensive discussion took place regarding definition of each point.

Edward Golden presented a listing of objectives to the Executive Committee, followed by discussion. He stated that the manner in which we go about fulfilling his planned objectives coincided with the listing of the plan of action of Robert Greene. Hearings in Congress on a Human Life Amendment were judged to be a high priority item. Marjory Mecklenburg urged setting the education of prolife groups for political action as also high priority. Judy Fink commented that she felt that a large bloc of people were not yet ready for political action, and still were at the need for basic education on prolife issues level.

John Willke stressed the need for an awareness of alternatives to abortion as a necessary component for any plan of action.

MOTION by Marjory Mecklenburg, SECOND by Albert Fortman that the Executive Committee accept Robert Greene's plan of action as basic scheme for program for NRLC.

CARRIED 8 ayes 1 abstention (Taylor)

Saturday AM: All present as on Friday evening.

Guest: Mr. Thomas Bendorf.

Mr. Bendorf, who is a lobbyist for the American Trial Lawyers Association with 15 years experience in Washington D.C. then met with the Committee to outline his ideas regarding effective grassroots lobbying. In summation, his remarks pointed out that:

* effective lobbying is done by a person who knows what resources are available and how to bring them to bear at the right time.

* grassroots pressure is more effective than professional lobbying efforts on social issues.

* legislators' self-interest is the active productive interest in the folks at home.

* the large corporate conglomerate pressures are becoming less effective.

* greatest strength for our movement should be felt at the home-front level, then abstracted and orchestrated in D.C.

* one important strength is to use organized religion as a power base.

* the Washington NRLC office should be capable of tracking and carrying grassroots messages to legislators.

* crash grassroots programs of intense pressure should be used only when vital in order not to exhaust the field workers.

* small lobbying teams are better than a larger less cohesive group.

Mr. Bendorf offered to volunteer his time as he is able to assist the NRLC in its lobbying efforts. He also offered his suggestions regarding the role an Executive Director should take, pointing out that in his opinion the Executive Director must win the cooperation of the people with whom he works, not force such cooperation. He recommended that an Executive Director for NRLC must truly enjoy working with volunteers, and must know how to help his lower staff work effectively rather than bottle them up (which would bring on conflict.)

A long and involved discussion followed Mr. Bendorf's presentation. It centered around the organizational philosophy regarding the role of the Executive Director. Mildred Jefferson stated that it was vital for the effective functioning of NRLC that it be independent, with no direct line of influence being exerted on anyone in the employ of NRLC or by an Executive Director through anyone on the Committee by an outside dominating factor.

Further discussion on this point brought forth comments concerning diffusion of authority lines, emphasizing that the organization still ultimately was responsible for key decisions and the Executive Director must be an implementor of these decisions by virtue of his or her administrative ability.

Robert Greene stated that organizations evolve in a time process, and do not get created overnight. The Executive Committee must function in many different areas to create vitality, and the relationship of an Executive Director to the Committees must be considered. A major question was whether the hired staff is expected to do a Herculean task alone or whether the staff helps the Committees to implement that Committe's work. What the Executive Committee chose ultimately as the method of implementation should be ~~tailed~~ tailored to the program being implemented.

Judy Fink advised that the concept of what dynamics underlie a social movement must be evaluated as well as organizational structure concepts. She felt that there is a need to define and clarify the structure of a social/civil rights movement as it relates to the emerging prolife movement along with the development of organizational models.

The extensive discussion seemed to be pointing toward a forming consensus that a flexible, low profile Executive Director was needed, but that the Director should be a person who can assume a high profile at the proper time.

Michael Taylor suggested that an Executive Director would need to employ both a political consultant and a field coordinator. Mildred Jefferson stated that NRLC's activities were not limited to political action, and staff personnel should also be employed to oversee educational, legal, and other types of activities.

Prof. Witherspoon summarized the discussion by noting that there were still two views existing on the Executive Committee regarding the role of an Executive Director, and that a middle ground would possibly need to be sought. He asked that a decision be withheld pending examination of more proposals and models.

MOTION by Robert Greene, SECOND by Albert Fortman to hold NRLC Convention in Washington DC on June 7, 8, and 9, 1974

CARRIED unanimously.

MOTION by Albert Fortman, SECOND by Joseph Witherspoon to hold a convention in Washington D.C. on January 19 and 20 concurrent with a Board of Directors' meeting

---

CARRIED unanimously.

A Convention Committee consisting of Nellie Gray, Anne Lawler, Diane Fagelman, and Jean Garton was appointed.

MOTION by Joseph Witherspoon, SECOND by John Willke that Nellie Gray be be made Chairman of the Convention Committee

CARRIED unanimously.

Albert Fortman then presented a lengthy proposal regarding the publishing of a monthly newspaper for NRLC. The Webb Publishing House in St. Paul had agreed to print the paper, and Alice Hartle, current editor of the MCCL newsletter, had agreed to become newspaper editor. An assistant, to be paid on an hourly basis, had been found to help her. The date of November 1 was projected as a publication target.

He cautioned that this newspaper venture was the first test of state support, and should be begun knowing that dependence on organized groups was necessary for it's success. 100,000 subscriptions was the "golden" number, which would bring the cost to 10¢ per issue. Subscription was recommended at $3 per year. The proposed editorial staff was in the process of reaching out to professional prolife journalists for advice. The suggested title was National Right to Life News", and the format was explained with a dummy paper displayed. Each Committee would have a Sept. 30 deadline for stories to reach the editor for inclusion in the newspaper. Promotional schemes were explored. Dr. Fortman noted that the editor suggested the title "Human Life Advocate" rather than "Right to Life News." State newsletters could be distributed inside the newspaper, or a page could be given over to the news of an individual state

once the "pilot issue" was published.

MOTION by John Willke, SECOND by Joseph Witherspoon to acdept the Fortman proposal in toto per the publishing of a newspaper for NRLC.

An amendment changing the circulation figure from 500,000 to 1,000,000 for the pilot issue was accepted by the mover. the exc committee send $14,000 to the committee.
CARRIED - unanimously.

Michael Batten, an official with the National Council on Aging, then presented his presentation regarding the role of an Executive Director. Mr. Batten, who was a candidate for the position, discussed his current role with the National Council on the Aging and projected his ideas for enlarging the base of support for the prolife movement. He emphasized the need for a cadre of lobbyists working within defined perameters to concentrate efforts, and elaborated on his philosophy of carefully controlled and highly knowledgable efforts made to accomplish the task at hand.

He was questioned by the Executive Committee extensively, and answered questions with further comments regarding his current perceptions of the NRLC organizational structure and how he would work to make it more effective.

Following his presentation, the Executive Committee recessed for dinner.

Upon return, John Willke opened the discussion further of the basic concept of how the Washington office should be run. The question of whether both a strong Washington office and strong state organizations were possible to achieve simultaneously brought forth a

MOTION by Marjory Mecklenburg, SECOND by Gloria Klein that NRLC vest strength in the various states and that our interest be well represented in Washington.

No vote taken.

Very extensive discussion resumed on the question of whether an Executive Director should expect his Executive Committee to be policy making only, or whether the Executive Committee would have specific functions and also would make policy in a centralized fashion.

Edward Golden spoke to the issue, stating that he was concerned that we were failing to make progress and that he was going to call for a Board of Directors meeting. He asked for the immediate resignation of the Rev. Warren Schaller as interim Executive Director, stating that he felt that the question revolved around the hiring of Rev. Schaller. Mr. Golden asked for adjournment of the Executive Committee.

Professor Witherspoon, on a point of order, asked for no adjournment and requested Mr. Golden to listen to a proposal for accommodation.

Prof. Witherspoon then presented his suggestions for what he called "the hungry man model" of seeking effective staff direction. He said that staff can, and frequently does, come from Boards or Executive Committees and that it was not necessary for a movement to have an outside Executive Director. He proposed that Robert Greene be hired as Executive Director, stating that Mr. Greene

had been approached by him the previous evening. He noted that Mr. Greene has an overview of internal problems extent within the Executive Committee, was a person of top ability, and that he saw Mr. Greene as serving NRLC for between one and two years as Executive Director, during which time he could make the committee system work coupled with DC action.

Speaking further, he said that Mr. Greene is a tenacious man who can face up to anybody, who will speak his mind and will make people listen, as well as bring us creative and imaginative ideas. He felt that Mr. Greene had a better feel for movement politics and background than did Mr. Batten. In addition, there is a need in the Washington office for a lawyer.

Prof. Witherspoon said that he does not see Rev. Schaller's employment as a mistake, but rather a wise move made for good reasons. He summarized his remarks by stating that he does not see us leaving the weekend meeting without a decision made on an Executive Director.

Albert Fortman noted that the Executive Committee was weary, and stated that while he excused the remarks of Ed Golden on that account that he found it untenable that Mr. Golden would seemingly not work with the majority of the Committee, and that he has prevented Rev. Schaller from working by restricting his freedom of action to a marked degree.

Ed Golden asked Warren Schaller to clarify remarks made to him in a private conversation concerning a fear that continued controversy might split the movement. Vigorous discussion between several committee members underscored that there was resentment regarding remarks made to various persons.

Marjory Mecklenburg asked Ed. Golden if he would remember telling her that he wished her to "get out of the way and take her boy with her". Mr. Golden said that he had indeed stated this.

Mrs. Mecklenburg then said that we must get past personal attacks, regardless of our past experiences, and begin to work as a team rather than individually.

Robert Greene then stated that he would accept a proposal made by the Executive Committee if he could truly help out a difficult situation. He put forth two conditions that must be met before he would take on the position, however: 1) he must remain a member of the Executive Committee, and 2) he must remain President of Kentucky Right to Life.

He said that he would not want to sign a contract, thus being placed in a position where he is dependent on the whim of the Executive Committee, and would work on a retainer basis only.

MOTION by John Willke, SECOND by Joseph Witherspoon th adjourn the meeting

CARRIED unanimously.

Sunday AM:

Edward Golden requested Rev. Warren Schaller not to attend the meeting, due to the sensitivity of the discussion.

The remainder of the morning was spent in a presentation by Robert Greene, lengthy and involved in nature, regarding his ideas for staffing the Washington

office and moving ahead with program planning. He viewed the staff of any organization as supportive to those who are charged with responsibility for decision making and implenting. He saw his candidacy as an accommodation to our problem, and emphasized that he did not want to bring about dissension by accepting the role of Executive Director.

The presentation, and its following discussion led to the

MOTION by Albert Fortman, M.D., SECOND by Marjory Mecklenburg that NRLC retain Robert Greene as Executive Director, and that his retainer shall be a monthly fee of $3,000 plus expenses; and that the Rev. Warren Schaller shall serve as the Assistant to the Executive Director.

CARRIED 7 ayes - 2 abstentions (Klein and Greene).

Ed Golden expressed the opinion that he was not pleased with the accommodation but that he would not hinder it. He stated that he would neither go to the Board of Directors nor start another organization. He expressed "gravest reservations" but said he would not prejudge the move.

Albert Fortman noted that if the present concept being implemented fails to work another model can be sought.

Gloria Klein spoke against the present accommodation, felt it was too weak a structure, and said that more expertise than was being made available was needed in Washington. She asked if the question of hiring an Executive Director at some further date were still open. Mr. Greene replied that if in the future a person should be found who met all the qualifications and who was acceptable to the Executive Committee that he would be willing to stay on as general counsel if desired. Objection to Bob Greene on Ex. Committee and being an employee.

Sunday PM

The afternoon was given over to reports from the States Programs, Finance Committee and the Intefgroup Liaison Committee. A discussion of seeming overlap of goals on the States Organization Committee with the States Programs Committee brought the

MOTION by Joseph Witherspoon, SECOND by Robert Greene that the concept of dealing with the structure of state organization at the program organization level be transferred to the State Programs Committee.

CARRIED unanimously.

Gloria Klein reported that the Finance Committee had held a conference call, which discussion resulted in the Finance Committee deciding that NRLC was not yet saleable. The as yet undefined goals and programs were a factor in this decision. In order to raise money, more specific recommendations were needed.

Robert Greene advised that in his opinion the Finance Committee must come up with recommendations for funding in concrete aspects, and reported that he would speak with the Chairman of the Finance Committee, J. Robert M. Bergeron.

Rev. Schaller recommended that the Finance Committee bring George Holloway into their inner circle and seek his recommendations.

Albert Fortman asked if it were feasible to change the December meeting of the Executive Committee from Chicago to Washington D.C. for the purpose of seeking a dialogue with the U.S. Catholic Conference Directors at their regular meeting.

Mr. Golden advised that it would be wise to inform the U.S.Catholic Conference that NRLC was receptive to an invitation to meet with us.

Robert Greene stated that protocol required us to go directly to the Catholic Conference Directors themselves and through no other office of the U.S. Catholic Conference.

THE MEETING WAS ADJOURNED

MINNESOTA CATHOLIC CONFERENCE

JOHN F. MARKERT
Executive Director

145 UNIVERSITY AVENUE (at Rice)
SAINT PAUL, MINNESOTA 55103
Phone: 612/227-8777

September 19, 1973

Professor Joseph P. Witherspoon
313 Townes Hall
2500 Red River Street
Austin, Texas 78705

Dear Professor Witherspoon:

I have read with a great deal of interest your communications of August 14th and 21st concerning the Constitutional Amendments. I am essentially in agreement with your proposal concerning the Buckley proposal as you have suggested it be amended.

I believe, however, that both amendments pose another problem. Both are couched in terms specifically relating to abortion and thus may tacitly exclude other areas of concern to a pro life organization. I refer to the old latin phrase "Expressio unius est exclusio alterius". (The mention of one thing is the exclusion of another, i.e. when certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred.) Of course you realize that NRLC is concerned with broader life issues than just abortion.

In addition, specificity and the singling out of abortion in the proposed amendment smacks much more of legislation as distinguished from constitutional ingredients. It seems to me that the Constitution should cover the subject of "life" generically as against the specific subject abortion. I, therefore, have taken the liberty of rewriting your amended form of Section 2. of the Buckley proposal by substituting the general term of "life terminating procedure" in lieu of "abortion". Accordingly Section 2. might read as follows:

"No life terminating procedure shall ever be performed on any person except:

1. Under and in conformance with law permitting such procedures; and

2. Only in an emergency when a reasonable medical certainty exists that continuation of the life of the person subjected to said procedure will cause the death of another person who is directly affected; and

3. Requiring that said procedure incorporate every reasonable effort, in keeping with good medical practice, to preserve the life of the persons exposed to said terminating procedure."

I believe that my proposed amendment incorporates all of the strong points that you have built into Buckley's proposal while also covering the areas of euthanasia and its related subjects.

Respectfully submitted,

John F. Markert

JFM/mw

cc: Marjory Mecklenburg, NRLC
Edwin C. Becker, NDCC
William Hassing, Esq.
George Reed, USCC

Nellie J. Gray
Attorney at Law

515 SIXTH STREET, S.E.
WASHINGTON, D. C. 20003

547-6721

September 24, 1973

MEMORANDUM TO: NRLC Policy Committee
NRLC Legal Advisory Committee

SUBJECT : A Mandatory HUMAN LIFE AMENDMENT

I was very pleased to receive the materials from Professor Witherspoon on the proposal for the Human Life Amendment under study by the Policy Committee. As requested, I have prepared some comments for your consideration in a paper with the following contents:

CONTENTS

- -

Respectfully submitted for your consideration,

Willis J. Long

Nellie J. Gray
Attorney at Law

515 SIXTH STREET, S.E.
WASHINGTON, D. C. 20003

547-6721

September 24, 1973

A MANDATORY "HUMAN LIFE AMENDMENT"

I. INTRODUCTION.

A. The "proper wording" of a Constitutional amendment is essential to the RIGHT TO LIFE movement's forward thrust and its success in achieving its purposes. The amendment should include:

-- simple, clear, straightforward wording; and
-- built-in enforcement provisions.

As I perceived the tone of the Detroit convention, the delegates wanted to pour their energies and resources into a Constitutional amendment. But, it must be the right one. Nothing else will do, and efforts to persuade them toward alternatives appear to be counterproductive. Therefore, I believe that NRLC should try to structure an amendment, and take the language to the Congress, rather than request Congress to structure the language in hopes that something useful will come out through the hearing process in the Judiciary committees and on the floor of the House and the Senate. The realities of the legislative process demand that NRLC know specifically what it wants, and go forth to persuade Congress of the merits of its position, with well-developed backup materials.

The courageous Representatives and Senators who have already introduced amendments have done so from their own strong convictions and that of their dedicated staff members. They are to be commended for having been willing to stand up and be counted.

However, some of the amendments which have been introduced have been drawn to accommodate what is believed to be politically feasible among the Representatives and Senators before they have been contacted by their prolife constituents. There is a valuable education service to be performed by the prolifers who must do the leg work to get the amendment through the Congress and ratified by the States. These same prolifers can also make a significant contribution to the philosophy and tone of the Constitutional amendment. Yet, as of now, many of us are finding difficulty supporting amendments which we believe present difficulties.

B. RECOMMENDATION

Therefore, let NRLC turn the procedure around, and

-- endorse none of the amendments which have already been introduced;
-- propose NRLC language for a mandatory HUMAN LIFE AMENDMENT; and
-- have each state prolife delegation work with their Representatives, Senators and State legislators to gain sponsors and committments for Congressional hearings and State ratification.

II. GENERAL PROVISIONS: WHAT DO WE WANT TO WORK FOR?

A. It seems to me that the amendment should provide that:

1. Each human life from fertilization through natural continuum of life has value and dignity, and that no one human life has a greater or lesser value than another. Thus, the unborn child would be brought into the family of man, with no more and no less benefits and liabilities.

2. Both the state and individuals must account to the public for actions depriving human beings of life and many other rights. Decision-making by a few people behind closed doors would no longer be permitted.

3. Right to life shall be re-mandated in the Constitution and shall not be left to each State to act as and if it sees fit.

4. A built-in enforcement mechanism shall be included to assure that the right to life is not a hollow right which can easily be denied by evasion or non-enforcement of the law.

III. WHERE DO WE START?

A. State of the law. We begin by looking at the state of the law, and, thereby, recognizing that as of January 22, 1973, the slate has been wiped clean, particularly with respect to the right to life of the unborn child, and possibly for other human beings who are relatively dependent in our society. Therefore, there is little benefit in trying to fashion a Constitutional amendment which attempts to accommodate or build upon what has traditionally been the law for the unborn. Furthermore, the traditional state of the law for the unborn grew like topsy as a little more was learned about the humanity of the unborn. Thus, attempting to take bits and pieces of the old law which served various purposes in the past will merely produce a patched up amendment, and nothing very strong for prolifers to rally round.

B. THE TASK. Since we are starting from a clean slate, it is our task to:

1. Fashion the "perfect" Constitutional amendment and work for it. Now is not the time, if ever there is a time, for compromises, and no good purpose is served by indicating that we will be glad to take whatever we can get. I am not persuaded that any amendment is better than no amendment, because if we get a weak amendment, there will be practically no opportunity to change it.

2. Write a series of "Federalist" papers explaining the merits of the provisions of the amendment. Such papers are extremely important to educate the Members of Congress and of the State Legislatures, and to form the legislative history for interpretation of the provisions by the Court in the future.

3. Create the political climate in the Congress and in the States to get our amendment passed. Legislators can become more informed about the issue and the persuasions of their constituents, and, perhaps, can become persuaded about the merits of our cause.

4. Litigate to change as much as possible of the existing law. Legal theories must be examined and rexamined, and tested and retested.

IV. WHERE IS THE GUIDANCE FOR THE MANDATORY HUMAN LIFE AMENDMENT?

A. Look first to the Supreme Court's decisions of January 22, 1973 to see why we were handed such an unfavorable decision. The important issue in the decisions is: "Who is a 'person'?" Since the Court said that the unborn child is not a person, meet the issue head on, and structure an amendment which definitely brings the unborn child within the family of man, leaves no loopholes, and assures that all Federal and State law shall protect each person. Some of the best guidelines for fashioning this amendment are in footnote 54 of the Roe v. Wade decision. See paragraph VI, A, page 3, below.

B. Also, please reread the Vuitch case (402 U.S. 62) to see why any exceptions written into the amendment are the loopholes through which the abortionists operate on a grand scale. For more detail, see paragraph VI, B, page 5, below.

V. A MANDATORY "HUMAN LIFE AMENDMENT" -- HOW WOULD IT READ?

"Sec. 1. The word 'person' and any other word meaning a human being used in the Constitution shall mean each human being born and unborn from fertilization regardless of health or condition of dependency.

"Sec. 2. The laws of the United States and of each of the several States heretofore and hereafter enacted which relate to the benefit, protection, vital statistics, and other provisions for human beings shall apply to each person from the date of enactment of this amendment.

"Sec. 3. Congress and the several States shall have power to enforce this Amendment by appropriate legislation within their respective jurisdictions."

VI. WHAT IS THE EFFECT OF THIS LANGUAGE?

A. THE WORD "PERSON."

1. The word "person," according to my count, appears almost 40 times in the Constitution, which includes using the word several times in one clause. Defining the word "person," wherever it appears, to include the unborn child achieves the purpose of bringing the child into the family of man as no more and no less a human being than the born person. I believe it defeats our purpose to say that the unborn child is a person for the Fifth and Fourteenth amendments, but is not a person for the rest of the Constitution.

There are other distinct advantages, as discussed in paragraph 5, below, and I do not see that there would be any ridiculous results, because in various places there are additional limiting qualifications. For instance, the unborn child could not be elected to the Presidency or other office because there are other qualification requirements stated in the Constitution, such as age.

2. I have included in Sec. 1 the phrase "and any other word meaning human being," so that future amendments could not make the unborn child a non-person by using some synomyn for the word "person."

3. In the definition of person, I have used the phrase "unborn from fertilization." I realize that the word "fertilization" (or conception) is omitted from some proposed amendments because the physicians can prove scientifically that life begins at fertilization. Then, let's say so, and not leave it up to an interpretation by the Supreme Court. The scientific information has been before the Court, and the Court was not persuaded. The Court could again disregard the scientific information and rule that some other point in time, e.g., viability, is the beginning of biological development for the unborn. Remember, the Court could have ruled that the unborn was a person -- the Court ruled that the artificial person of a corporation was protected by the due process clause. The Court chose not to dignify the unborn child with personhood, and it seems unwise to give the Court another opportunity to repeat its grievous error.

4. I have included the phrase "regardless of health or condition of dependency" in Sec. 1 to assure that the mentally retarded, aged, and persons with defects or diseases would not be aborted or killed under some later interpretation of the due process and equal protection clauses which would aim at weighing the state's police power against the person's right to life. I have not used the word "age" in order to assure that no ridiculous meaning would come about from the provisions in the Constitution setting a minimum age as qualification for certain office. I believe it is unnecessary to include the word "age" in order to protect the aged, if we use the phrase "condition of dependency." Certainly, this phrase is wide open for much interpretation by the Court, but at the moment I cannot think of a better term to express the notion that a human being does not have to meet a test of "self-sufficiency" in order to have the right to life, and that right protected by the Constitution.

5. An important advantage of defining the word "person" as used anywhere in the Constitution is that we never concede that the unborn is a "nonperson" for any purpose. A second advantage is to gain enforcement leverage. That is, the word "person" is used not only in the due process and equal protection provisions of the Constitution but also in Article I, Sec. 2, Clause 3 -- the apportionment and census provision, which affords effective enforcement through a proper reporting system.

The unborn baby would become a vital statistic the moment the pregnancy is detected. The mother, the attending physician or midwife or husband, who must now report births and deaths would also have to report the pregnancy. There would be a "certificate of pregnancy," and the unborn would be issued a social security number along with the pregnancy certificate. This is not unusual procedure, because now a baby must have a social security number to report income, say from bonds received as nativity gifts. There would be a requirement to furnish follow-up information on the birth, and a requirement to issue a death certificate for a miscarriage, etc. Again, this would give the unborn child no more advantage than anyone else, and society would protect the unborn child just as it is beginning to protect the battered child.

I seem to recall reading somewhere that when it was first required that each birth be recorded, and a penalty imposed for not recording, there were complaints that the child was a private concern of the parents and not subject to control by the Bureau of Vital Statistics. In addition, there were many administrative complications, such as the child being born in the fields or hinterlands. Such arguments were answered by saying that the state had an interest in each human being and vital statistics for a variety of reasons. And so it follows that the state has an interest in the unborn child not only as a person and member of society, but also as a measure for providing services adequately, such as day care, hospitals, education, etc.

Reporting pregnancies raises some administrative problems, e.g., the mother may move before the birth. However, such administrative problems are not insurmountable, particularly through use of the social security number, and, in any event, should not be used to deny a substantive right to life and a reporting system for easily enforcing that right.

Each state code might be examined to see how easily the provision for vital statistics can be adapted to include reporting pregnancies. No longer would it be possible for a woman to go to her doctor to determine if she was pregnant, and if so, go across the street to the abortion clinic.

B. NO "EXCEPTION CLAUSE." Please note that in this proposed mandatory Human Life Amendment there is no "exception clause" which provides that an abortion is legal to save the life of the mother. This is not omitted out of hard-heartedness, but because an exception is both detrimental and unnecessary to the prolife cause.

1. The exception clause is detrimental because of the (a) value system it establishes and (b) legal loophole it provides, as ruled by the Supreme Court.

a. The exception clause says that all human life is valuable and to be protected, but that some life is not to be protected as much as other life. Thus, a value system is established which I personally find incompatable with due process and equal protection. Further, once an exception is accepted, other exceptions, such as health, will be forced on us. The battle is lost before we begin.

b. More importantly, the exception clause establishes a legal loophole through which the unborn child cannot be protected. This is what has happened in the District of Columbia under the Supreme Court's ruling in the Vuitch case, 402 U.S. 62. That case held not only that health meant mental and physical health, but also that because the statute did not outlaw ALL abortions--only those which did not preserve the life and health of the mother--some abortions were legal. The Court then said that it was insufficient for the prosecution to prove only that an abortion occurred, and then the physician prove his innocence by establishing that the abortion which he performed fell within the exception. Rather, the Court said, the prosecution must prove as part of its case that the abortion was NOT necessary to preserve life or health. The abortionists, news media, etc., simply said that this meant that abortions were legal. The usual theory is that if a woman inquires about an abortion, she has a mental health problem, at least of stress, and therefore the abortions are performed for the health of the mother. Abortion clinics were in full operation in no time, and the

prosecutor was not anxious to challenge them, even though some prosecutors say that the case can be proved without too much difficulty.

As lawyers we can argue well and long that this case did not legalize abortions in the District of Columbia. But the practical effect of the Court's ruling is otherwise. Therefore, since we have a recent Supreme Court decision directly on point and directly against our cause, why put in an exception clause.

2. The exception clause is unnecessary from a medical and legal standpoint.

From the medical standpoint, I understand that the danger to the life of the mother is minimal as compared with the medical problems in the 1800's when this provision was generally put into the statutes. Therefore, if the exception clause is written into our amendment to accommodate a peculiar situation, we get a peculiar result--namely a Constitutional amendment which cannot save the unborn.

From the legal standpoint, the exceptions written into various proposed amendments are almost standard law on excusable homicide, and therefore ably accommodated under the homicide laws. No such exception needs to be written into the Constitutional amendment.

C. APPLICABILITY OF FEDERAL AND STATE LAWS.

1. Mandatory. Sec. 2 of this proposed amendment is not the "states' rights" amendment which no prolifer wants. This section is indeed a mandatory provision, and again, puts the unborn within the family of man. The section means that all laws relating to homicide, tort, inheritance, or any other benefit or protection, including reporting provisions as discussed above, would apply to the unborn child. If the unborn child is killed, that would be a homicide and the degree of the homicide would depend on the facts of the case, but never on the sole fact that the child was unborn.

2. Actions of state officials and of private individuals would be covered by this provision. Laws on the books which prohibit one human being from killing another would automatically apply to the unborn child as soon as this amendment became effective. No new enabling legislation would be necessary.

3. The proposed Sec. 2 would be a good basis for enacting Federal and State laws prohibiting experimentation on human beings, and, in my judgment, would stop the experimenting on babies right away, simply because the unborn baby would be within the family of man, and could not be the object of the experimentation any more than any other human being.

4. Abortifacients would be out. If the sole purpose of the manufactured item was to kill a baby, then the manufacture, distribution and sale of the tools of homicide could be proscribed by State law and by Federal law under the Commerce clause, authority under the Food and Drug Administration, or other areas of Federal jurisdiction. The rule of privacy governing the use of a contraceptive in the bedroom would not apply, because the act--namely, killing the baby--which the abortifacient is designed to perform would be an illegal act.

5. Rape. I believe that under the due process provisions, a rape victim could be given immediate medical treatment. She should also be given necessary assistance through the very traumatic period which includes participating as a prosecution witness. However, if the rape victim did not complain of the attack until she later learned that she was pregnant, the unborn child could not be killed on the allegation that it was conceived by rape.

VII. WHY AMENDMENTS AS INTRODUCED ARE NOT PREFERRED

A. THE HOGAN AMENDMENT. The amendment is good because it states that life shall be protected from the moment of conception. While there are possibilities of misinterpretations, the concept is there. I believe the word "fertilization" is the better word, but I have no real difficulty with "conception."

However, omissions seem to be:

1. Human life is protected only by the due process and equal protection clauses, and, as I have indicated above (paragraph VI, A, 1,page 3), I believe the unborn child should be defined as a person for all provisions of the Constitution. Otherwise, we fall into the trap of saying that the unborn is a person for some purposes and a nonperson for others.

2. While I believe that Sec. 2 could be interpreted to include private action under the theory that private action is enforced or permitted by State action, it seems to me that the point needs to be made more explicitly, as I have suggested in Sec. 2 of the language of the amendment which I propose, above (paragraph V, page 3).

Thus, my observation is that the Hogan amendment could be more inclusive.

B. THE BUCKLEY AMENDMENT. This amendment is good in using the phrase "every stage of biological development," in showing that the full span of human life is to be protected. However, it has some omissions and words left for interpretation, all of which present difficulties. For instance:

1. Sec. 1 applies only to due process and equal protection, and, as I have indicated above, I believe the unborn child should be defined as a person for all provisions of the Constitution (paragraph VI, A, 1, page 3, above.).

2. Sec. 1 does not include the words "from fertilization," which, as I have discussed above (paragraph VI, A, 3, page 4), I believe is essential.

3. Sec. 2 provides an "exception clause" for the life of the mother, which, as I have indicated above (paragraph VI, B, page 5), I believe is extremely detrimental to our prolife cause.

4. Many words must be interpreted by the Court, such as: emergency, reasonable medical certainty, exists (does the emergency have to actually exist now or just some time in the future), and death of the mother (must the death be proximate or can it be remote). While it may seem that each of us knows what each of these words means literally and in intent, it must be remembered that the reason we are in the prolife work is because the Supreme Court has interpreted the easily understood words of "person" and "health" to permit babies to be killed. I think we should avoid as much as possible words which leave wide room for the Court's interpretation.

C. THE WITHERSPOON PROPOSED MODIFICATION OF THE BUCKLEY AMENDMENT. Inasmuch as Professor Witherspoon builds primarily on the Buckley amendment, my comments immediately above obtain, plus these additional observations:

1. With respect to the words left for interpretation, there is added the word "abortion." It has been said that a hysterotomy is not an abortion; thus, what period of time is considered an abortion?

2. I agree that private acts of abortion must be prohibited. However, I believe that that is best accomplished by bringing the unborn child under the protection of the homicide laws, as I indicate above (paragraph VI, C, 1 and 2, page 6). My difficulty with the language proposed by Professor Witherspoon, aside from the words which need interpreting, is that it establishes the Federal crime of homicide for abortion only. Homicide is now a matter of State law, with the Federal law applicable, in more recent days, primarily to killing Federal officials. Up to this time the crime of abortion has carried a lesser penalty than other acts of homicide, and I hesitate to recommend that it now carry a heavier penalty. Again, I go back to my theme that the unborn should be brought into the family of man, with no more nor less benefits and liabilities. Thus, I have recommended, above (paragraph VI, C, 1 and 2), that we should propose an amendment which places the death of the unborn within the homicide laws enacted to deal with the death of any other human being.

If we want to propose in this Constitutional amendment a uniform Federal homicide statute, that could be done. However, I believe it overloads the amendment, and we have enough to do without getting into that subject. I believe that introducing a Federal homicide law for killing the unborn is also too heavy a burden to place on this amendment. It could well be the issue to bog down the amendment, and in trying to defend this provision we could lose sight of the important provisions of bringing the unborn child into the family of human beings.

- -

Respectfully submitted for your consideration,

Dale J Long

WILLIAM M. SCHOLL FOUNDATION

Founded by Dr. William M. Scholl in 1947

111 WEST WASHINGTON STREET · SUITE 2137 · CHICAGO, ILLINOIS 60602

Area Code 312/782-5515

JAMES P. ECONOMOS
Executive Director

CHARLES F. SCHOLL
Associate Director
Development & Planning

September 25, 1973

Mr. David J. Mall
Executive Director
Americans United for Life
230 N. Michigan Avenue
Suite 515
Chicago, Illinois 60601

Dear Mr. Mall:

At the suggestion of Charles Scholl, we are enclosing a copy of our Application for Grant form.

We must advise you that we have fully committed our funds for 1973, consequently, your request should be addressed to 1974. Generally speaking, we are interested in special projects which we can follow to determine their effectiveness.

You may submit your application and proposal at any time before the end of the year. At that time it will be submitted to the Grants Committee for their review and evaluation. In submitting this application for grant we do not wish to have it construed that it will receive other than the usual attention given to it by the Grants Committee.

Sincerely yours,

James P. Economos
Executive Director

JPE:pam

Enclosure

WILLIAM M. SCHOLL FOUNDATION

111 W. Washington - Suite 2137
Chicago, Illinois 60602
Phone: 312/782-5515

APPLICATION FOR GRANT

_____
Date Submitted

The undersigned hereby makes an application for a grant from the William M. Scholl Foundation and submits the following information:

1. Name of Organization - _____

2. Form of Organization - _____
(Association, Corporation or Trust)

3. Date Organized - _____

4. Where Organized - _____

5. Name, address and telephone number of Executive Officer:

_____ _____
Name Street Address

_____ _____
City State Zip Code Area Code - Telephone No.

6. Please attach a list of principal officers and directors.

7. Objectives of Organization (as stated in Charter, etc):

_____

_____

_____

_____

_____

8. Amount of grant request - _____

Continued...

9. Please summarize grant request and attach proposal:

_____

_____

_____

_____

_____

_____

_____

_____

10. Attach financial statements for the latest calendar or fiscal year.

11. Percentage of administrative cost for last fiscal year - _____

12. Please submit copies of Internal Revenue Service determination that you are an organization which is not a private foundation as defined in Section 509(a) of the Internal Revenue Code.

13. Please specify name, address and telephone number of person to contact for more information:

_____ _____
Name Street Address

_____ _____
City State Zip Code Area Code - Telephone No.

14. If applicant is hospital or clinic, kindly advise policy concerning abortion:

A. Legal abortions permitted now up to _____ months.

B. Abortions not accepted except to save life of mother - _____

C. Other - Please specify - _____

_____

Catholics United for the Faith Inc.

To support, defend, and advance the efforts of the teaching Church.

222 North Avenue, New Rochelle, New York 10801 • (914) 235-9408

September 26, 1973

Mr. Joseph A. Lampe
Minnesota Citizens Concerned for Life, Inc.
4803 Nicollet Avenue
Minneapolis, Minnesota 55409

Dear Mr. Lampe:

The copy of the letter to the Catholic bishops which you sent to me at the suggestion of Mrs. Judith Fink was interesting but not surprising.

I understand that NRLC's Committee for Inter-Group Liaison is currently approaching the various denominations to seek both moral and material support for the right-to-life cause. In my opinion, NRLC should approach the Catholic bishops in the same fashion. There is no question where the Catholic bishops stand on the moral question of abortion. The problem is how to translate this moral support into some practical benefit. In my opinion, it is a mistake to try to do this through the U.S. Catholic Conference, the official bureaucratic arm of the bishops.

I cannot imagine that Cardinal Krol, President of the National Conference of Catholic Bishops, or John Cardinal Cody, Chairman of the Bishops' Committee for Pro-Life Affairs, would receive a delegation from the NRLC in any way but courteously and with an attentive ear as to how you think the Catholic Church or Catholics generally might contribute to the pro-life cause. It would not matter in the least, I should think, whether all or even any of the NRLC members of such a delegation were themselves Catholics. At the same time it would be well to spell out, in precise detail, exactly what action or assistance NRLC would expect from the Catholic Church or from Catholics. If you don't lay out, one, two, three, exactly the points on which you seek the cooperation from the Church, or her assistance, the matter will simply be turned back to the U.S.C.C. bureaucracy for 'implementation.' and you will be right back where you are now. If, on the other hand, you provide Cardinal Krol and/or Cardinal Cody with the facts about what is being done now, and ask that they do this or this or this to help the NRLC effort along, you may have some confidence that they will pass the recommendations along with their endorsement. Then it will no longer be a matter of passively leaving up to U.S.C.C. bureaucrats to decide in the concrete what the manner of cooperation in the pro-life fight will be on the part of the Catholic Church or of Catholics to the extent that they help when they are asked by their Church to help.

The Catholic bishops of the United States have expressed laudable sentiments about the right to life of the unborn, and I think most bishops assume that on the practical level these sentiments are resulting in real cooperation between Catholics and the official Church structures and the right-to-life movement.

I hope these comments will be of some help to you in the dilemma you face.

Sincerely yours,

K.D. Whitehead

K.D. Whitehead
Executive Vice President

cc: Mrs. Judith Fink

ROY L. PETERSON, M.D.
EYE, EAR, NOSE AND THROAT
207 NORTH THIRD STREET
BOISE, IDAHO 83702

September 27, 1973

History of the Idaho Right to Life Committee

The Idaho Right to Life Committee was formed in 1969. The Catholic Bishop of the Diocese of Boise, which includes the whole state of Idaho, was instrumental in the formation of the Committee.

The names and addresses of the original Committee are on the enclosed letterhead. After the first organizational meeting, there was never another full meeting of the Committee. Through correspondence and telephone conversations, the Committee was active with lobbying before legislative committees, letters to the editors of Idaho newspapers, etc. Rob Brady, a member of the Committee and owner-editor of the Idaho Falls daily (Eastern Idaho) supported the Committee by editorials in his paper. Attempts in the Idaho Legislature failed to change our old law. After it became quite apparent that Idaho would not change the old law (1971-72), the Committee ceased to actively function.

After the Supreme Court ruling this year, there was an attempt fostered by the Catholic Bishop to start another Committee, but this failed. Only one priest and three others, including myself, showed up for the organizational meeting.

Mr. John Mitchell, 3030 Clark St., Boise, Idaho, was the last chairman of the old Committee. He and I have filled out the questionaire. We are sure we can easily activate the old Committee and are going ahead and contacting the members. Mr. Mitchell will act as chairman pro tem and I will act as temporary corresponding secretary. With help from the N.R.L.C. State Organization Committee, we believe we can build a strong, but not necessarily large, statewide Right to Life Committee.

Idaho is usually a politically conservative state. The predominate religious group in the heavily pop-

ulated areas of Southern Idaho is Mormon. Mormons are adamantly opposed to abortion and to the Supreme Court ruling. Dr. Root, of the original Committee, is Mormon.

Because of these things, a properly formed and active Right to Life Committee will, no doubt, be effective in Idaho's supporting and ratifying the constitutional amendment.

Although both Mr. Mitchell and I are Catholic, it is our feeling the reorganized Committee should be broad-based and to achieve this, it will be necessary to avoid the Committee being entirely sponsored by the Catholic clergy.

We shall keep you informed of our progress and looking forward for guidance and help from the N.R.L.C. State Organization Committee. We shall appreciate a reply to this report from the Committee.

Roy L. Peterson

Roy L. Peterson, M.D., Sec.
207 North Third St.
Boise, Idaho 83702
Phone 208-342-3141

IDAHO RIGHT TO LIFE COMMITTEE

207 No. 3rd St., Boise, Idaho 83702

For the New Jersey State Rally
September 30, 1973

THE TIME OF REVOLUTION IS HERE

On January 22, 1973, this great ship of democracy was struck by an iceberg and was torn open all across the bottom. This democracy, founded on the right to life, was built to be an unsinkable vessel, but now it is drinking water and sinking. Many people on deck are taken up in pleasures and luxuries. They do not seem to notice that something is wrong with the ship because the weather is calm and the sky is clear. But other people have come up from below and they cry out, "the ship is going down!" Since these urgent people are disturbing the comfort of their fellow travellers with their unlikely story, unlikely because everyone knows this is an unsinkable ship, they are regarded as emotional, obsessed fanatics. But the fact remains that the ship is drinking water fast, and the people aboard soon will be drinking water, too.

We, the people, who actually see that the ship is going down, and who do not allow its comforts to blind us from this fact, what should we do? We must continue trying to be heard. And we must go below and organize. If we put our organized muscle together, we will be able to close the watertight compartments built into this ship. Then we can amend its remarkable constitution. Instead of running for the lifeboats in panic, let's put our shoulders to the task without fear.

The time for revolution is here! We have all been violated in the most outrageous manner. Seven judges have declared, in the rawest use of judicial power, that prenatal children can be torn limb from limb or burned inside and out because they are not persons. They have implied that women are too stupid to control their bodies without murderous child abuse. They have insinuated that fathers have no control over the early lives of their own children. Men, women and children have all been treated as fools and have been raped to the depths of their being. And this violation is now part of the establishment! People who know the facts and the truth about men, women and children will not accept this establishment. We must amend the constitution!

Let's never forget that this kind of tragedy happened to the ship of democracy before. Not much more than one hundred years ago it was struck in a similar manner. But the ship survived. The people, together with their captain, were able to close the watertight compartments sufficiently to keep the ship afloat while they did the necessary rebuilding. Let's never forget the Dred Scott decision! Seven judges decided that because the slave owner has the right to control his own property, the black human being is not a person and could not be protected by law, not even from cold-blooded murder. That was foul play! That was sheer arrogance! But the people did not accept this decision. They were successful in amending the constitution. Let's never forget! We will do no less than they!

Mary R. Joyce

10/73

HB 407-
AN OVERVIEW

"There are those who equate "Death with Dignity" with allowing a person to die comfortably when death is inevitable; there are others who equate it with the direct termination of a person's life, for humanitarian reasons."

-Thomas A. Horkan, Jr.

FLORIDA CATHOLIC CONFERENCE
314 TALLAHASSEE BANK BUILDING
POST OFFICE BOX 1571
TALLAHASSEE, FLORIDA 32302

PHONE (904) 222-3803

THOMAS A. HORKAN, JR.
EXECUTIVE DIRECTOR

Statement of Thomas A. Horkan, Jr. concerning HB 407 as introduced in the 1974 session of the Florida House of Representatives, Death with Dignity Bill, October, 1973.

In 1968 Representative Walter W. Sackett, Jr. proposed an amendment to the Basic Rights Article of the Constitution of the State of Florida so that it would have read "All natural persons are equal before the law and have inalienable rights, among which are the right to enjoy and defend life, liberty, to be permitted to die with dignity, to pursue happiness..." The proposed amendment failed to be adopted, but Representative Sackett immediately refiled the Death with Dignity Amendment for consideration by the 1969 Florida State Legislature. It again met with defeat.

The Representative from Miami was, however, undaunted by these failures and undertook his crusade for Death with Dignity legislation. In every subsequent legislative session, a Death with Dignity bill has been introduced and has failed to pass. The text of these bills has changed each year, to meet objections to the prior year's bill. In the 1973 legislative session, Doctor Sackett's bill, HB 407, was amended in committee to eliminate the more controversial sections, and passed the House of Representatives in that form; but died in committee in the Senate. Under the rules of the House of Representatives the bill may be brought up, in its present form, without further committee action during the 1974 session.

The bill in its present form simply gives statutory recognition to a so-called "living will." It permits a person to execute a document directing that medical treatment designed soley to sustain the life processes be discontinued; that the document not take effect until the person is declared terminally ill; and absolves physicians from civil or criminal liability if they act in good faith pursuant to the document.

Dr. Sackett has stated publicly, after the close of the 1973 legislative session, that he would "accept this bill", in its present form as the "first step" to a "major change in American law." He describes the second step as one which would permit the spouse or next of kin to execute the document choosing "Death with Dignity", where the prospective decedent is unable to execute it; and the third step would permit such execution by two physicians, where there is no next of kin available.

The subject of death, the problems of the dying, of their relatives and their loved ones, the related problems of physicians, nurses, medical personnel, of the clergy, of all society, are of great moment today. The advances in medical science give rise to questions which were not raised before.

This discussion will not directly relate to these matters, but will limit itself to this bill, popularly referred to as the Death with Dignity bill. For the issues involved in Dr. Sackett's concept of Death with Dignity are some of the most historical and basic issues being discussed in Florida today.

There are those who equate "Death with Dignity" with allowing a person to die comfortably when death is inevitable; there are others who equate it with the direct termination of a person's life, for humanitarian reasons. Let us consider the law as it is now, and what Dr. Sackett's three step proposal is.

Present law:

Under the present law, a physician is able to treat his patient in such manner as the patient directs and as the physician determines. He is able to permit a patient to die with dignity today, without the written procedure set forth in HB 407. No doctor has ever been prosecuted or sued in Florida or in this country for any actions either in prolonging a life or in permitting a person to die a natural death.

There is not one state that legislates on the question of death with dignity, euthanasia or on the subject of administration of medical services to the dying.

The New York State Medical Society recently adopted a statement on this subject, which well puts the ethical guidelines which are followed throughout this country by most doctors. It reads as follows:

> The use of euthanasia is not in the province of the physician. The right to die with dignity, or the cessation of the employment of extraordinary means to prolong the life of the body when there is irrefutable evidence that biological death is inevitable, is the decision of the patient and/or the immediate family with the approval of the family physician.

This statement accords with present law, both in Florida, New York and the other states. It needs no legal implementation.

This statement also accords with Catholic moral teachings. Pope Pius the XII has on several occasions outlined the moral principals involved in this area. He states that man, and those caring for man have "the right and duty in the case of serious illness to take the necessary treatment for the preservation of life and health...but normally one is held to use only ordinary means, according to the circumstances of persons, places, times and culture."

The American Hospital Association in November, 1972, adopted a patient's bill of rights, which it commended to each hospital in the country. Among other rights set forth are the following:

> 3. The patient has the right to receive from his physician information necessary to give informed consent prior to the start of any procedure and/or treatment.
> 4. The patient has the right to refuse treatment to the extent permitted by law and to be

informed of the medical consequences of his action.

Dr. Sackett's proposals:

The Florida House, in 1973, struck the most objectionable portions of this bill, sections 2 and 3, which had been advocated as a means of saving money for the state. Dr. Sackett, speaking of his total, three step bill, testified before the U.S. Senate Select Committee on the Aging, chaired by Senator Frank Church:

> We have training institutions for the less severely retarded who are trainable. I am all for those, but in these two institutions for the severely retarded in Florida, we have 1,500 residents, some with heads as big as buckets, some small as oranges, grotesque and drawn in contracture. According to present day cost and the fact that you can keep these individuals alive artificially to between 50 and 60, it's going to cost the State of Florida for 50 years $5 billion. Translated roughly this means it's going to cost the various States over this same period $100 billion, and when one thinks of what one could do with this money in other fields,...

It is pertinent to note that in preparing the transcript of this testimony, the Senate Committee staff entitled this section of Dr. Sackett's testimony "Cost-Benefit Question." Dr. Sackett went on to testify that the director of one of these hospitals suggested that 90% of these children should be allowed to die. He described the difficulties in feeding them.

Senator Church later asked the question:

> "Dr., do you have any doubt as to the present state of the law? I can speak not only as a lawyer but under the present state of the law I have no doubt that a person has the perfect right at any time in his life in any stage of the particular illness, to refuse treatment."

Dr. Sackett replied:

> "This may be true of the competent person... but what about the incompetent, those 1,500."

Dr. Sackett testified that he had permitted hundreds of patients to die with dignity and when asked whether a doctor could be subjected to prosecution or penalities if he permitted a patient to die, he admitted that the only case he knew of was one where a doctor had injected air into a person's vein; which Senator Church pointed out is a very different case.

What is the harm if this bill does not go farther than the present law? Dr. Sackett accepted the committee admendments with the statement "I'll take this as a first step."

Writing in the publication Northwest Medicine, Dr. Robert H. Williams, professor of the Department of Medicine, University of Washington, advocated euthanasia for

> ...individuals who have reached a vegetative stage, and who seem incurable, particularly ones who offer certain major problems. In these, euthanasia seems justified, in properly selected cases, after due consideration and approval by relatives and others in responsible positions.
>
> ...We should increase our activities immediately, and to a major degree, in dealing with population control, selective abortion, problems of mentation, aging, suicide, and negative euthanasia. It seems unwise to attempt to bring about major changes permitting positive euthanasia until we have made major progress in changing laws and policies pertaining to negative euthanasia. (Underlining added)

Bringing the matter closer to home, is the American Euthanasia Foundation, Inc., which operates out of Ft. Lauderdale, and is headed up by Mr. Vincent F. Sullivan. In a recent interview in the St. Petersburg Times he predicted and I quote "mercy deaths will be legalized in the United States within two years." He further said that the first step is the Florida legislature.

Professor Charles E. Rice in a recent article well described the problems which we see in this legislation. He said:

> The euthanasia drive is first put in voluntary terms: a person should have the right to decide when to die. But it will immediately be extended to those who cannot communicate but who we presume would asked to be killed if they could. And it will be extended to those who are not even sick and who do not want to die but who would if they knew what was good for them. The retarded, the senile and the simple aged are the obvious targets of euthanasia. But it will predictably be extended to other "undesirables" as well. It is significant that the Nazi extermination of the Jews grew out of the euthanasia program initiated for the supposed benefit of mental patients in 1939.

In view of the clear descriptions of this proposal as a "first step", it cannot be regarded as simply a codification of existing law. Its adoption, in its present form, would be, undoubtedly, the "first step."

HB 407

(Regular Session 1973)

By Representative Sackett and others-

A bill to be entitled

An act relating to medical treatment; providing for termination of sustaining treatment of a terminally ill or injured patient in certain circumstances; providing immunity for physicians; exempting persons complying with this act from the provisions of §782.08, Florida Statutes; providing for revocation of a document authorizing the termination of sustaining medical treatment; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. As used in this act, "terminal illness" or "injury" means any illness or injury that would result in natural expiration of life regardless of the use or dicontinuance of medical treatment to sustain the life processes. Any person eighteen (18) years of age or older and competent may at any time execute a document directing that medical treatment designed solely to sustain the life processes be discontinued. However, said document shall not take effect until said person has been declared terminally ill or injured by two

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined are additions.

(2) licensed physicians and attested to by written statement.

Section 2. In the event any terminally ill or injured person has failed to comply with section 1 because he is unable to make such a decision due to mental or physical incapacity, as determined by two (2) licensed physicians, a spouse or person of the first degree of kinship shall be allowed to make such a decision, provided written consent is obtained from a majority of all persons of the first degree of kinship.

Section 3. In the event the terminally ill or injured person is incompetent and the procedure authorized by section 2 cannot be complied with because no person of the first degree of kinship can be located within thirty (30) days, then the decision to terminate medical procedures solely to sustain the life processes may be ordered by three (3) licensed physicians and attested to by a written statement.

Section 4. A physician who relies on a document authorized by section 1, 2 or 3 to refuse medical treatment or who makes a determination of terminal illness or injury shall be presumed to be acting in good faith and, unless negligent, shall be immune from civil or criminal liability that otherwise might be incurred.

Section 5. No person participating in good faith in the execution of a statement or document

NRLC or other?

National Right To Life Committee, inc.

1200 15th Street NW SUITE 500 Washington, D.C. 20005

To: Board of Directors
Political Contacts in States
State Programs Committee Members

From: State Programs Committee, NRLC

Re: Preparation for Congressional Hearings in fall

IMPORTANT: DEADLINE
PLEASE RETURN BY: October 5, 1973
TO: Warren Schaller, Exec. Dir.
If any questions, contact him during daytime hours; or contact
Mary Beliveau
8 Champlain Avenue
Lewiston, Maine 04240
Tel: (207) 782-5627

The States Program Committee, NRLC, needs your immediate help to provide the names of individuals who could be called on to testify at Congressional hearings this fall.

We also need your help in compiling a list of State Legislators and a list of Governors for a Human Life Amendment.

These names should all be verified by the authorization slips enclosed.

This will also be useful for states which have not yet passed memorials to know the attitudes of their legislators and governor.

The following will be included in the questionnaire:

A. Five or six of your most influential pro-life legislators who, if asked, would testify at hearings in the fall.

B. State legislators who would be willing to add their names to a list under the letterhead "State Legistors for Life", to be used at hearings including those listed in A above.

C. Governors who would be willing to add their names to a list under the leatterhead "Governors for a Human Life Amendment", to be used at hearings. Use the authorization slips enclosed.

D. Other persons in your state who would be qualified to testify at a hearing in the fall (such as doctors, lawyers, feminists, civil rights leaders, liologists, ministers, rabbies, etc.)

PLEASE FILL IN THE INFORMATION AS COMPLETELY AS POSSIBLE.

A. Five or six influential State Legislators who could be asked to testify at hearings in the fall.

1. _____ _____ _____ _____ _____
Legislator's name Address Phone Age Sex

_____ _____ _____
Religion House or Senate How long served

_____
Political Party

Does he hold a position of Party leadership or is he a chairman of an important committee? YES NO

Comment: _____

_____

_____

What is his voting record on pro-life bills such as conscience clauses, memorial to congress for a Human Life Amendment, etc.

Comment: _____

_____

_____

Has he sponsored any pro-life legislation, such as memorial, conscience clauses? YES NO

Comment: - Name type of legislation. _____

_____

_____

Has he actively supported pro-life legislation? YES NO

Comment: e.g. Speaking, lobbying fellow legislators, signing literature to be distributed. _____

_____

_____

Does he/she have asperations to a higher political office? YES NO

Comment: _____

_____

_____

Would he/she be an effective speaker before a congressional audience?

YES NO

Comment: _____

_____

_____

Please list any other comments or political climate in your state that would be helpful in knowing more about your legislator.

Comment: _____

_____

_____

2. _____ _____ _____ _____ _____
Legislator's name Address Phone Age Sex

_____ _____ _____
Religion House or Senate How long Served

_____
Political Party

Does he hold a position of party leadership or is he a chairman of an important committee? YES NO

Comment: _____

_____

_____

What is his voting record on pro-life bills such as conscience clauses, memorial to congress for a Human Life Amendment, etc.

Comment: _____

_____

_____

Has he sponsored any pro-life legislation, such as memorial, conscience clauses? YES NO

Comment: - Name type of legislation. _____

_____

_____

Has he actively supported pro-life legislation? YES NO

Comment: e.g. Speaking, lobbying fellow legislators, signing literature to be distributed. _____

_____

_____

Does he/she have asperations to a higher political office? YES NO

Comment: _____

_____

_____

Would he/she be an effective speaker before a congressional audience?

YES NO

Comment: _____

_____

_____

Please list any other comments or political climate in your state that would be helpful in knowing more about your legislator.

Comment: _____

_____

_____

3. _____ _____ _____ _____ _____
Legislator's name Address Phone Age Sex

_____ _____ _____
Religion House or Senate How long served

_____
Political Party

Does he hold a position of party leadership or is he a chairman of an important committee? YES NO

Comment: _____

_____

_____

What is his voting record on pro-life bills such as conscience clauses, memorial to congress for a Human Life Amendment, etc.

Comment: _____

_____

_____

Has he sponsored any pro-life legislation, such as memorial, conscience clauses? YES NO

Comment: - Name type of legislation. _____

_____

_____

Has he actively supported pro-life legislation? YES NO

Comment: e.g. Speaking, lobbying fellow legislators, signing literature to be distributed. _____

_____

_____

Does he/she have asperations to a higher political office? YES NO

Comment: _____

_____

_____

Would he/she be an effective speaker before a congressional audience?

YES NO

Comment: _____

_____

_____

Please list any other comments or political climate in your state that would be helpful in knowing more about your legislator.

Comment: _____

_____

_____

4. _____ _____ _____ _____ ____
Legislator's name | Address | Phone | Age | Sex

_____ _____ _____
Religion | House or Senate | How long served

_____
Political Party

Does he hold a position of party leadership or is he a chairman of an important committee? YES NO

Comment: _____

_____

_____

What is his voting record on pro-life bills such as conscience clauses, memorial to congress for a Human Life Amendment, etc.

Comment: _____

_____

_____

Has he sponsored any pro-life legislation, such as memorial, conscience clauses? YES NO

Comment: - Name type of legislation. _____

_____

_____

Has he actively supported pro-life legislation? YES NO

Comment: e.g. Speaking, lobbying fellow legislators, signing literature to be distributed. _____

_____

_____

Does he/she have asperations to a higher political office? YES NO

Comment: _____

_____

_____

Would he/she be an effective speaker before a congressional audience?

YES NO

Comment: _____

_____

_____

Please list any other comments or political climate in your state that would be helpful in knowing more about your legislator.

Comment: _____

_____

_____

5. _____ _____ _____ _____ _____
Legislator's name Address Phone Age Sex

_____ _____ _____
Religion House or Senate How long served

_____
Political Party

Does he hold a position of party leadership or is he a chairman of an important committee? YES NO

Comment: _____

_____

_____

What is his voting record on pro-life bills such as conscience clauses, memorial to congress for a Human Life Amendment, etc.

Comment: _____

_____

_____

Has he sponsored any pro-life legislation, such as memorial, conscience clauses? YES NO

Comment: - Name type of legislation. _____

_____

_____

Has he actively supported pro-life legislation? YES NO

Comment: e.g. Speaking, lobbying fellow legislators, signing literature to be distributed. _____

_____

_____

Does he/she have asperations to a higher political office? YES NO

Comment: _____

_____

_____

Would he/she be an effective speaker before a congressional audience?

YES NO

Comment: _____

_____

_____

Please list any other comments or political climate in your state that would be helpful in knowing more about your legislator.

Comment: _____

_____

_____

B. State Legislators to be listed under the letterhead "State Legislators for a Human Life Amendment" (to be used at hearings). These names must be verified by a signed authorization slip (sample attached).

1. _____ _____
Name Address

_____ _____ _____ _____
Phone House or Senate Party Religion

2. _____ _____
Name Address

_____ _____ _____ _____
Phone House or Senate Party Religion

3. _____ _____
Name Address

_____ _____ _____ _____
Phone House or Senate Party Religion

4. _____ _____
Name Address

_____ _____ _____ _____
Phone House or Senate Party Religion

5. _____ _____
Name Address

_____ _____ _____ _____
Phone House or Senate Party Religion

6. _____ _____
Name Address

_____ _____ _____ _____
Phone House or Senate Party Religion

7. _____ _____
Name Address

_____ _____ _____ _____
Phone House or Senate Party Religion

8. _____ _____
Name Address

_____ _____ _____ _____
Phone House or Senate Party Religion

C. Governors to be listed under the letterhead "Governors for a Human Life Amendment" (to be used at hearings). Use the authorization slips.

1. _____ _____
Name Address

_____ _____ _____
Phone Party Religion

2. _____ _____
Name Address

_____ _____ _____
Phone Party Religion

3. _____ _____
Name Address

_____ _____ _____
Phone Party Religion

4. _____ _____
Name Address

_____ _____ _____
Phone Party Religion

5. _____ _____
Name Address

_____ _____ _____
Phone Party Religion

6. _____ _____
Name Address

_____ _____ _____
Phone Party Religion

7. _____ _____
Name Address

_____ _____ _____
Phone Party Religion

8. _____ _____
Name Address

_____ _____ _____
Phone Party Religion

D. Other persons in your state who would be qualified to testify at a hearing in the fall (such as doctors, lawyers, feminists, civil rights leaders, biologists, ministers, rabbies, etc.)

1. _____ _____ _____ _____
Name Address Phone Profession

Qualifications and comments: _____

_____

_____

Reasons you feel he/she would be effective to testify: _____

_____

_____

_____

2. _____ _____ _____ _____
Name Address Phone Profession

Qualifications and comments: _____

_____

_____

Reasons you feel he/she would be effective to testify: _____

_____

_____

_____

3. _____ _____ _____ _____
Name Address Phone Profession

Qualifications and comments: _____

_____

_____

Reasons you feel he/she would be effective to testify: _____

_____

_____

_____

AUTHORIZATION SLIP FOR LEGISLATORS

The undersigned hereby authorizes the use of my name by the National Right to Life Committee for the purpose of appearing on a letterhead entitled "State Legislators for a Human Life Amendment".

It is understood that no other names of organizations will appear on said stationery. It is further understood that this letterhead is to be used for the purpose of support at the hearing of a Human Life Amendment.

_____

Signature

(This can be duplicated and sent to legislators for verification.)

AUTHORIZATION SLIP FOR GOVERNORS

The undersigned hereby authorizes the use of my name by the National Right to Life Committee for the purpose of appearing on a letterhead entitled "Governors for a Human Life Amendment".

It is understood that no other names of organizations will appear on said stationery. It is further understood that this letterhead is to be used for the purpose of support at the hearing of a Human Life Amendment.

_____

Signature

(This can be duplicated and sent to governors for verification.)