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DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Washington, D C. 20201

March 16, 1983

Dear Administrator:

This is to inform you that the Interim Final Rule amending Section 504 of the Rehabilitation Act of 1973 (45 CFR 84.61) was published on March 7, 1983 in the Federal Register. Enclosed is a copy of the rule.

The rule requires that each recipient that provides covered health care services to infants shall post and keep posted a notice in a conspicuous place in each delivery ward, each maternity ward, each pediatric ward and each nursery, including each intensive care nursery.

The required notice must be posted within five days after each recipient is informed by the Department of Health and Human Services of the applicable toll-free national telephone number.

THE INFANT DOE HOTLINE NUMBER IS 800-368-1019. (TTY capability)  
Callers within the city of Washington, D.C., call 863-0100.

For your convenience, we are enclosing a copy of a replica of the required notice. You may wish to make copies of this for posting.

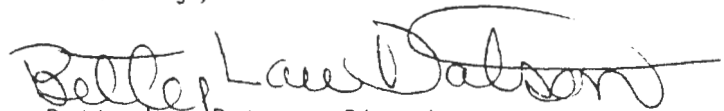
Please insert the appropriate address and telephone number of your State Child Protective Agency.

You are free to provide your own version of this notice providing it is in conformance with Section 84.61(b).

For your further convenience we are sending you, under separate cover five copies in English and in Spanish of a 17 1/2 X 14 poster which contains the required notice.

Your immediate attention to this matter is important.

Sincerely,

  
Betty Lou Dotson, Director  
Office for Civil Rights

Enclosures

DISCRIMINATORY FAILURE TO FEED  
AND CARE FOR HANDICAPPED  
INFANTS IN THIS FACILITY IS  
PROHIBITED BY FEDERAL LAW

SECTION 504 OF THE REHABILITATION ACT OF 1973 STATES THAT "NO OTHERWISE QUALIFIED HANDICAPPED INDIVIDUAL SHALL, SOLELY BY REASON OF HANDICAP, BE EXCLUDED FROM PARTICIPATION IN, BE DENIED THE BENEFITS OF, OR BE SUBJECTED TO DISCRIMINATION UNDER ANY PROGRAM OR ACTIVITY RECEIVING FEDERAL FINANCIAL ASSISTANCE."

ANY PERSON HAVING KNOWLEDGE THAT A HANDICAPPED INFANT IS BEING DISCRIMINATORILY DENIED FOOD OR CUSTOMARY MEDICAL CARE SHOULD IMMEDIATELY CONTACT:

HANDICAPPED INFANT HOTLINE  
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
WASHINGTON, D.C. 20201  
PHONE 800-368-1019 (AVAILABLE 24 HOURS A DAY)  
IN THE CITY OF WASHINGTON, D.C. - 863-0100 (TTY CAPABILITY)  
OR  
YOUR STATE CHILD PROTECTIVE AGENCY

FEDERAL LAW PROHIBITS RETALIATION OR INTIMIDATION AGAINST ANY PERSON WHO PROVIDES INFORMATION ABOUT POSSIBLE VIOLATIONS OF THE REHABILITATION ACT OF 1973.

IDENTITY OF CALLERS WILL BE HELD CONFIDENTIAL.

FAILURE TO FEED AND CARE FOR INFANTS MAY ALSO VIOLATE THE CRIMINAL AND CIVIL LAWS OF YOUR STATE.

F/I copies <sup>from me</sup> to

Jan 21 ProLife invitees

+ K. Teague

Bill Gribbin

# State of Indiana



# Senate

Senator William (Bill) Costas  
99 Glendale  
Valparaiso, IN 46383  
Office (219) 464-3112  
Residence (219) 464-2152

Committees:  
Health, Welfare & Aging  
Judiciary, Corrections  
Subcommittee  
Labor & Pensions

May 10, 1983

Morton C. Blackwell  
Special Assistant to the President  
Office of Public Liaison  
The White House  
Washington, D.C. 20500

Dear Morton:

Thank you for your letter of April 21st with the notes I requested.

I have enclosed a copy of Enrolled Senate Bill 418, the Indiana Baby Doe Bill.

Senator James Butcher of Kokomo, Indiana did a bang up job of getting this through the legislature and there was considerable opposition from some groups. He would be an excellent person in such matters if you wanted to consult with him. His address is: 201 Buckeye Street, Kokomo, Indiana 46901.

We were fortunate, (with the Lord's help) to again this year stop Planned Parenthood sponsored legislation that would have allowed 2 doctor visits for pregnant minors (under 18) for prenatal care without parental consent or knowledge, which would have wide and damaging ramifications to the family unit.

We appreciated your leadership at the briefing that we attended.

God Bless,

A handwritten signature in cursive script that reads "Bill".

William Costas  
State Senator

WC:sh

Enclosure

First Regular Session 103rd General Assembly

PRINTING CODE: When a new section, chapter, article, or title is being added to the Indiana Code or the Indiana Constitution, the word **NEW** will appear in that style type in the introductory clause, and the text of the new provision will appear in roman type. When an existing statute or section of the Indiana Constitution is being amended, the text of the existing provision will appear in roman type, additions will appear in **this style type**, and deletions will appear in **this style type**. A SECTION that does not affect the Indiana Code or the Indiana Constitution will appear in roman type.

## SENATE ENROLLED ACT No. 418

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AN ACT to amend the Indiana Code concerning children in need of services.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 31-6-4-3, as amended by Acts 1981, P.L. 266, SECTION 5, is amended to read as follows: Sec. 3. (a) A child is a child in need of services if before his eighteenth birthday:

- (1) his physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal, or neglect of his parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision;
- (2) his physical or mental health is seriously endangered due to injury by the act or omission of his parent, guardian, or custodian;
- (3) he is the victim of a sex offense under IC 35-42-4-1, IC 35-42-4-2, IC 35-42-4-3(a), IC 35-42-4-3(b), IC 35-42-4-4, IC 35-45-4-1, IC 35-45-4-2, or IC 35-46-1-3;
- (4) his parent, guardian, or custodian allows him to participate in an obscene performance defined by IC 35-30-10.1-3 or IC 35-30-10.1;
- (5) his parent, guardian, or custodian allows him to commit a sex offense prohibited by IC 35-45-4; or
- (6) he substantially endangers his own health or the health of another;

and needs care, treatment, or rehabilitation that he is not receiving, and that is unlikely to be provided or accepted without the coercive intervention of the court.

(b) An omission under subdivision (a)(2) is an occurrence in which the parent, guardian, or custodian allowed his child to

receive any injury that he had a reasonable opportunity to prevent or mitigate.

(c) A custodian under subsection (a) includes any person responsible for the child's welfare who is employed by a public or private residential school or foster care facility.

(d) When a parent, guardian, or custodian fails to provide specific medical treatment for a child because of the legitimate and genuine practice of his religious beliefs, a rebuttable presumption arises that the child is not a child in need of services because of such failure. However, this presumption does not prevent a juvenile court from ordering, when the health of a child requires, medical services from a physician licensed to practice medicine in Indiana. **This presumption does not apply to situations in which the life or health of a child is in serious danger.**

(e) Nothing in this chapter limits the right of a person to use reasonable corporal punishment when disciplining a child if the person is the parent, guardian, or custodian of the child. In addition, nothing in this chapter limits the lawful practice or teaching of religious beliefs.

(f) **A child in need of services under subsection (a) includes a handicapped child who is deprived of nutrition that is necessary to sustain life, or who is deprived of medical or surgical intervention that is necessary to remedy or ameliorate a life threatening medical condition, if the nutrition or medical or surgical intervention is generally provided to similarly situated handicapped or nonhandicapped children.**

(g) **A handicapped child under subsection (f) is an individual under eighteen (18) years of age who has a handicap as defined in IC 22-9-1-3(q).**

SECTION 2. This act takes effect June 1, 1983.

THE WHITE HOUSE

WASHINGTON

July 5, 1983

As you know, the President is committed to support every reasonable effort to protect the right to life.

Unfortunately, both the Helms legislation last year and the Hatch constitutional amendment last week failed to pass. The President has expressed his current disappointment and his determination to carry on this fight.

I believe you have copies of letters the President sent in support of the legislation last year. Attached for your information and use are samples of letters the President sent in behalf of the amendment this year.

Sincerely,



Morton C. Blackwell  
Special Assistant to the President  
Office of Public Liaison



THE WHITE HOUSE  
WASHINGTON

June 24, 1983

Dear Howard:

I am deeply grateful that you have scheduled S.J. Res. 3, the Hatch/Eagleton proposed constitutional amendment on abortion, for Senate floor debate beginning Monday, June 27, 1983. A broad spectrum of concerned Americans join me in urging you to vote in favor of S.J. Res. 3.

I have supported for many years a constitutional amendment approach to one of the more sensitive problems facing our society -- the taking of the life of an unborn child. The Hatch/Eagleton Amendment would overturn the Roe v. Wade ruling which in effect legalized abortion on demand and would restore to the States the power to protect the unborn. This proposed constitutional amendment is a responsible approach to this compelling problem.

This is a vital opportunity for the full Senate to consider the humanity of the unborn. Passage by the Congress of any constitutional amendment is exceedingly difficult in light of the two-thirds vote needed. It is time, however, to stand up and be counted on this issue. I urge you to vote in favor of the Hatch/Eagleton Amendment.

Sincerely,

*Ronald Reagan*

The Honorable Howard H. Baker, Jr.  
Majority Leader  
United States Senate  
Washington, D.C. 20510

*Sent to Jan 21  
Cabinet Room  
Sent 7/17*

THE WHITE HOUSE

WASHINGTON

June 24, 1983

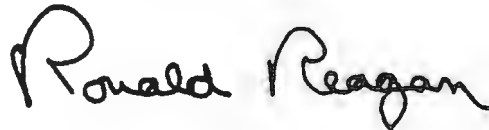
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Sincerely,

A handwritten signature in dark ink, reading "Ronald Reagan". The signature is written in a cursive, flowing style with a large, prominent "R" at the beginning.

The Honorable David L. Boren  
United States Senate  
Washington, D.C. 20510

THE WHITE HOUSE  
WASHINGTON

July 5, 1983

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Sincerely,

A handwritten signature in dark ink, reading "Morton C. Blackwell". The signature is fluid and cursive, with the first name "Morton" being more prominent.

Morton C. Blackwell  
Special Assistant to the President  
Office of Public Liaison

THE WHITE HOUSE

WASHINGTON

June 24, 1983

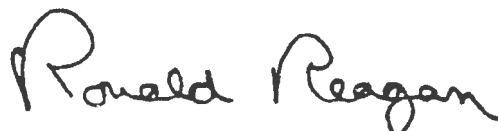
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The Honorable Howard H. Baker, Jr.  
Majority Leader  
United States Senate  
Washington, D.C. 20510

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WASHINGTON

June 24, 1983

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The Honorable David L. Boren  
United States Senate  
Washington, D.C. 20510



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PRESIDENT RONALD REAGAN is reported to have personally ordered issuance of the tough new federal anti-infanticide regulations, which must now be enforced by Mrs. Margaret Heckler (at right), the new HHS Secretary.

## Hatch to Accept 'Dunkirk' Form Of Amendment

### 10-WORD VERSION GUTS BILL

### Eagleton Proposes Change; Pro-Abort Calls Effort a 'Knowingly Futile' Try

By Robert M. Patrick

WASHINGTON, Mar. 10: The bitter controversy over the Hatch Amendment may be headed for a "sudden death" ending soon, well-informed Washington sources report.

The stage has already been set by Sen. Orrin Hatch himself, who held two quick and brief Senate subcommittee hearings (Feb. 28 and Mar. 7) as a prelude to getting a modified form of his amendment onto the Senate floor for action "right after Easter," one source contends.

The proposed modification came from Dem Sen. Thomas Eagleton at the Feb. 28 session. Eagleton suggested that the original "states rights" text—which would have returned control of legalized abortion to the several states but also allowed for federal action (or inaction)—be reduced to a simple 10-word statement that "A right to abortion is not secured by this Constitution."

#### Say Hatch Will Accept

Sen. Hatch is reportedly ready to accept the drastically-shortened wording and to push for fast committee approval before the Congress adjourns for its Easter recess March 25—a seemingly-impossible timetable in the usually slow-moving Senate. But GOP Majority Leader Howard Baker last fall



## HHS Finally Issues Tough Regs To Halt 'Bloomington' Deaths

*Special to Lifeletter*

WASHINGTON, March 9: Almost a year after a newborn baby boy was deliberately starved to death with court approval in Bloomington, Indiana, the Administration has issued new regulations to prevent hospitals from giving fatal "treatment" to "handicapped infants."

The new "regs," announced March 2 by the Department of Health and Human Services (HHS), require all hospitals receiving federal funds to post notices stating that "failure to feed" such babies "is prohibited by federal law." The notice "advises" anyone knowing of violations to "immediately contact" HHS via "a toll-free 24-hour" hotline number. It also warns that killing newborns "may also violate the criminal and civil laws of your state."

Anti-abortion groups have been calling for such a crack-down since the six-day-old "Bloomington Baby" died last April 15. On April 30, President Reagan directed the departments of Justice and HHS to "apply civil rights regulations" to protect handicapped newborns. To date, Justice has initiated no

actions against what is generally conceded to be a frequently-practiced hospital "treatment" for "imperfect" babies.

#### Heckler Must Enforce

The Bloomington infant, known only as "Baby Doe," expired after the Indiana Supreme Court refused to strike down a court order obtained by the tiny citizen's own parents that "feeding be withheld."

The regs were issued by Thomas R. Donnelly, acting HHS boss, but enforcement of them is now the job of the new HHS Secretary Margaret Heckler, who was confirmed by the Senate the next day (Mar. 3).

Most "pro-life" groups hailed the new regs, which they expect to be "vigor-

(See Regs, pg. 2)

**WANTED:** Democratic presidential candidate to seize great opportunity. Must oppose abortion and stick to his stand. Big openings in Iowa, New Hampshire, and other key states.

(See 'Dunkirk', p.2)

## Regs (cont.)

ously enforced" by the anti-abortion Mrs. Heckler. Even the spokesman for one "New Right" group (generally critical of the Reagan Administration) admitted that the President himself had been the prime mover in getting the long-delayed regs published. And Columnist George Will said (on a Mar. 5 TV talk-show) "I know" the President "personally intervened."

If the baby-starving "practice" is as widespread as most observers agree it is, however, the Justice Department may play the key role in enforcement. As one

anti-abortion lawyer put it, "There should be plenty of cases, but only successful prosecutions will stop the killing." Others believe that the mere threat of a funding cut-off will produce "voluntary" compliance from doctors and hospitals.

## 'Dunkirk' (cont.)

promised Hatch a "full" debate on his amendment "early" this year, and *Life-letter's* sources say that Hatch "could pull it off."

Anti-abortion leaders who have long opposed Hatch claim they are not sur-

prised by what they call a long-planned joint effort by Hatch and Eagleton to "Dunkirk" Hatch—to make a face-saving "last stand" on the amendment (which *both* sides agree is far short of the 67 votes needed for passage) that will in effect "evacuate" *all* anti-abortion constitutional amendment efforts from this congressional session.

Rhonda Copeland, one of the pro-abortion witnesses at the sparsely-attended hearings, in effect agreed, saying that "this committee is engaged in a knowingly futile enterprise."

WHAT DOES IT ALL MEAN? Well, the new anti-infanticide "Bloomington" regs are a classic case of better-late-than-never; it's another victory -- a genuinely life-saving one this time -- that Washington anti-aborts had long been struggling for via the kind of behind-the-scenes foot-slogging it takes to move the bureaucracy. And it undoubtedly would have taken even longer if President Reagan hadn't finally said "Do it!" (which we're assured he did). Some pass it all off as mere re-election grandstanding, but it's more than that. It confirms yet again the enormous importance of what anti-aborts won in RR's '80 landslide. Sure, most of the foot-dragging bureaucrats -- and many important members of the Administration -- remain at best "unconvinced" that abortion is an important political issue (at worst, they're pro-abort). But a tough band of anti-aborts came in with RR, and they've "liberated" quite a few Washington pros who (since '73 -- and most especially during Jimmy Was's unhappy term) had to hide their anti-abort convictions. To sum it up bluntly: no previous administration would have issued such regs, and if they had, such "complaints" as they produced would have been smothered by pro-abort bureaucrats. It remains to be seen how effective RR's decisive action will prove, but you sure can bet that lots of people (especially the legions of anti-abort nurses) will report new killings because they believe "Washington" will listen now. Of course the "medical profession" will holler "government interference." Ditto the media: the Washington Post's story (Mar. 3) editorialized that the HHS regs "brought the government a step closer to monitoring the practice of medicine in the nation's hospitals"! But money may talk even louder: the most "humane" medical killers know RR means business on this one.

• Strange as it seems, the Hatch story may be good news too. On the surface, it looks like the "Big Split" -- the internecine warfare that supposedly denied anti-aborts a Senate victory last year -- has been revived. In fact, the situation is vastly different now. Again, Mr. Reagan has made the difference. Then, true, he did avoid backing either the Human Life Bill (supported by both Henry Hyde and Jesse Helms) or Orrin Hatch's "Federalism" constitutional amendment. But it is not true that RR's "get your act together" stance was decisive, whereas his strong public support (see Lifeletters #1, #2, #3) for the new Hyde Act could make all the difference between winning and losing this year's abortion battles in the Congress.

• The new situation is, of course, the direct result of what did happen to the HLB/Hatch split. The background: when anti-aborts won those biggest-ever victories in '80, they knew well that they still didn't have the votes for a genuine Human Life Amendment (i.e., one that would both overturn Roe v. Wade and restore personhood to the unborn), but might well muster the strength to pass personhood legislation, which would put both the Congress and the President into direct confrontation with the Supreme Court (and who knows what the Court would do if forced to "re-hear" its now-clearly-unworkable "final solution" to abortion, etc.?). The HLB was that legislation and, with Maximum Leaders Helms and Hyde leading the fight, it quickly grabbed broad-based support. Indeed, Sen. Hatch himself was slated to chair the HLB hearings that Sen. John East made into so memorable a breakthrough (who dares argue anymore that human life does not begin at conception?). But suddenly

bitter opposition surfaced from an unexpected source: the U. S. Catholic Bishops' Washington apparat launched an all-out anti-HLB campaign and backed a compromise "states' rights" amendment. Sen. Hatch gave his name and support to it and, in late '81, the RC Bishops themselves (who had previously called for "maximum protection" for the unborn, with Congress to provide the appropriate language to achieve that) voted to support their D. C. apparat. Thus the HLB/Hatch "Split."

•But the propaganda warfare couldn't change the raw political facts: the 67 votes needed for any amendment weren't there, which Sen. Hatch finally admitted when he withdrew his amendment last fall rather than have it badly defeated (some newsmen claimed it would have got fewer than 40 votes). Helms fought the HLB to the finish, losing the showdown by one vote, 47-46. And the '82 elections should have produced at least two new anti-abortion votes (Sens. Paul Trible and Chic Hecht): so legislation still has a fighting chance, and the Hyde Act is clearly the anti-abortion's rallying-point. It's in effect an extension of the HLB (so Jesse remains its Godfather) and, this time, RR's early and strong support could (with the '84 elections looming) make it possible to break the expected filibuster -- as we say, no sure bet, but far and away the best one available.

•So why should Hatch dredge up his politically-dead amendment? Here, the story-line gets murky. First off, Hatch is doing "more" than that -- he's evidently accepted the "Eagleton version" which guts his original (weak-enough) language, leaving a mere 10 words (four of which are "A right to abortion" -- the enemy's language, precisely what most anti-abortion lawyers once argued should never be allowed into the Constitution). Little wonder that Hatch rushed through his two brief hearings without benefit of any such heavyweight "expert legal opinion" (read the once-hallowed legal "Brain Trust" of anti-abortion lawyers) he invited to chew over his original text! At best, it looks like an ERA-type "blank check" which the courts could fill in, couched in a single sentence totally lacking in the resonant tones associated with "appropriate" constitutional wording. And obviously it maximizes the rending flaw of the original Hatch: "this Constitution" says nothing whatever about state constitutions; pro-abortion judges have already "read" abortion rights into some big ones (New Jersey, Massachusetts), and could go right on doing so.

•Since "Mini-Hatch" has no chance of passage, its unknowable legal effect seems irrelevant -- but its political purpose seems clear. That tale begins with a speech by Sen. Eagleton to a Catholic Archdiocesan Pro-Life Convention in St. Louis Oct. 3. Sen. Tom slammed Jesse Helms hard (just days, remember, after Hatch had cut and run, leaving Jesse to fight out the Senate abortion battle), accusing him of "mixing" abortion with other issues, including Helms' "fundraising purposes." Tom's "solution" was to concentrate on abortion only, pushing for a vote on those 10 words of Hatch. To nobody's surprise, the RC apparat was already primed to distribute Eagleton's "proposal" to its official diocesan "Respect Life" directors. When they met officially in Washington Dec. 15 (in fact, only a fraction attended), the game plan was outlined: push on for a kamikaze Senate vote on Hatch (read Eagleton) and, "noble" defeat accepted, go back to "other" concerns. And therein lies that "good news" we spied in this seemingly-ghastly scenario: the game plan does seem to be going ahead, with Hatch and Eagleton working in tandem; if Howard Baker carries through on his promise to bring it up for a vote soon, Hatch will be defeated and gone in short order -- without harming the Hyde Act, which is plainly the real abortion battle. Too rosy? Probably, but quite possible.

•Why would Eagleton engage in this kind of thing? Well, why not? He's always credited with an "impeccable" anti-abortion record, but in fact he's never done anything (led no fights and, until the current "10 word" disaster, sponsored no amendment, etc.) except seek and get crucial anti-abortion votes in his re-election campaigns -- while RR was sweeping Missouri in '80, anti-abortionists were ticket-splitting to handily re-elect Tom. But he won't need that support again until '86 (he demonstrates a brutal truth: anti-abortionists have yet to find the means to exercise their undoubted strength between elections); until then, those "pro-lifers" go back to being "just housewives," and the like. Meanwhile Tom, politically left-liberal remember (which is why he "naturally" attacks Helms), can help his fellow-Dem liberals with their serious "abortion problem" -- if Hatch is "nobly" defeated, they tried, didn't



they? -- Tom might get credit for getting rid of an issue that is costing Dems plenty of votes from those RC/Ethnic/Blue-collar blocs they must keep to win.

• Similar urges explain the RC apparat's actions: they too are left-liberal Dems; abortion has messed up their main interests (as one conservative Washington Catholic -- who once worked in the Bishops' apparatus -- told us: "Abortion is about twelfth on their list of ten top priorities") and decimated the ranks of the George McGovern-types who used to vote the tax-money for it all. Now it's messing up their concentration on that "other" issue -- "peace." (If Hatch is defeated on schedule, look for the apparatus's "pro-life" organization to be merged directly into the Bishops' anti-nuke campaign: indeed, the prelates are now scheduled to confirm the text of their "peace" pastoral in Chicago May 2-3; the RC "pro-life" directors will meet, as it happens, in the same city May 3-5, to receive their new marching orders.)

• Orrin Hatch's motivations are less obvious. The usual explanation of his enigmatic actions is "ambition" -- in his case presidential, at the moment presumably the second spot on a George Bush (or even Howard Baker) line. If true it would explain his obvious efforts to gain a "Catholic constituency" -- which of course must include "distancing" himself from hard-rock conservatives like Jesse Helms. But all politicians have ambitions -- nothing wrong with that (it's what keeps 'em at it?). What's hard to understand is the stuff that doesn't make political sense, e.g. helping Eagleton "manage" the Dem's abortion problem, which puts Hatch in opposition to his own party and President (RR after all strongly supports the new Hyde -- and faces a seemingly unavoidable and probably bitter political confrontation with the Bishops over nuclear disarmament, etc.). Then there's Sen. Roger Jepsen: he's sponsoring Hyde in the Senate (see Lifeletter #3); he's also facing a tough re-election battle next year (as Orrin did last year) and made it plain to Hatch that he wanted his support on Hyde (Hatch, we're told, said "No" -- even though he obviously could have taken a leadership position in the fight). All very strange.

• Even so, most anti-abortion strategists are bullish about the Senate situation. As crazy as it seems to push for a Hatch defeat (in politics there's no such thing as winning by losing), Jepsen's push for -- and RR's support of -- the Hyde Act should guarantee that no single vote will "save" anybody from a continuing battle. And of course Jesse Helms is right there, swearin' he's rarin' to go (it may well be that Jesse has sorta stood back from Hyde just to give Orrin all possible encouragement to climb aboard?). What's needed is some action soon, so that Hatch/Hyde get twinned as Hatch/HLB did last year. Once again, Howard Baker may play the key role here -- as everybody knows, he's promised Hatch that "full debate" on an amendment, and may be a tough man to pin down on anything else. But Baker has announced his own presidential ambitions, and no candidate, next year or later, can expect to duck the abortion issue. So the situation is as volatile as it is unpredictable. But we predict something will break soon.

BRIEFLY: As we predicted, first question asked Reubin Askew (announcing candidacy Feb. 23) was on abortion; Askew blew anti-abortion support by backtracking totally -- now he supports funding (the Dead Horse candidate?). \*\*\* Lifeletter #3's story of (John Glenn's press secretary) Greg Schneiders' anti-RC tirade played big back in heavily-Catholic Ohio: it topped Columbus Dispatch Washington Wire (Feb. 27), shaking up Glenn supporters (Greg admits quotes are accurate). \*\*\* Jesse Helms (see DC Times, Mar. 1) says anti-aborts are "two or three -- and maybe four" votes stronger in Senate (Helms says he'll test strength with "first desirable vehicle"). \*\*\* NY Times (Mar. 7) topped its Washington Talk page with story of "'Pro-Life Activists' Poll" (taken by pro-Hatch-anti-RR PAC) showing RR gets only 53% "very-good/good" rating and many pro-lifers "may just sit out the election" (notion that RR doesn't have overwhelming support -- or that anti-aborts sit out any election, is ... laughable?). \*\*\* The Ad Hoc Committee's continuing poll shows RR's support still in high 80's and % of women "pro-lifers" growing (now 60% ladies). \*\*\* Meanwhile, DC Post (Mar. 7) says that in key primary (and anti-abortion) state of Iowa "Politics Is Now a Woman's Game" (all candidates note!). \*\*\* The President, speaking to big Fla. Evangelical meeting (Mar. 8), again slammed abortion, infanticide, plus nuclear freeze as "illusion of peace" -- ministers gave RR standing ovation (to chorus of "Onward Christian Soldiers!").

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

September 17, 1982

MEMORANDUM

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

FROM: Richard Doerflinger *PD*  
Legislative Assistant

SUBJECT: Senate Abortion Debate

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

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

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

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

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

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

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

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

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

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

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

MEMO

TO: THE ADMINISTRATION

RE: 98th CONGRESS HATCH/EAGLETON CONSTITUTIONAL AMENDMENT ON ABORTIONfile Ad hoc committee  
for Defense of Life

Shortly after Easter the GOP controlled Senate will deal a fatal legislative defeat to both the anti-abortion movement and the Administration as well when it votes down the Hatch/Eagleton Constitutional Amendment dealing with the issue of abortion.

As "social issues" go, abortion has always been the key; as it has united traditional Democratic ethnic Catholics, and stay at home Protestant Evangelicals, in a rare common political fight over an issue they both agree upon. This has not been the case with school prayer for example, or many of the other social issues.

The best head counts for this Constitutional Amendment are in the 50's, ranging from a low 53 to an unrealistic high of 58 (of 67 votes needed). One only need look at the past United States Catholic Conference (USCC) attacks on President Reagan on the abortion issue (see attached), to hear the rhetoric that will follow so devastating a defeat: "He (Ronald Reagan) didn't help"; "He wasn't sincere on the issue"; "The Republican controlled Senate Leadership didn't help".

On and on the attacks will go; and as you can also see from the enclosed internal USCC memo, on May 2, 1983, the Bishops' pastoral will be revealed in Chicago, and aimed right at Ronald Reagan, this immediately following the defeat of the Hatch/Eagleton Amendment thus changing the "pro-life" agenda and rhetoric from the abortion issue to the nuclear freeze issue.

Add this new attack on nuclear weapons to the charge he did nothing on abortion, and you have the makings of Campaign '84 in the Catholic community against Ronald Reagan.

Is anybody thinking of a counter strategy? Sit back and wait and you'll get <sup>it</sup> right in the neck! What good can come from such a legislative defeat on the key social issue of abortion? See the attached LIFELETTER #4 for the answer for the Democratic Party.

Not only will RR be effected in 1984 by such a shift in the pro-life agenda, but also key GOP Senate seats in Minnesota, Iowa, New Hampshire, South Dakota, New Mexico, and other places could be in jeopardy as well. Time is running out.



# Americans United for Life

## AUL Legal Defense Fund

230 North Michigan Avenue, Suite 915  
Chicago, IL 60601  
(312) 263-5029



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University of California  
1975 - 1977

April 28, 1983

Morton Blackwell  
Office of Public Liason  
The White House  
Washington DC 20500

Dear Mr. Blackwell:

I am a long-time admirer of President Ronald Reagan--I wonder if it would be possible to receive an autographed picture of him?

Sincerely,

*Thomas J. Marzen*

Thomas J. Marzen  
Chief Staff Counsel

TJM:VR

*leg 6/3  
sent 5/9*

# The Issue That Won't Go Away

In Washington, 26,000 opponents of abortion marched through the cold for a show of force on Capitol Hill. In New York City, abortion supporters distributed leaflets through the streets. In Sacramento, Calif., abortion foes delivered red silk roses to each state legislator's office "in remembrance of the innocent lives lost." And in Chicago, Archbishop Joseph Bernardin addressed the archdiocese's 135,000 schoolchildren over closed-circuit TV, reiterating the Roman Catholic Church's belief that life begins at conception.

On the 10th anniversary of *Roe v. Wade*, the U.S. Supreme Court's landmark decision upholding the constitutional right to abortion, the debate over abortion is raging as fiercely as ever—in the courts, the legislatures and on the doorsteps of abortion clinics, some of which have been burned and looted. Each side has grown more sophisticated, and the momentum has shifted in recent years. In the meantime, polls have consistently shown that the majority of American people favor legalized abortion. The number of abortions has more than doubled since 1973 to 1.5 million a year—one-fourth of all pregnancies.

**'Shameful':** Still, abortion foes have chipped away at the Supreme Court's decision by enacting restrictions at the state and local level on how, when and where abortions can be performed. Abortion supporters have challenged those laws, and the Supreme Court has agreed to rule this year on a handful of such cases. The most sweeping now under review is a 1978 Akron, Ohio, ordinance that requires minors under 15 to obtain parental or judicial consent for abortions, requires doctors to tell their patients that life begins at conception and forces the patient to wait 24 hours before going ahead with an abortion. Reagan administration officials support such efforts, but pro-abortion groups see them as backdoor attempts to intimidate patients. Says the American Civil Liberties Union's Janet Benshoof, "They're trying to make [abortion] a shameful constitutional right."

Another form of restriction being reviewed by the court is requirements that some abortions be performed in hospitals rather than clinics. In *Roe v. Wade*, the court gave a universal green light to all abortions in the first trimester of pregnancy, but held that states and localities could

regulate second-trimester abortions in the interest of protecting the mother's health. Twenty-one states now require hospitalization for second-trimester abortions—but many physicians believe that precaution is no longer necessary. Since 1973, abortion techniques have advanced to the point that dilation and evacuation—a relatively simple procedure—can be performed safely well into the second trimester, and experts say there is no reason that it cannot be performed in clinics.

However the court rules, abortion opponents have vowed to redouble their efforts to override *Roe v. Wade* in Congress.\* But



Abortion supporters in Buffalo: Still battling

that drive suffered from a lack of unity last year. Sen. Jesse Helms of North Carolina proposed a "human life" bill declaring that life begins at conception and encouraging states to legislate against abortion. Sen. Orrin Hatch of Utah proposed a constitutional amendment declaring that there is no absolute right to abortion, which would permit Congress and the states to outlaw it. Hatch is expected to reintroduce a version of that amendment perhaps as early as this week, and Senate Majority Leader Howard Baker has promised that it will reach the Senate floor. But the ultimate goal of abortion foes remains a blanket constitutional ban on

\*Anti-abortion forces have won some battles in Congress—most notably the Hyde amendment, named for Illinois Rep. Henry Hyde, which blocks federal funding for Medicaid abortions. But the measure has not had as much impact as abortion foes had hoped. Fifteen states and the District of Columbia have opted to fund Medicaid abortions out of state revenues, and those states account for about 80 percent of all abortions.

abortion, and some pro-life groups have refused to work for any other constitutional amendment. "I think we will have [only] one opportunity to get one passed," says Paul Brown, director of the Life Amendment Political Action Committee, "so we better make sure it's the right one."

Many pro-life groups are disappointed with their progress in recent years. Buoyed by the election of Ronald Reagan, who supports a constitutional ban on abortion, they had expected to make dramatic gains. But, says Brown, "we became so sophisticated we choked on our own success." Many are angry that Reagan has not taken a more active role in the debate. "We're still waiting for the president to do something on an amendment," says Richard Doerflinger of the National Conference of Catholic Bishops' committee against abortion. Meanwhile, abortion supporters think that the 1982 election defused the notion that backing abortion is politically lethal. Of the senators that pro-life groups targeted for defeat, all but one was re-elected, and the new House of Representatives contains 20 to 25 more members who favor abortion rights.

Abortion supporters hope to maintain that momentum and vow that they will not become complacent. "We have some work to do regaining what we let ourselves lose," says Nanette Falkenberg, executive director of the National Abortion Rights Action League. Likewise, anti-abortion groups promise to return to the picket lines and continue targeting pro-abortion legislators until abortion is outlawed. Ten years after *Roe v. Wade*, both sides agree on only one thing: the issue will not go away.

MELINDA BECK with LUCY HOWARD and DIANE CAMPER in Washington and bureau reports

## Whitmire of Houston Is No 'Tootsie'

At a recent press conference, Houston Mayor Kathy Whitmire was handed a publicity photograph signed by Dustin Hoffman, who, in his actor-turns-actress role in the hit movie "Tootsie," bears an uncanny resemblance to the demure, bespectacled mayor. Most politicians would love the publicity, but Whitmire seemed more embarrassed than honored. "I'm not there for public entertainment," she once said—and since winning office on the promise to run the nation's fifth largest city "like the large and complex business it is," Whitmire has kept her word. Indeed, while Whitmire may lack a flair for political theatrics, she is blessed with what University of Houston political-science Prof. Richard Murray calls "the soul of an accountant."

So far, the accountant in Whitmire has served Houston well. In the year since she took office, the no-nonsense, 36-year-old widow—who is in fact a certified public accountant—has imposed new order on Houston's sprawling, growth-strained bil-

WASHINGTON, D.C. — A key official of the National Right-to-Life Committee (NRLC) has precipitated widespread resentment within the pro-life movement for suggesting that consideration be given to dumping Sen. Jesse Helms (R., N.C.) as the leading Senate spokesman for the right-to-life movement.

A memorandum, dated Dec. 23rd, from Douglas Johnson, legislative director of the NRLC, to the board of directors of that organization called attention to a *Wanderer* interview with John Mackey, special counsel to the Ad Hoc Committee in Defense of Life, in which Mackey said Sen. Helms has for years displayed "enormous courage" to put the Senate on record "time after time" on the abortion issue.

For that reason, Johnson observed, Sen. Helms "has never been among the more esteemed senators among his colleagues." The NRLC legislative advisor then called attention to "a spate of stories in the press" which reported that Sen. Helms' standing

among his Senate peers "has fallen to a new low, due in part to his participation in a filibuster against the gas tax bill which delayed adjournment of the Senate."

But, Johnson said, "according to my own observations the level of animosity within the Senate towards Sen. Helms has in fact increased steadily during the 97th Congress, and is today at a very high level."

He noted that the upper chamber is a small group, and friendships and personalities "often play an important role in determining legislative outcomes."

Remarking that the Senate is divided almost in half on the abortion issue the NRLC official said the "popularity factor" may make the difference between success and failure for pro-life legislation because "the legislative balance is so precarious."

He concluded: "Pro-life leaders must weigh this factor, together with other important considerations, in developing legis-

(Continued on Page 8)

## Pro-Lifers Frustrated . . .



THE WHITE HOUSE

WASHINGTON

January 21, 1983

Nancy and I are very pleased to extend our warmest greetings and best wishes to all those gathered from across the land for this historic "March for Life."

This nation was founded by men and women who shared a strong moral vision of the great value of each and every individual. America has come to symbolize that belief for the rest of the world. But the tragic United States Supreme Court decision which legalized "abortion on demand" in 1973 severely tests our moral commitments.

You are assembled here to commemorate the tenth anniversary of the Roe v. Wade decision and to march and pray for its reversal. We join you in that hope and plea. The abortion decision was a tragedy, and we have the responsibility to do all we can to protect unborn children.

As one who not only shares your anguish over the taking of an unborn child's life but is committed to the sanctity of all innocent human life, I applaud your demonstrated humanitarian concern and leadership in this vital issue.

We have waited ten years for Congress to rectify the tragedy of Roe v. Wade. The time for action is now. I assure you that in the 98th Congress I will support any appropriate legislative action that will restrict abortion.

I am especially pleased to see that a Respect Human Life Act has already been introduced in this Congress by Representative Henry Hyde. Not only does this bill strengthen and expand restrictions on abortion, but it also addresses the problem of infanticide by making clear the



right of all children, including those who are handicapped, to appropriate medical treatment.

May this march prove a hallmark in the struggle to correct a great wrong and may God bless your efforts in the future.

THE WHITE HOUSE  
WASHINGTON

DRAFT

*we published*

*Print as  
cover  
to copy of  
actual Text  
of Fed. Register.*

On March 7, this Interim Final Rule ~~was published~~ in the Federal Register.<sup>1</sup>

3 The Secretary of Health and Human Services has allowed 60 days for response and comment on the new rule, however, due to the urgency of the situation involved, the rule will become effective on March 23rd.

2 This new ruling comes as a result of the President's directive to modify existing civil rights regulations to protect handicapped infants. This regulation features modifications which allow for immediate action to save an endangered infant's life. ~~I hope this information will be~~

4 Because of your interest in this topic, I hope this information will be useful to you.

Sincerely,

Morton C. Blackwell  
Special Assistant  
to the President for  
Public L \_\_\_\_\_

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 C.F.R. Part 84

Nondiscrimination on the Basis of Handicap

AGENCY: Office of the Secretary, HHS

ACTION: Interim Final Rule

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SUMMARY: The interim final rule modifies existing regulations to meet the exigent needs that can arise when a handicapped infant is discriminatorily denied food or other medical care. Three current regulatory provisions are modified to allow timely reporting of violations, expeditious investigation, and immediate enforcement action when necessary to protect a handicapped infant whose life is endangered by discrimination in a program or activity receiving federal financial assistance.

Recipients that provide health care to infants will be required to post a conspicuous notice in locations that provide such care. The notice will describe the protections under federal law against discrimination toward the handicapped, and will provide a contact point in the Department of HHS for reporting violations immediately by telephone.

Notice and complaint procedures have been effective instruments for deterrence and enforcement in a variety of civil rights contexts. The Secretary believes that the interim final rule provides the best means to ensure that violations can be reported in time to save the lives of handicapped children who are denied food or are otherwise imperiled by discrimination in the provision of health care by federally assisted programs or activities.

The procedures to be followed for investigation of complaints are outlined in the supplementary information below. The Secretary intends to rely heavily on the voluntary cooperation of State and local agencies, which are closest to the scene of violations, and which have traditionally played the key role in the investigation of complaints of child abuse and neglect. This will not exclude, of course, a vigorous federal role in enforcing the federal civil rights that are at issue.

The Secretary invites comments on all aspects of the interim final rule. Aspects on which comment is particularly invited are set forth in the supplementary information.

DATE: The interim final rule becomes effective (insert 15 days from publication). Comments should be submitted by (insert 60 days from publication).

ADDRESSES:

Comments should be submitted in writing to the Director, Office for Civil Rights, Department of Health and Human Services, 330 Independence Avenue, S.W., Room 5400, Washington, D.C. 20201, or delivered to the above address between 9:00 a.m. and 5:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Susan Shalhoub at (202) 245-6585. Office for Civil Rights, Department of Health and Human Services, 330 Independence Avenue, S.W., Room 5514, Washington, D.C. 20201.

SUPPLEMENTARY INFORMATION:

The President's directive of April 30, 1982, and the HHS Office <sup>for</sup> of Civil Rights "Notice to Health Care Providers" of May 18, 1982, reminded recipients of federal financial assistance of the applicability of Section 504 of the Rehabilitation Act of 1973. Section 504 provides: "No otherwise qualified handicapped individual. . . shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

The Notice to Health Care Providers explained what is already clear from the language of Section 504 and the implementing regulations (45 C.F.R. Part 84): The discriminatory failure of a federally assisted health care

provider to feed a handicapped infant, or to provide medical treatment essential to correct a life-threatening condition, can constitute a violation of Section 504.

This interim final rule does not in any way change the substantive obligations of health care providers previously set forth in the statutory language of Section 504, in the implementing regulations, and in the<sup>e</sup><sub>h</sub> Notice to Health Care Providers. The interim final rule sets forth procedural specifications designed (1) to specify a notice and complaint procedure, within the context of the existing regulations, and (2) to modify existing regulations to recognize the exigent circumstances that may exist when a handicapped infant is denied food or other necessary medical care. ✓

The interim final rule affects the following portions of existing regulations:

1. 45 C.F.R. Section 80.6(d), as incorporated by reference by 45 C.F.R. Section 84.61, which requires recipients to make available such information, in such a manner, as the Department finds necessary to apprise appropriate persons of the protections afforded under Section 504. The interim final rule specifies the type of information and manner of posting that is necessary to bring the protections of Section 504 for handicapped infants to the attention of those persons within the recipient program or activity who are most likely to have knowledge of possible violations as they occur.

2. 45 C.F.R. Section 80.8, as incorporated by reference by 45 C.F.R. Section 84.61, which sets forth procedures for the Secretary to effect compliance with Section 504, including referrals to the Department of Justice for the initiation of appropriate legal proceedings. The existing regulations require a 10-day waiting period from the time the Secretary notifies a recipient of its failure to comply to the time the Secretary makes a referral to the Department of Justice or takes other legal actions to effect compliance. When a handicapped infant is being denied food or other necessary medical care, however, more expeditious action may be required. New Section 84.72 creates a narrow exception ~~to~~ the 10-day waiting period ~~to~~ ~~authorize~~ when, in the judgment of the responsible Department official, immediate remedial action is necessary to protect the life or health of a handicapped individual. ✓

3. 45 C.F.R. Section 80.6(c), as incorporated by reference by 45 C.F.R. Section 84.61, which requires each recipient to permit access by Department officials to facilities and information pertinent to ascertaining compliance with Section 504, during normal business hours. Allegations of denial of food or other necessary medical care to handicapped infants may require an immediate effort to ascertain compliance. The interim final rule provides that access to records and facilities of recipients shall not be limited to normal business hours when, in the judgment of the responsible Department official, immediate access is necessary to protect the life or health of a handicapped individual.

The purpose of the interim final rule is to acquire timely information concerning violations of Section 504 that are directed against handicapped infants, and to save the life of the infant. The Secretary believes that those having knowledge of violations of Section 504 against handicapped infants do not now have adequate opportunity to give immediate notice to federal authorities. A telephone complaint procedure can provide information to federal authorities in time to save the life of a handicapped infant who is being discriminatorily denied nutrition in a federally assisted program or activity.

Events of the past several years suggest that handicapped infants ~~may~~ have died from denial of food in federally assisted programs. The full extent of discriminatory and life-threatening practices toward handicapped infants is not yet known, but the Secretary believes that for even a single infant to die due to lack of an adequate notice and complaint procedure is unacceptable. ✓

For quick and effective response to complaints, the Secretary counts not only the enforcement resources of the federal government, but also on the assistance of state child protective agencies, which ~~can respond quickly and~~ <sup>effectively</sup> to referrals from the Federal government, and which are often closest to the scene for speedy investigation of life-threatening child abuse and neglect. The Secretary intends to contact state child protective agencies whenever a complaint is received that falls within the definition of child abuse or



neglect, in order to give States an opportunity to make their own investigation and to take appropriate action.

The Secretary expects that States will follow their customary procedures for investigating allegations of child abuse and neglect that involve an imminent danger to life. State agencies that receive federal financial assistance are under the same obligation as other recipients not to provide a qualified handicapped person with benefits or services that are less effective than those provided to others. ✓

For those complaints that are expeditiously and effectively investigated and pursued by State agencies, the Secretary anticipates that additional federal efforts will be unnecessary. The Secretary will closely monitor all investigation and enforcement activity taken pursuant to complaints. The Secretary will make available to State agencies any information and assistance that is helpful and appropriate. For those cases where direct federal action appears helpful, the Secretary will have at his disposal the usual means of federal civil rights enforcement. The interim final rule makes it possible for the Secretary to conduct immediate investigations and to make immediate referrals to the Department of Justice for such legal action as may be necessary to save the life of a handicapped child who is subjected to discrimination by a recipient. ✓

Federal enforcement action can also be taken against any recipient that intimidates or retaliates against any person who provides information concerning possible violations of Section 504. 45 C.F.R. Section 80.7(e), as incorporated by reference by 45 C.F.R. Section 84.61, prohibits intimidatory or retaliatory acts by recipients against individuals who make complaints or assist in investigations concerning possible violations of Section 504. This provision fully protects individuals who make complaints or assist in investigations concerning possible withholding of food or other necessary medical care from handicapped infants.

Comments solicited. The Secretary seeks public comment on all aspects of the interim final rule. Comments will be considered and modifications made to the rule, as appropriate, following the comment period.

The Secretary also solicits comments on the advisability of requiring (1) that recipients providing health care services to infants perform a self-evaluation, pursuant to 45 C.F.R. Section 84.6(c(1)), with respect to their policies and practices concerning services to handicapped infants; and (2) that such recipients identify for parents of handicapped children those public and private agencies in the geographical vicinity that provide services to handicapped infants.

Regulatory impact analysis. This Rule has been reviewed under Executive Order 12291. It is not a major rule and thus does not require a regulatory impact analysis.

Regulatory flexibility analysis. The Regulatory Flexibility Act (Pub.L. 96-354) requires the federal government to anticipate and reduce the impact of rules and paperwork requirements on small businesses and other small entities. This Rule has no significant effect on small entities. Therefore, a regulatory flexibility analysis is not required.

Paperwork Reduction Act. This Rule contains no information collection requirements subject to the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

Public participation in rulemaking. With reference to the Secretary's Statement of Policy, dated January 28, 1971, concerning public participation in rulemaking (printed at 36 Fed. Reg. 2532 (Feb. 5, 1971)), the Secretary finds that this interim final rule is exempt from the requirements of 5 U.S.C. 553. Under 45 C.F.R. Sections 80.6(d) and 84.61, the Secretary is already authorized to specify the manner in which recipients make available information concerning federal legal protections against discrimination toward the handicapped. The exception to the 10-day waiting period of 45 C.F.R. Section 80.8(d)(3) and the exception to 45 C.F.R. Section 80.6(c) to allow access outside normal business hours are minor technical changes and are necessary to meet emergency situations. All modifications made by the interim final rule are necessary to protect life from imminent harm. Any delay would leave lives at risk. Immediate publication and implementation of this rule will not cause undue burden to any party. The Secretary therefore finds it necessary to publish this rule as an interim final rule

taking effect less than 30 days following publication. The Secretary deems 15 days to be the minimum in which the necessary apparatus can be in place to receive and respond to telephone complaints. The interim final rule is therefore made effective 15 days following publication.

Approved: \_\_\_\_\_

Acting Secretary

Interim Final Rule

45 C.F.R. Section 84.61 is amended by designating the existing provision as paragraph (a) and by adding the following paragraphs:

(b) Pursuant to 45 C.F.R. Section 80.6(d), each recipient that provides covered health care services to infants shall post and keep posted in a conspicuous place in each delivery ward, each maternity ward, each pediatric ward, and each nursery, including each intensive care nursery, the following notice:

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DISCRIMINATORY FAILURE TO FEED AND CARE FOR HANDICAPPED INFANTS IN THIS FACILITY IS PROHIBITED BY FEDERAL LAW.

Section 504 of the Rehabilitation Act of 1973 states that no otherwise qualified handicapped individual shall, solely by reason of handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Any person having knowledge that a handicapped infant is being discriminatorily denied food or customary medical care should immediately contact:

Handicapped Infant Hotline  
U.S. Department of Health and Human Services  
Washington, D.C. 20201  
Phone 800-\_\_\_\_-\_\_\_\_ (Available 24 hours a day)

or

Your State Child Protective Agency

✓  
[leave space]

Federal law prohibits retaliation or intimidation against any person who provides information about possible violations of the Rehabilitation Act of 1973.

Identity of callers will be held confidential.

Failure to feed and care for infants may also violate the criminal and civil laws of your State.

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- (1) Recipients may add to the notice, in type face or handwriting, under the words "Your State Child Protective Agency," the identification of an appropriate State agency, with address and telephone number. No other alterations shall be made to such notice.
  - (2) Copies of such notice may be obtained on request from the Department of Health and Human Services.
  - (3) The required notice shall be posted within five days after the recipient is informed by the Department of the applicable toll-free national telephone number.
- (c) Notwithstanding the provisions of paragraph (a), the requirement of 45 C.F.R. Section 80.8(d)(3) shall not apply when, in the judgment of the responsible Department official, immediate remedial action is necessary to protect the life or health of a handicapped individual.

(d) Notwithstanding the provisions of paragraph (a), access to pertinent records and facilities of a recipient pursuant to 45 C.F.R. Section 80.6(c) shall not be limited to normal business hours when, in the judgment of the responsible Department official, immediate access is necessary to protect the life or health of a handicapped individual.

THE WHITE HOUSE

WASHINGTON

January 24, 1983

MEMORANDUM FOR RED CAVANEY

FROM: MORTON C. BLACKWELL

SUBJECT: Meeting with Pro-Life Leaders, January 21

This meeting has produced excellent reactions from all of the pro-life leaders who have expressed themselves, both the people who are primarily adherents of the Senator Helms approach and the people who are primarily supporters of the Hatch Amendment.

From the President's standpoint, no doubt, there was a perception of unrest. Many of the leaders present took advantage of the opportunity to discuss specific actions which they believe are in accord with the President's views but which they see as being ignored within the Administration. There were no affronts to the President. Only one or two of the many comments made were even close to being objectionable.

This meeting reassured everyone of the President's commitment to the right to life. It gave everyone reason to believe that the relative inaction on the issue of the past two years is not necessarily going to continue for the next two years. In their public statements after the meeting, all the major leaders sang the President's praises.

If we had not had such a meeting, or other suitable reaffirmation of the President's commitment at this time, we would now have a very explosive situation in this important segment of the President's coalition. We would be doing the President an injustice if we did not make him aware of the true concerns of these politically potent supporters.

It was clear that the President had intense interest in what was being said because, despite repeated reminders of the time, he chose to stay in the meeting about fifteen minutes longer than he had been scheduled.

Without exception, these pro-life leaders were actively involved in the 1980 defeats of Jimmy Carter, Frank Church, George McGovern, Birch Bayh, John Culver, et al. This meeting does not guarantee that these people will be similarly motivated eighteen months hence, but it does keep open that opportunity.

Dictated by telephone from Dallas and signed in my absence.



MORON, FBI Gary

GARY L. CURRAN  
CONSULTANT

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WASHINGTON, D. C. 20002

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dor that physically connects the two facilities, and given the fact that Mr. Haufier died in the VA hospital, I find the position of the Veterans' Administration to be absolutely illogical and totally unacceptable.

Mr. President, I sincerely hope that the Veterans' Affairs Committee will closely study the disgraceful way in which this case was handled and will agree with me that restitution should be made.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

## S. 2435

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is authorized and directed to pay, out of any money available for the payment of compensation and allowances to veterans, to University Hospital, Albert B. Chandler Medical Center, Lexington, Kentucky, the sum of \$14,308.22, to reimburse said institution for hospital and medical expenses incurred by Robert Haufier from December 7, 1981, through December 17, 1981, for the treatment of severe head and brain injuries, the said Robert Haufier having been eligible for medical treatment and hospital care at Veterans' Administration facilities but having been refused admittance to the Veterans' Administration Hospital at Lexington, Kentucky, on December 7, 1981, by the triage nurse, on the grounds that no bed or neurosurgeon was available, even though the ambulance had earlier been given clearance to transport Robert Haufier to the Veterans' Administration Hospital.*

## ADDITIONAL COSPONSORS

## S. 1215

At the request of Mr. PROXMIRE, the Senator from Montana (Mr. MELCHER), the Senator from Oklahoma (Mr. BOREN), and the Senator from South Dakota (Mr. PRESSLER) were added as cosponsors of S. 1215, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the anti-trust laws.

## S. 1688

At the request of Mr. SPECTER, the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1688, a bill to combat violent and major crime by establishing a Federal offense for continuing a career of robberies or burglaries while armed and providing a mandatory sentence of life imprisonment.

## S. 1698

At the request of Mr. DENTON, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1698, a bill to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. Armed Forces personnel.

## S. 1701

At the request of Mrs. HAWKINS, the Senator from Illinois (Mr. DIXON), and the Senator from New Jersey (Mr. BRADLEY) were added as cosponsors of S. 1701, a bill to amend title 28, United States Code, to authorize the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing children and other specified individuals.

## S. 2107

At the request of Mr. LEVIN, the Senator from Delaware (Mr. BIDEN), and the Senator from New Jersey (Mr. BRADLEY) were added as cosponsors of S. 2107, a bill to extend from May 1982 to October 1982 the month before which children not otherwise entitled to child's insurance benefits under title II of the Social Security Act by reason of the amendments made by section 2210 of the Omnibus Budget Reconciliation Act of 1981 must attend postsecondary schools in order to qualify under subsection (c) of such section for entitlement to such benefits, to extend from August 1985 to August 1986 the month before which any such entitlement terminates, and to require the Secretary of Health and Human Services to notify all individuals who are entitled to child's benefits under title II of the Social Security Act for the month in which this act is enacted of the changes made in the eligibility for, and the amount of, such benefits by reason of the provisions of section 2210 of the Omnibus Budget Reconciliation Act of 1981 and the provisions of this act.

## S. 2190

At the request of Mr. SPECTER, the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 2190, a bill to authorize each head of a department or agency of the United States to establish a program to use the services of volunteers within his department or agency.

## S. 2300

At the request of Mr. FORD, the Senator from Maryland (Mr. SARBANES), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 2300, a bill to establish domestic content requirements for motor vehicles sold in the United States, and for other purposes.

## S. 2366

At the request of Mr. DOLE, the Senator from Arkansas (Mr. PRYOR), the Senator from Colorado (Mr. ARMSTRONG), the Senator from New Mexico (Mr. SCHMITT), and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of S. 2366, a bill to set aside certain surplus vessels for use in the provision of health and other humanitarian services to developing countries.

## S. 2372

At the request of Mr. CHAFEE, the Senator from Utah (Mr. GARN), the Senator from Wisconsin (Mr. PROX-

MIRE), and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of S. 2372, a bill to affirm the intrinsic value of all human life, to recognize the humanity of unborn children, and to insure that the Federal Government not participate in or support abortions.

## SENATE JOINT RESOLUTION 110

At the request of Mr. HATCH, the Senator from New Mexico (Mr. DOMINICK) was withdrawn as a cosponsor of Senate Joint Resolution 110, a joint resolution to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

## SENATE JOINT RESOLUTION 183

At the request of Mr. SPECTER, the Senator from Kentucky (Mr. FORD) was added as a cosponsor of Senate Joint Resolution 183, a joint resolution to authorize and request the President to issue a proclamation designating October 19 through October 25, 1982, as "Lupus Awareness Week."

## SENATE JOINT RESOLUTION 185

At the request of Mr. DOLE, the Senator from Oklahoma (Mr. NICKLES), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Washington (Mr. GORTON), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of Senate Joint Resolution 185, a joint resolution to establish a national policy on exports of U.S.-produced food and food products.

## SENATE CONCURRENT RESOLUTION 75

At the request of Mr. PRESSLER, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of Senate Concurrent Resolution 75, a concurrent resolution to preserve fiscal year 1980 impact funding levels, with adjustments for inflation.

## SENATE CONCURRENT RESOLUTION 82

At the request of Mrs. HAWKINS, the Senator from New York (Mr. D'AMATO), the Senator from Michigan (Mr. LEVIN), the Senator from New York (Mr. MOYNIHAN), the Senator from Texas (Mr. BENTSEN), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. DIXON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Idaho (Mr. SYMMS), and the Senator from Utah (Mr. GARN) were added as cosponsors of Senate Concurrent Resolution 82, a concurrent resolution expressing the sense of the Congress that the people of the United States should observe the month of May 1982 as Older Americans Month.

## SENATE RESOLUTION 367

At the request of Mrs. HAWKINS, the Senator from Michigan (Mr. LEVIN), the Senator from New York (Mr. D'AMATO), the Senator from Florida (Mr. CHILES), the Senator from Georgia (Mr. MATTINGLY), the Senator from Maine (Mr. COHEN), the Senator from Delaware (Mr. ROTH), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Illinois (Mr. DIXON), and