

Bill as
Introduced

1997 SESSION

97-0420

01/02

SENATE BILL **34**

AN ACT repealing laws relative to abortion.

SPONSORS: Sen. Russman, Dist 19; Sen. Hollingworth, Dist 23; Sen. K. Wheeler, Dist 21; Sen. Cohen, Dist 24; Sen. Gordon, Dist 2; Rep. Hager, Merr 18; Rep. Keans, Straf 16; Rep. Schotanus, Sull 3; Rep. M. Fuller Clark, Rock 36; Rep. Norelli, Rock 31

COMMITTEE: Public Institutions, Health and Human Services

ANALYSIS

This bill repeals the laws making it a crime to perform an abortion.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord One Thousand Nine Hundred and Ninety-Seven

AN ACT repealing laws relative to abortion.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 Repeal. The following are repealed:
- 2 I. RSA 585:12, relative to attempt to procure miscarriage.
- 3 II. RSA 585:13, relative to intent to destroy quick child.
- 4 III. RSA 585:14, relative to penalty for causing death.
- 5 2 Effective Date. This act shall take effect January 1, 1998.

Amendments



FILE COPY

Amendment to SB 34

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT repealing laws relative to abortion and regulating abortions.

4
5 Amend the bill by inserting after section 1 the following and renumbering the original section 2
6 to read as 3:

7
8 2 New Subdivision; Abortions Regulated. Amend RSA 132 by inserting after section 21 the
9 following new subdivision:

10 Abortions Regulated

11 132:22 Statement of Intent. The general court finds that in a free society, an individual's
12 decision regarding reproduction is properly a matter for profound personal choice. Women have a
13 right, based upon the right of privacy, to choose whether to prevent, begin, continue, or end a
14 pregnancy. The right of choice is a vital element of family life, into which the state may not
15 intrude. In recognition of this principle, the general court declares that, except as provided in RSA
16 132:23, the government of this state shall not interfere with an individual's exercise of the right of
17 choice in reproductive matters. The general court further declares that the provisions contained in
18 RSA 132:23 are founded upon the state's power to protect the public health and are a proper
19 reflection of the state's concern for women's health issues.

20 132:23 Abortions Regulated. Abortions may be performed prior to the twenty-fifth week of
21 pregnancy. Abortions shall not be performed thereafter unless the woman's physician determines
22 that such a procedure is necessary for the preservation of the life or health of the woman or that the
23 fetus has a life threatening physical or congenital abnormality.

24 132:24 Penalty. Any person who knowingly violates the provisions of this subdivision shall be
25 guilty of a misdemeanor.



1997-1190h

AMENDED ANALYSIS

1 This bill repeals the laws making it a crime to perform an abortion.

2

3 This bill also establishes a policy for New Hampshire that every woman has a right, founded on
4 the natural right of privacy, to decide for herself whether to begin or end a pregnancy according to
5 the dictates of her own religious and moral beliefs and medical circumstances.

6

7 Under this bill abortions may be performed at any time prior to the twenty-fifth week of
8 pregnancy. Abortions shall not be performed thereafter unless the woman's physician determines
9 that such a procedure is necessary for the life or health of the woman or that the fetus has a life-
10 threatening physical or congenital abnormality.

Committee Minutes

4/30/97

AMEND 1190h

M. HOLDEN - OFFER A RECODIFICATION OF ~~THE~~ ROWE V WADE.
FOR COMMITTEE TO PREVENT NOTHING BEING ON BOOKS.

DE PECOL MOVED O/P ON ^{SB} 34. AMENDMENT NOW BERMANE RSA ¹³
ORIGINAL BILL RSA 585.

SMITH, K - VOTE AGAINST MOTION BECAUSE WE NEED TRUE
LAWSON BOOKS TO PROTECT VIABLE FETUS. EXTREMES
ON ALL SIDES AND SB 34.

HOLDEN TIME FOR A PUBLIC HEARING NEXT TUES. IF
WE THINK AMENDMENT IS NO BERMANE.

M. SMITH FAVORS ~~THE~~ ORIGINAL SB 34. NOTHING NEW
ABOUT THESE ISSUES. HOUSE & SENATE HAVE ACTED
CONSISTANTLY OVER THE YEARS. GOV. GREGG VETO^{ED} EVEN
TAKING AND REWRITING A VERSION ^{VERY} SIMILAR TO THIS
NOW MEMBERS WHO HAVE RELIED ON THAT VETO TO
PROTECT THEIR VOTE AND CHANGING TACTICS BECAUSE
WE NOW HAVE A GOV. WHO WILL SIGN THIS.

THE STATES WHO DONT HAVE A MENTION IN LAWS - DO
NOT SHOW A DRAWING OF PEOPLE WHO WANT ABORTIONS
ALSO NH HAS NO DOCTOR THAT WILL PERFORM ABORTIONS
BEYOND 25 WEEKS.

MIRSKI ^{WILL} VOTE AGAINST SB 34

MOYNIHAN - TROUBLE BUT PROBABLY SUPPORT

JACOBSEN BEEN HERE 23 YEARS BUT THE FIRST TIME THERE ~~HAS~~ BEEN INTERVENTION ON THIS ISSUE. NORMALLY HAVE WHAT IS CALLED A FREE VOTE. THE PROponents OF THIS LEGISLATION CAN GO TO THE RULES COMM. & GET A BILL INTRODUCED THIS SESSION.

WALL THIS ONLY GETS ANTIQUATED LAWS OFF THE BOOKS. THE AMENDMENT IS A DIFFERENT ISSUE WHICH DESERVES ITS DAY.

R SMITH Q OF M. SMITH WHERE IS PROTECTION OF VIABLE FETUS AS STATED IN ROWE V WADE?

ANS. ROWE V. WADE ~~STATES~~ SAYS STATES MAY REGULATE NOT SHALL.

LEVENDRE VOTE AGAINST SB34. AMENDMENT ADDRESSES CONCERNS THAT I HAVE. REASONABLE COMPROMISE.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # SB 34 Repealing Laws Relative
to Abortion
Committee Judiciary

Date April 1 **FILE COPY**

**** Please Print All Information ****

| Name | Address | Phone | Representing | (check one) | |
|-------------------------|---|----------|--------------|-------------------------------------|-------------------------------------|
| | | | | Pro | Con |
| Kouie Harding | 60 Buckingham | 448-5206 | Self | <input checked="" type="checkbox"/> | |
| Rep. Joseph G. Frchette | Portsmouth | 427-2904 | | <input checked="" type="checkbox"/> | |
| Malcolm T. Lane | 203 H. Rd Concord | | | <input checked="" type="checkbox"/> | |
| Helen Olsfeld | 206 Mendon Rd Pembroke | | | <input checked="" type="checkbox"/> | |
| Pauline Underwood | 206 Mendon Rd L. Pembroke | | | <input checked="" type="checkbox"/> | |
| Juzie Fasburgh | 15 Poor Richard's Dr. Bow | | | <input checked="" type="checkbox"/> | |
| Jennifer Ruffing | PO Box 7836 Loudon | | | | <input checked="" type="checkbox"/> |
| John Murphy | 24 Roger Ave, Concord NH 03301 | | | | <input checked="" type="checkbox"/> |
| Peg Dobbie | PO Box 573 Ashland 03217 | NARAL-NA | | <input checked="" type="checkbox"/> | |
| Rep. Cathie A. McGovern | Portsmouth | | | <input checked="" type="checkbox"/> | |
| Rep. William M. Florio | Bedford 472-2401 | | | | <input checked="" type="checkbox"/> |
| Army Witham | 20 Woodbine Windham 893-1303 | Self | | | <input checked="" type="checkbox"/> |
| Karen Levesque | 15 Old Auburn Derry | | | | <input checked="" type="checkbox"/> |
| Marta Conson | 211 Pinecock Rd Centerville | | | <input checked="" type="checkbox"/> | |
| Rep. Jackie Weather | Sporn Exeter 778-9493 | | | <input checked="" type="checkbox"/> | |
| Sara Dutton | Hopkinton Rd, Hopkinton 746 | Self | | <input checked="" type="checkbox"/> | |
| Marta W. Schottauer | Co-Sponsor | | | <input checked="" type="checkbox"/> | |
| Rep. T. L. Lipp | T. Coburn | 3RA #11 | | | <input checked="" type="checkbox"/> |
| Rep. Gloria Selden | Concord | | | <input checked="" type="checkbox"/> | |
| Rep. Annabel Merrill | Straff. 8 | | | <input checked="" type="checkbox"/> | |
| Paula Gibbons | Rock. 13 | | | | <input checked="" type="checkbox"/> |
| MAUREED BAXLEY | EPSOM NH | | | <input checked="" type="checkbox"/> | |
| Rep. Robert Cushing | Rock 22 Hopkinton | | | <input checked="" type="checkbox"/> | |
| Patricia Gibbons | Rock. 13 | | | | <input checked="" type="checkbox"/> |

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # SB 34 Date 7-16-97

Committee JUDICIARY

**** Please Print All Information ****

[illegible]

Hearing Minutes

FILE COPY

HOUSE COMMITTEE ON JUDICIARY AND FAMILY LAW

PUBLIC HEARING ON SB 34

BILL TITLE: repealing laws relative to abortion.
DATE: April 16, 1997
LOB ROOM: 208 **Time Public Hearing Called to Order:** 1:00
Time Adjourned: 3:25

(please circle if present)

Committee Members: Reps. J. McCarthy, Woods, Jacobson, Keans, Holden, Battles, J. Brown, Letendre, Mirski, Clay, Bickford, T. Colburn, N. Reardon, K. Smith, Wall, Allison, L. Johnson, I. Pratt, Richardson, Moynihan, M. Smith and DePecol.

Bill Sponsors: Sens. Russman, Holingworth, K. Wheeler, Cohen, Gordon, Reps. Hager, Keans, Schotanus, M. Fuller Clark, Rep. Norelli

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Sen. Katie Wheeler, co-sponsor - supporting

- repeal 1848 laws to protect women from all practices of "doctors" of the times
- now very outdated, now Rowe vs Wade is the law of the land
- this is a decision for woman, family, doctor
- Senate vote was 15-9

Sen. Burt Cohen, co-sponsor - supporting

- it is time - currently too punitive

Rep. Terri Norelli, co-sponsor - supporting

- medically outdated, protection against intrusion of government

Rep. Elizabeth Hager, co-sponsor - supporting

- repeal of antiquated and unconstitutional laws

Rep. Martha Fuller Clark, co-sponsor - supporting

- time for legislature to make statement that people agree with
- important to send message to youth of this state

*Maureen Kelly, NH Family Planning Council

- supporting
- courts have said that decisions like this are best handled on a private basis, not the legislature
- those who oppose abortion join us to promote sex education universal

*Rev. T. J. O'Connor - opposing

- takes away protection of fetus
- deserve same rights and dignity as the born
- we don't excuse larceny, arson, etc.
- some say repeal only drives people to seek illegal ways, but by keeping on books, sets a standard which impacts our behavior in other areas as well
- do not be intimidated

*Claire Ebel, NHCLU, Executive Director - supporting

- 4th time in less than decade - house passed previous 3 times
- statutes on books can never be enforced
- 1972, State of NH vs Millette said that 2nd murder can't be sustained (Note prior to Rowe vs Wade)
- 585:13 Class A Felony - quickening a medical term no legal - testimony of woman would be needed
- 585:12 - misdemeanor only possible prosecution could not be sustained, because repeal
- woman herself would have to be charged
- violates NH Constitution - which privacy issues are stricter
- designed back in the days when barbers were surgeons

Amy Witham - opposing

- college student who has learned about fetal development

Susan McLane, supporting

- time to do it again, started 27 years ago

John Harrington - opposing

- don't disagree with Claire Ebel
- 585:13 unsure if Ebel is correct
- quickening is not just determined by mother
- over broad laws only unenforceable to that extent
- Anders v Floyd allowed murder charge to go forward
- state has compelling interest in post viability protection

Al Rubega - opposing

- Rowe vs Wade on way out
- psychological problems unanticipated now becoming a

Margaret Landsman, N.H. Plan Parenthood

- supporting
- position should repeal statutes than offend Constitution

*Dan Hogan - oppose

- proponents all in the industry of abortions
- pre-born children
- Susan B. Anthony opposed

* Patti Bauer, Concord Health Feminist Center

- Health care, 1st tri-mester abortions

*Philip Morrison, NH Right to Life

- opposing
- why the time and energy spent to repeal when this is not done with other legislation

- Rowe vs Wade worst case of judicial activism
- maintaining these laws says we recognize that Rowe vs Wade is a bad law

Richard Kennedy, constitutionalist

- need to find a middle ground on this issue

*Jennifer Bills - support field organization, NH NARAL

- woman should seek best recourse with her physician

Kathy Roberts - opposition

- RSA 585:13 quick synonymous with life
- some women left sterile by abortionist

Ann Conceison, opposing

- hope proponents would be as passionate about the constitutional issue when Rowe v Wade
- assure that abortion can be safer than child birth
- pagan practices on children

*Theresa DiZillo - opposed - women would choose

Sheila Evans, NH Women's Lobby

- serious and difficult to have child is as the decision to abort

Rep. K. Flora - opposing

- deal carefully with this - this is not housekeeping of statutes

Mary Stipe - opposing

- “fetus” pathetic attempt to dehumanize a pre-born or unborn child
- NARAL truthful as we know

Warren Goddard - opposing

- NH Right to Life
- not about choice
- right to choose “to kill”
- right to rebel when government is destructive
- Rowe vs Dalton valid state laws not enforceable

Judith DeLisle - Catholic Diocese - opposing

- believe it leaves state's women without any protection

John Murphy - opposing

- obvious this is killing a baby

Fran Wendelboe - opposing

- right to choose is about pregnancy, not abortion,
- if protecting the right of woman, why not allow people to take drugs, commit suicide, walk around nude
- by throwing out these laws, the gates will be open for all kinds, including 3rd trimester in New Hampshire

Leo Gendron, opposing

- could be precursor to the elimination of our species

Jerry Liverette - opposing

- speak for millions of unborn children
- "live free or die not die before living"
- NH birth of abolition movement

Roger Larrabee -

- country founded by Europeans - saw fit to invoke God in our constitution - "In God We Trust" -
- "prayer before Congress" woman can say yes or no - if "yes" accept responsibility if "no" punished in cases of rape
- Fitzsimmons - admitted lying must question him
- Sen. Daniel Patrick Moynihan calls it infanticide
- new step euthanasia

Steven Mears - opposing

- in a Nov. 1984 court case, pregnant woman got an abortion by Feminist Health Center in Portsmouth - caused a problem and sued - point being that abortion is not safe
- need statutes for protecting unscrupulous statutes

Judy Reardon - Legal Counsel for Governor Shaheen

- supporting
- the governor will not veto as past governors have

Bob Carbone, representing State of New Hampshire Knights of Columbus

- opposing
- laws not being enforced - cost \$400 - \$1,800
- no laws on books, no parental notice
- state health policy pays for abortion

Jordan Ulery, opposing

- Senate didn't take into consideration the voices of constituents
- have to be suspect that dollars being made on abortions have to be taken into consideration

Mike Gagnon, opposing

- promote abortion more than Rowe vs Wade
- other countries would consider this an act of war

David Plant - opposing

- symbolic of ??? - thousands of years we've considered them (fetus) human beings
- slaughter of 30-40 million - consider the innocent lives, many women's lives have been shattered by abortion.

Respectfully submitted,

Rep. Sandra B. Keans, Clerk

PINK CARDS SB 34, repealing laws relative to abortion.

SPEAKING - SUPPORTING

Sen. Katie Wheeler, Dist. 21
 Claire Ebel, 18 Low Avenue, Concord, NHCLU
 Maureen Kelly, 18 Low Avenue, Concord, NH Family Planning Council
 Rep. Martha Fuller Clarke, Dist 34
 Rep. Elizabeth Hager, Concord
 Rep. Terri Norrelli, Portsmouth
 Sen. Burt Cohen
 Jennifer Bills, 18 Low Avenue, Concord, NARAL NH
 Patti Baum, 38 So Main St., Concord, Concord Feminist Health Ctr.
 Margaret Landsman, 92 Palomino Dr., Bedford, Planned Parenthood of Northern NE
 Susan McLane, Concord, National NARAL
 Sheila Evans, Concord, NH Women's Lobby
 Judy Reardon, Governor Shaheen's office

SPEAKING - OPPOSING

Rep. J. O'Connor, 19 Bruce Street, Manchester
 Ann Concieson, 31 Glastonbury Dr., Nashua, (representing pre-born babies)
 Kathy Roberts, 53 High Range, Londonderry
 Philip Morrison, 42 Dustin Tavern Rd., Weare, N.H. Right to Life
 Dan Hogan, 71 Watson St., Nashua, (representing unborn babies of NH)
 Al Rubega, 77 S. State Street, Concord
 John Harrington, 29 Clement Hill Rd., Warner
 Amy Witham (no address)
 Theresa DeZillo, 28 Bickford Cr., Bedford
 Fran Wendelboe, P.O. Box 244, New Hampton, NH
 Leo Gendron, 2 Addison Rd., Nashua
 Jerry Liverette, 1024 Alton Woods Dr., Concord
 R. A. Larrivee, 11 Strawberry Hill Rd., Bedford
 David Plante, 7 McDonough St., Portsmouth
 Mike Gagnon, 22 Cherokee Ave., Nashua
 Jordan Ulery, 37 Webster St., Hudson
 Mary Stipe, 1 Cota Rd., Merrimack, (representing herself, family and babies)
 Warren Goddard, 8 Wilson Rd., Portsmouth, NH Right to Life
 Sen. David Wheeler, (pink card submitted in his name - did not attend hearing)
 Judith Delisle, Ash St., Manchester, Roman Catholic Diocese of Manchester
 John Murphy, Jr. 24, Roger Avenue, Concord
 Steven Mears, Mission to the Preborn
 Bob Carbone, 46-48 Derry, Rd., Hudson, State of NH, Knights of Columbus

SB 34 4/16/97

1:00 PM

SEN KATIE WHEELER: CO-SPONSOR

REPEAL 1948 LAWS TO PROTECT WOMEN FROM ILL PRACTICES
OF "DOCTORS" OF THE TIMES. NOW VERY OUTDATED
NOW ROVE VS WADE LAW OF LAND.

DECISION FOR WOMAN, FAMILY, DOCTOR.

SENATE VOTE 15-9.

SEN. BURT COHEN CO-SPONSOR

IT IS TIME - CURRENTLY TOO PUNITIVE -

REP. TERRI NORELL CO-SPONSOR MEDICALLY OUTDATED
PROTECTION AGAINST INTRUSION OF GOVERNMENT.

REP. ELIZABETH WAGER CO-SPONSOR REPEAL OF ANTIQUATED
AND UNCONSTITUTIONAL LAWS.

REP. MARTHA FULLER CLARK CO-SPONSOR TIME FOR LEGISLA-
TURE TO MAKE STATEMENT THAT ~~THE~~ PEOPLE AGREE WITH.
IMPORTANT TO SEND MESSAGE TO YOUTH OF STATE.

* MAUREEN KELLEY NH FAMILY PLAN. COUNCIL SUPPORT.

COURTS HAVE SAID THAT DECISIONS LIKE THIS ARE BEST
HANDLED ON A PRIVATE BASIS NOT THE LEGISLATURE
THOSE WHO OPPOSE ABORTION JOIN US TO PROMOTE SEX
EDUCATION UNIVERSAL.

* REWTJO'CONNOR: OPPOSE - TAKES AWAY PROTECTION
OF FETUS DESERVE SAME RIGHTS & DIGNITY
AS THE BORN. WE DON'T EXCUSE DRUGS, ARSON ETC

SOME SAY REPEAL ONLY DRIVES PEOPLE TO SEEK ILLEGAL WAYS. BUT BY KEEPING ON BOOKS SET A STANDARD WHICH IMPACTS OUR BEHAVIOR IN OTHER AREAS AS WELL. DO NOT BE INTIMIDATED

*CLAIRE EBEL NHCLU EX DIRECT.

4TH TIME IN LESS THAN DECADE - HOUSE PASSED PREVIOUS 3 TIMES
STATUTES ON BOOKS CAN NEVER BE ENFORCED.

1972 ^{NH} ST. VS MILLETTE SAID THAT 3RD MURDER CANNOT BE SUSTAINED
(NOTE PRIOR TO ROWE V. WADE)

585:13 - CLASS A FELONY QUICKENING A MEDICAL TERM NO LEGAL - TESTIMONY OF WOMAN WOULD BE NEEDED

585:12 - MISDEMEANOR ONLY POSSIBLE PROSECUTION COULD NOT BE SUSTAINED. BECAUSE REPEAL WOMAN HERSELF WOULD HAVE TO BE CHARGED. VIOLATES NH CONSTITUTION - WHICH PRIVACY ISSUES ARE STRICTER, DESIGNED BACK IN DAYS WHEN BARBERS WERE SURGEONS.

AMY WHITMAN: OPPOSITION - A COLLEGE STUDENT WHO HAS LEARNED ABOUT FETAL DEVELOPMENT.

SUSAN McLEAN: SUPPORT TIME TO DO IT AGAIN STARTED 27 YEARS AGO

JOHN HARRINGTON - OPPOSITION - DON'T DISAGREE W/ C. EBEL

585:13 UNSURE "EBEL IS CORRECT QUICKENING IS NOT JUST DETERMINED BY MOTHER.

OVER BROAD LAWS ONLY UNENFORCEABLE TO THAT EXTENT
ANDERS V. FLOYD ALLOWED MURDER CHARGE TO GO FORWARD.
S. CAROLINE

STATE HAS COMPELLING INTEREST IN POST VIABILITY PROTECTION

3
AL ROBECA: OPPOSITION. ROWE V WADE ON WAY OUT. PSYCHOLOGICAL PROBLEMS UNANTICIPATED NOW BECOMING A

MARGARET LANDSMAN NH PLAN PARENTHOOD SUPPORT POSITION SHOULD REPEAL STATUTES THAT OFFEND CONSTITUTION

* DAN HOGAN OPPOSE - PROPONENTS ALL IN THE INDUSTRY OF ABORTIONS. PRE-BORN CHILDREN SUSAN B ANTHONY OPPOSED.

* BAUER-CONCORD HEALTH FEMINIST CENTER HEALTH CARE & 1ST TRI-MESTER ABORTIONS.

* PHILIP MORRISON NH RIGHT TO LIFE OPPOSITION - WHY THE TIME & ENERGY SPENT TO REPEAL WHEN NOT DONE WITH OTHER LEG. ROWE V WADE WORST CASE OF JUDICIAL ACTIVISM. MAINTAINING THESE LAWS SAYS WE RECOGNIZE R V W WAS BAD LAW.

RICHARD KENNEDY CONSTITUTIONALIST NEED TO FIND A MIDDLE GROUND ON THIS ISSUE

* JENNIFER BILLS: SUPPORT FIELD ORGAN. NH NARAL WOMAN SHOULD SEEK BEST RECOURSE W/ HER PHYSICIAN. ~~THE REPEAL~~ 89% WIN 12 WKS 99% IN 30 WKS

KATHY ROBERTS OPPOSITION RSA: 585:13 QUICK SYNONYMOUS W/ ^{LIFE} ~~585~~ SOME WOMEN LEFT STERILE BY ABORTIONIST.

4
* ANN CONC

OPPOSITION

HOPE PROPOSENTS

WOULD BE AS PASSIONATE ABOUT THE CONSTITUTIONAL
ISSUE WHEN ROWE V WADE. ABSURD THAT
ABORTION CAN BE SAFER THAN CHILD BIRTH
PAGAN PRACTICES ON CHILDREN

* THERESA DIZILLO - OPPOSED.

WOMEN WOULD CHOOSE

SHELIA ~~WOMENS~~ EVANS NA WOMEN'S LOBBY SERIOUS &
DIFFICULT TO HAVE CHILD IS AS ~~IMPORTANT~~ ABORTION DECISION

REP. K. FLORA ^{OPPOSITION} DEAL CAREFULLY WITH THIS - THIS
IS NOT HOUSEKEEPING OF STATUTES.

MARY ^{OPPOSITION} - "FETUS" PATHETIC ATTEMPT TO
DEHUMANIZE A PRE-BORN OR UNBORN CHILD.

NARAL-UNTRUTHFUL AS WE KNOW

WARREN GODDARD: ^{OPPOSITION} NA RIGHT TO LIFE -
NOT ABOUT CHOICE - RIGHT TO CHOOSE "TO KILL"
RIGHT TO REBEL WHEN GOVT IS DESTRUCTIVE
Rowe v DALTON VALID STATE LAWS NOT ENFORCEABLE

JUDITH DELIBLE - ^{OPPOSITION} CATHOLIC DIOCESE BELIEVE IT
LEAVES STATES WOMEN WOUT ANY PROTECTION.

JOHN MURPHY - ^{OPPOSITION} OBVIOUS THIS IS KILLING A BABY

FRAN WENDELBEE OPPOSITION

RIGHT TO CHOOSE IS ABOUT PREGNANCY NOT ABORTION
 IF PROTECTING THE RIGHT OF WOMAN WHY NOT ALLOW
 PEOPLE TO TAKE DRUGS, COMMIT SUICIDE, WALK
 AROUND NUDE. BY THROWING OUT THESE LAWS
 THE GATES WILL BE OPEN FOR ALL KINDS INCLUDING
 3RD TRIMESTER IN NH

LEO GENDRON OPPOSITION COULD BE PRECURSOR TO
 THE ELIMINATION OF OUR SPECIES.

JERRY LIVERETTE OPPOSITION SPEAK FOR MILLIONS
 OF UNBORN CHILDREN. "LIVE FREE OR DIE NOT DIE BEFORE
 LIVING" NH BIRTH OF ABOLITION MOVEMENT.

ROGER LARABEE
~~LAUREY~~ - OPPOSITIONAL - COUNTRY FOUNDED BY EUROPEANS
~~SOME~~ SAW FIT TO INVOKE GOD IN OUR CONSTITUTION
 "IN GOD WE TRUST" "PRAYER BEFORE CONGRESS"
 WOMAN CAN SAY YES OR NO - IF "YES" ACCEPT RESPONSIBILITY
 IF "NO" PUNISHED IN CASES OF RAPE.
 FITZSIMMONS - ADMITTED LYING MUST QUESTION HIM.
 SEN MOYNIHAN. CALLS IT INFANTICIDE
 NEXT STEP - EUTHANASIA

STEVEN MEARS - OPPOSITION NOV 1984 FINDING PREGNANT GOT
 AN ABORTION BY FEMINIST HEALTH CENTER IN PORTS. - CAUSED A
 PROBLEM SUED - - POINT BEING THAT ABORTION IS NOT SAFE.
 NEED STATUTES FOR PROTECTING UNSCRUPULOUS STATUTES,

SUPPORT
JUDY REARDON LEGAL COUNCIL FOR GOV. SAHAHEEN
THIS GOVERNOR WILL NOT VETO AS PAST GOVERNOR
HAVE.

CARBONE 'OPPOSITION
LAWS NOT BEING ENFORCED. COST: 400K ~~250~~
NO LAWS ON BOOKS NO PARENTAL NOTICE, ~~NO~~
STATE HEALTH POLICY PAY FOR ABORTION.

JORDON ULEARY 'OPPOSITION
SENATE DIDN'T TAKE IN ^{TO} CONSIDERATION WHAT THE
VOICES OF CONSTITUENTS,
HAVE TO BE SUSPECT THAT ~~IT~~ BEING MADE ON ABORTIONS
HAVE TO BE TAKEN INTO CONSIDERATION.

MIKE GAGNON 'OPPOSITION PROMOTE ABORTION MORE THAN
ROE V WADE. OTHER COUNTRIES WOULD CONSIDER THIS AN ACT OF WAR.

DAVID PLANT 'OPPOSITION SYMBOLIC OF ?? THOUSANDS OF YEARS
WE'VE CONSIDERED THEM (FETUS) HUMAN BEINGS.
SLAUGHTER OF 30-40 MILLION. CONSIDER THE INNOCENT LIVES
MANY WOMEN'S LIVES SHATTERED BY ABORTION.

3:25pm

Testimony

New Hampshire Right to Life Committee

P.O. Box 421
Merrimack, New Hampshire 03054
(603) 626-7950

FILE COPY

My name is Philip Morrison. I am President of New Hampshire Right to Life, the largest pro-life group in New Hampshire. I am here today to speak in opposition to Senate Bill 34.

You have already heard from the sponsor and several supporters of the bill. The gist of their support for this bill is that the 1848 abortion laws on the books right now are unenforceable as a result of the 1973 *Roe v. Wade* Supreme Court decision. They argue that they should, therefore, be removed from the New Hampshire Statutes.

However, I am sure there are other laws on the books right now that are antiquated and never enforced. Yet you never see an attempt to repeal those laws. So you should ask yourself, why is so much time and effort being expended in yet another attempt to get these laws repealed.

While some of those who speak in favor of this bill continue to parrot the argument that these laws are unenforceable, others have been forthright in identifying their true motivation. That is that they are afraid that *Roe v. Wade* may eventually be overturned.

However, that argument begs the question: why should they fear that *Roe v. Wade* will be overturned? The answer is obvious. The reason is that even they recognize the fact that *Roe v. Wade* was a bad decision. *Roe v. Wade* represents one of the worst cases of judicial activism ever foisted on this nation. Not only is the so-called right to an abortion found nowhere in the Constitution, but confessions by former pro-abortion advocates have underscored the fact that the entire case was based on a lie. In addition, recent revelations by pro-abortion advocates prove that lies have been used to perpetuate the practice and to fight efforts to prohibit or even regulate it.

This, then, is the true motivation of the supporters of this bill. They recognize that *Roe v. Wade* is a bad decision and they are afraid that one day it will be recognized as such and will then be overturned. Their greatest fear, however, is that if this bad decision is ever overturned, then the good laws that it has rendered unenforceable will once again go into effect.

Some abortion advocates say that it is embarrassing to still have these "old-fashioned" and "antiquated" laws on the books. In truth, maintaining these laws on our books says to the rest of the nation that we recognize the fact that *Roe v. Wade* was a bad decision and that we hope to one day finally restore the respect for human life that that decision damaged and to restore the protection to preborn babies that all other persons enjoy.

I look forward to the day when our society, once again, has a respect for all innocent human life, which we all recognize is seriously lacking. I believe you do as well. A vote for this bill, however, means that you have lost that hope. I urge you not to give up hope, but to demonstrate your respect for life by voting against this bill.

Philip A. Morrison

SB 34

FILE COPY

The last comprehensive survey compiling the reasons women gave for aborting their children was conducted in 1987 by the pro-abortion "Alan Guttmacher Institute." The following percentages* were found:

- 76% said that the woman was concerned that having a baby could change her life
- 68% said the woman couldn't afford a baby at the time
- 51% said the woman had problems with relationships or wanted to avoid single parenthood
- 31% said the woman wasn't ready for responsibility
- 31% said the woman didn't want others to know she's had sex or is pregnant
- 30% said the woman was not mature enough, or was too young for a child
- 26% said the woman already had all the children she wanted
- 23% said the husband or partner wanted the woman to have an abortion
- 13% said the fetus, or pre-born child, had possible health problems
- 7% said the woman's parents wanted her to have the abortion
- 1% said the woman was a victim of rape or incest

*Some respondents gave more than one reason

Of these 12 reasons given by women for wanting an abortion, the first 8, and the 11th, are unquestionably in the category of birth control for convenience. This category accounts for 80% of all abortions. Please note, again, that only 1% cited rape or incest as a reason for abortion. It is also noteworthy that there are no life-of-the-mother cases cited.

Language is a powerful tool, and words have meanings. The pro-abortionists use this tool to mask what's really happening. For instance, an abortion clinic has nothing to do with medicine in the strict sense of the word. It is a place of death for small children, but it is frequently called a "Women's Health Center." The words "pro-choice" are entirely misleading because the children being killed have no choice in their fate. Anti-life groups cannot even utter the words, "pro-life" for they fear people would see that as one of the unalienable rights guaranteed to all under the Constitution of the United States, and recognize the inherent illegality of what they do. Anti-life groups point to the Supreme Court's ruling in Roe v. Wade, which brought this holocaust to us under the 14th amendment of the Constitution, under the guise of privacy. This decision was actually piracy, having stolen the lawmaking capacity of the United States, in fear of a national debate that they would necessarily lose. Despite their claims to the contrary, public opinion is not on their side, particularly when people become aware of the violence done to children by the abortion industry. Witness the partial birth controversy going on right now. Judicial activism can, and will be stopped for it is a denial of the representative government on which this country is founded. Whenever governments make debate impossible, violence is inevitable. This is historical fact, and the very reason for representative government.

A woman does not become pregnant with a fetus, but with a child. It is not an organ of the mother, as the word fetus implies, but a separate and unique human being, with as much right to live as the mother herself.

FILE COPY

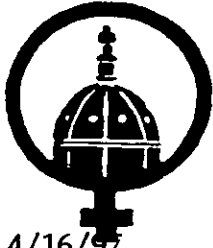
The current laws restricting abortions must remain in force, if we would not further alienate and polarize the political process. The laws are already too liberal, and any attempt to dilute them must be stopped, for the sake of the most vulnerable citizens of our society.

Mr. Fitzsimmons, another leading abortionist, has recently admitted "lying through his teeth" to the American people regarding the number of partial birth abortions performed annually. They are in the thousands, not hundreds as previously reported. No industry, which must operate in secrecy and misrepresent what it does, can survive in America.

With the election of a pro-abortion Governor, there is now a rush to repeal all abortion laws, as a form of pre-emptive strike before these recent revelations can have their effect.

Most people go along to get along, without examining what they profess to believe. As the truth about abortions becomes public, the fallacy of the slogans becomes glaringly obvious. Who in this room would drown a cat or a dog in saltwater? Or perhaps dismember it, or stab it in the head with a scissors? If you did so, you would surely be incarcerated for brutality. Yet this pagan barbarism is performed daily on children, right here in the Granite State.

I urge all who are listening to reject these repeals, for these procedures are truly cruel and unusual, and have no place in a "civil society."



New Hampshire Women's Lobby

Box 1072
Concord, New Hampshire 03302-1072
603-224-9105

FILE COPY

4/16/97

To: House Judiciary and Family Law Committee
Re: SB 34

The NH Women's Lobby would like to add the voices of our membership in strong support of SB 34 to *repeal the laws relative to abortion.*

We support a woman's right to choose, in the privacy of her home, with whatever counsel she may seek, whether or not to continue a pregnancy.

The decision to have a child is as serious and difficult as the decision to have an abortion. No woman should be forced to bear a child she is ill-equipped to care for in this ever-changing and challenging world we live in. It is a decision that should be hers alone, with no interference from the government.

These laws from 1848 do not represent the law. or the lives of women in 1997 and they serve no purpose. Now is the time to repeal these laws. The citizens of New Hampshire and the state itself is best served by having laws that reflect the reality of the present times.

Thank you for your time and consideration of this significant bill.

Sincerely,

Sheila Evans
Lobbyist



April 16, 1997

Testimony re: SB 34

Abortion Repeal Bill

Members of the House Judiciary and Family Law Committee:

I am writing in favor of SB 34 proposing to repeal the 19th century statutes criminalizing abortion. It is my hope that New Hampshire adopts the position that what a woman chooses to do with an unplanned pregnancy is a personal decision.

My name is Patti Baum and I represent Concord Feminist Health Center. Our facility is a non-profit organization that provides well woman gynecological care, first trimester abortions, and community education. We favor passage of this bill for several reasons:

First, abortion is legal in this state and has been for 24 years since the United States Supreme Court decided Roe v. Wade. This 1973 decision made abortion legal in New Hampshire even though the legislature has never removed the outdated statutes from its books. The majority of New Hampshire citizens favor a woman's right to obtain an abortion when faced with an unplanned pregnancy. Repealing the statutes would be in keeping with the favor of those individuals.

Second, we believe women should have the right to choose from all available options regarding an unplanned pregnancy.

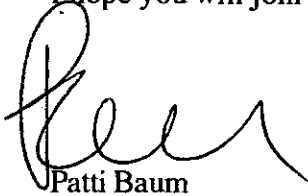
Third, since the Roe decision in 1973, legal abortion in this country has given women access to safe, legal medical services. Prior to legalization, procedures were done often at great risk to women by incompetent individuals under unsafe, unsanitary conditions. From 1890 until the 1950s, approximately one million abortions every year were done in this country. Recorded

FILE COPY

information shows that one in 200 women died from complications.

Finally, we believe that while abortion is not an easy choice for any woman, it must remain an option. History shows us that women will exercise great risk to have control over their bodies when it comes to carrying a pregnancy to term. If Roe were to be overturned, the threat to lives of NH women must be protected. Repealing the outdated statutes would allow abortion to remain a safe, legal option for women.

I hope you will join members of the Senate in support of SB 34.



Patti Baum

4-9-97 11:07 AM TELEGRAPH

Drug company dumps rights to abortion pill

■ Pharmaceutical giant can't afford threatened boycotts of other products.

By JOSEPH SCHUMAN
The Associated Press

PARIS — Threatened by boycotts from American anti-abortion groups, the European pharmaceutical giant Hoechst on Tuesday unloaded its remaining rights to the abortion pill RU-486.

The company gave the rights, to one of the drug's creators, Dr. Edouard Sakiz, who plans to form a smaller company that will be less vulnerable to consumer pressure.

The move was a further attempt by the French drug company Roussel-Uclaf — a Hoechst subsidiary — to distance itself from the controversial drug. Just two years ago, in the face of boycotts, it ceded U.S. rights to RU-486 to The Population Council, a New York-based nonprofit group.

Sakiz said his new company will have nothing to do with the U.S. market.

"In the United States, they're on the verge of a civil war" over abortion, he said.

The \$3.5 million in annual sales of RU-486 — also known as mifepristone — was not worth risking Hoechst's \$1.63 billion in U.S. business, Hoechst spokeswoman Catherine Euvrard said.

"Roussel-Uclaf no longer has the means to be able to withstand the boycott threats" from American anti-abortion groups, she told reporters in Paris. "This product can no longer be part of the strategy of an international company."

An American anti-abortion group last week threatened to boycott Allegra, a Hoechst antihistamine, Euvrard said. Hoechst and Sakiz already had decided to make the transfer, she said.

The Washington-based National Right to Life Committee, which threatened the boycott, said it was not satisfied with the agreement. It said in a statement that no one should have the rights to what it called "this death pill." The group would not comment on the boycott.

About 200,000 women have ended pregnancies with the RU-486 since it debuted on the French market in 1988, and it is also sold in Sweden and Britain. In the United States, RU-486 is expected to receive full approval and begin distribution by the year's end.

Alexander Sanger, from the American group Planned Parenthood, said he hoped the transfer of Hoechst's rights to the drug would make RU-486 more available worldwide.

But Sakiz, who did not pay for rights to the drug, said he would only distribute the drug to countries that followed strict guidelines for its use, a requirement that would exclude most developing countries and Russia.

LL Oct 17, 1996 FILE COPY

Shaheen: Death Penalty Needs To Be Expanded

CONCORD — Denying an "election-year conversion," Democratic gubernatorial candidate Jean Shaheen yesterday called for extending the death penalty to include murder of a child.

"Murder a child and you face the death penalty," Shaheen said yesterday during a press conference at the White Park playground.

She also called for death in cases involving the brutal murder of any New Hampshire resident.

Currently the death penalty applies only to capital murder, which includes the death of a law enforcement officer, death during a kidnapping or sexual assault and murder for hire.

In New Hampshire the death penalty is carried out by lethal injection.

Shaheen, who served three terms in the New Hampshire Senate, said expanding the death penalty is a change that can and should be made. She said there are circumstances in which the crime is so terrible that the perpetrator needs to be punished by death.

She said she has not undergone a conversion in her position on the death penalty, noting she supported a bill in the 1994 legislative session that made murder of a judicial officer a capital crime.

The Madbury lawmaker yesterday also called for expanding school drug-free zones to include playgrounds and parks, saying that children should be safe where they play as well as where they learn.

In addition, Shaheen said she supports tougher statutory rape laws to punish older men who impregnate teenage girls. Shaheen

said she would make it a Class A felony, punishable by up to 15 years in prison, for someone over the age of 20 to have sex with someone under the age of 16. Under current laws, statutory rape is a Class B felony, punishable by a maximum of seven years in jail, no matter how old the perpetrator is.

She also said she would form an Anti-Crime Youth Advisory Council, comprised of young people from around the state, to focus on preventing youth crime and violence.

A SIMPLE REQUEST

"I tremble for my country when I reflect that God is just, and his justice cannot sleep forever."

Thomas Jefferson

How men convinced women to be pro-al

It's Women's History Month. Why isn't anyone telling the whole story about feminists

BY SERRIN M. FOSTER

Once upon a time, feminists worked for the rights of women and the unborn. Sound like a fairy tale? Not really. The now revered feminists of the 19th century were strongly opposed to abortion, because of their belief in the worth of all humans.

They opposed abortion even though they were acutely aware of the damage done to women through constant child-bearing. They opposed abortion despite knowing that half of all children born died before the age of 5.

They knew that women had virtually no rights within the family or the political sphere; but they did not believe abortion was the answer.

All of the early feminists condemned abortion in the strongest possible terms. In Susan B. Anthony's newsletter "The Revolution," abortion was described as "child murder."

Elizabeth Cady Stanton, who in 1848 organized the first women's-rights convention in Seneca Falls, N.Y., classified abortion as a form of infanticide: "When you consider that women have been treated as property, it is degrading to women that we should treat our children as property to be disposed of as we see fit."

Most people are unaware that anti-abortion laws enacted in the latter half of the 19th century were a result of advocacy efforts by feminists, who worked in an uneasy alliance with the male-dominated medical profession and the mainstream media.

These women, who had no rights of their own, were equally concerned about the rights of other oppressed groups, such as slaves, children and the unborn.

Ironically, these anti-abortion laws were the very laws that were destroyed by the *Roe vs. Wade* decision 100 years later and hailed by the National Organization for Women (NOW) as the "emancipation of women."

The aversion of the early feminists to abortion was based upon then new scientific knowledge about embryology. Dr. Alice Bunker Stockham, a feminist physician, believed educating women about family planning and fetal development would eliminate the "fearful crime of feticide."

Although the early feminists agreed it was necessary to provide legal protection for the unborn, they disagreed sharply with doctors and the media on why women had abortions — and they disagreed in their proposed remedies.

Male physicians active in the anti-abortion campaign attributed the rising incidence of abortion on feminism because feminists questioned the limits placed

on women's rights.

Feminists were infuriated by this analysis. They said women resorted to abortion primarily because of their lack of autonomy within the family and within society.

Many angry rebuttals to the presumption that women sought abortion for frivolous or selfish reasons appeared in feminist writings.

A passage in Anthony's "Revolution" states: "Yes, no matter what the motive, love of ease, or a desire to save from suffering the unborn innocent, the woman is awfully guilty who commits the deed. It will burden her conscience in life, it will burden her soul in death; but oh, thrice guilty is he . . . who drove her to the desperation which impelled her to the crime!"

With respect to abortion, the goals of the modern women's movement, led by NOW, would have outraged the early feminists. What Stanton called a "disgusting and degrading crime" has been heralded by Eleanor Smeal as a "most fundamental right."

BUILT ON LIES

It is important to note that Betty Friedan, credited with reawakening feminism in the 1960s with her landmark book "The Feminine Mystique," did not even mention abortion in the early edition.

And it was not until 1966 that NOW included abortion in its list of goals, and even then it was a low priority.

It was a man — abortion-rights activist

Larry Lader, who remains active today — who credits himself with guiding a reluctant Friedan toward making abortion an issue for NOW. Lader had gone around the country trying to repeal abortion laws, and he wasn't getting anywhere. State legislators were horrified by his ideas.

Lader then teamed up with a gynecologist named Bernard Nathanson to co-found the National Alliance to Repeal Abortion Laws, the forerunner of today's National Abortion and Reproductive Rights Action League (NARAL).

Lader suggested to NOW's leadership that all feminist demands, such as equal education, jobs and pay, hinged on a woman's ability to control her own body and procreation.

Employers don't want to pay for maternity benefits or lose production



LADY LIFE: Susan B. Anthony (left) and Elizabeth C

when a mother takes off for maternity leave or to care for a sick child, Lader insisted. So, in other words, if women wanted rights comparable to those of men, women would have to be able to control reproduction as if they were men.

Lader convinced NOW's leadership that legalized abortion would level the playing field in a male-dominated workforce.

Dr. Nathanson, who later became a pro-life activist, states in his book "Aborting America" that he and Lader were able to convince Friedan that abortion was a civil-rights issue.

Later, he admitted that he and Lader simply made up the numbers of women dying from illegal abortions, which had been a major point in their argument.

Making abortion a civil-rights issue quickly transformed it into the very symbol for women's equality. What Nathanson and Lader had been unable to do in years of lobbying state legislatures was accomplished by labeling abortion a civil right and successfully selling this concept to NOW.

Since then, NOW has made the preservation of legal abortion its No. 1 priority. Its literature repeatedly states that access to abortion is "the most fundamental right of women, without which all other rights are meaningless."

Many years ago, however, very different statements typified the feminist movement, statements such as: "If women were in positions of power, there would be no war. Problems would not be solved by violence."

But once NOW bought into the concept of superiority of women over their own children by the violence of abor-

Nathanson and Lader made up the numbers of women dying from illegal abortions.

men to be pro-abortion

lling the whole story about feminists and abortion?



ADY LIFE: Susan B. Anthony (left) and Elizabeth Cady Stanton

when a mother takes off for maternity leave or to care for a sick child, Lader insisted. So, in other words, if women wanted rights comparable to those of men, women would have to be able to control reproduction *as if they were men*.

Lader convinced NOW's leadership that legalized abortion would level the playing field in a male-dominated workforce.

Dr. Nathanson, who later became a pro-life activist, states in his book "Aborting America" that he and Lader were able to convince Friedan that abortion was a civil-rights issue.

Later, he admitted that he and Lader simply made up the numbers of women dying from illegal abortions, which had been a major point in their argument.

Making abortion a civil-rights issue quickly transformed it into the very symbol for women's equality. What Nathanson and Lader had been unable to do in years of lobbying state legislatures was accomplished by labeling abortion a civil right and successfully selling this concept to NOW.

Since then, NOW has made the preservation of legal abortion its No. 1 priority. Its literature repeatedly states that access to abortion is "the most fundamental right of women, without which all other rights are meaningless."

Many years ago, however, very different statements typified the feminist movement, statements such as: "If women were in positions of power, there would be no war. Problems would not be solved by violence."

But once NOW bought into the concept of superiority of women over their own children by the violence of abor-

tion, they replaced a patriarchal system that the early feminists chose to reject with a modern-day matriarchy. That is quite different from feminism that respects the basic rights of all human beings.

Yet, while members of the women's movement of the '70s continue to promote abortion, another movement is going forward with real solutions. This movement, a renaissance of the original American feminism, is built on a progressive ethic that challenges the status quo.

Pro-life feminists recognize abortion as a symptom of — not a solution to — the continuing struggles women face in the workplace, at home and in society.

Rather than having to succeed in the workplace by passing as men, women should be accepted for themselves — and our life-giving capacity should be celebrated.

Like Susan B. Anthony and other early American suffragists, today's pro-life feminists envision a better world, where no woman would be driven by desperation into the personal tragedy of abortion.

Feminists for Life was started 25 years ago when two women were thrown out of a NOW meeting in Ohio for distributing anti-abortion literature. Early American feminists fought for a women's right to vote and for our right to life. We proudly continue their legacy. □

Foster is executive director of Feminists for Life. For more information, contact Feminists for Life at 733 15th St., NW, Suite 1100, Washington, DC 20005; phone: (202) 737-3352; <http://www.serve.com/fem4life>

HEALTH & HOSPITAL

Month-old Bedford baby was operated on

Parents had to make life-and-death choices

By Melissa Blood
GLOBE CORRESPONDENT

BEDFORD — When it was time for Claire Flynn to have an ultrasound, she was relaxed. This was her second pregnancy, and Flynn was accustomed to the routine obstetrician appointments and fetal monitorings.

The Bedford resident had already had an amniocentesis, which detects genetic disorders such as Down syndrome and spina bifida. At just 19 weeks pregnant — about half way to term — everything had indicated that the baby was healthy and normal.

But her ultrasound on Oct. 25 proved otherwise, as Flynn and her husband, Neil, were faced with a devastating situation.

Flynn's obstetrician, Dr. Jerome Schlacter of the Lahey Hitchcock Clinic, spotted a large, solid mass in the fetus's chest during the ultrasound. Schlacter referred the Flynns to Dr. Emily Baker, a high-risk pregnancy specialist at Dartmouth-Hitchcock Medical Center in Hanover.

Baker quickly diagnosed the mass as a left-sided congenital adenomatoid malformation in the baby's lung. Schlacter said CCAMs affect less than 1 percent of all pregnancies.

The Flynns then consulted with pediatric surgeon Dr. David Mooney, also of the Dartmouth-Hitchcock Medical Center. Mooney told the Flynns that such masses are normally removed after birth if they remain small, but given the size of this mass, the baby would not survive.

"I couldn't believe what was happening," Claire Flynn said. "I thought everything was going fine. I never even imagined something like this."

Fortunately, Mooney remembered talking with someone during an annual pediatric surgeons meeting who had told him that there were two facilities in the world that performed fetal surgery: in Philadelphia and San Francisco. He called the Center for Fetal Diagnosis and Treatment at the Children's Hospital of Philadelphia.

Doctors there and in New Hampshire decided that Flynn should have biweekly ultrasounds to monitor the growth of the mass and detect any signs of trouble, but within two weeks the fetus's condition worsened, developing hydrops. The hydrops, an abnormal accumulation of fluid surrounding internal organs, also put the mother's health at risk because affected mothers can develop what doctors describe as "mirror syndrome."

"The mother can develop patterning symptoms of the fetus, such as fluid in the lungs and high blood pressure," said pediatric and fetal surgeon Dr. Timothy Crombleholme of the Center for Fetal Diagnosis and Treatment. "The mother can then develop toxemia, and the only solution at that point is evacuation of the uterus."

The Flynns were told that they needed to meet with the Philadelphia team immediately. They booked an emergency flight to Philadelphia that day.

Philadelphia that day.

"I was really scared," Claire Flynn said. "I just wanted them to do anything to save my baby."

The day after the Flynns arrived, doctors ran an ultrasound and fetal echocardiogram, a diagnostic technique that uses sound waves to reveal the fetus's heart structure. The tests confirmed that although the baby's heart was working satisfactorily, it was pushed to the wrong side of the chest.

"CCAMs usually grow into extraordinarily large masses, shifting the heart and squishing it into the right chest cavity, preventing the normal supply of blood from getting to the heart," said Crombleholme. "The hydrops make it worse with all the fluid. The end result is heart failure."

Crombleholme told the couple that surgery to remove the mass from the baby's lungs was the only chance for its survival. He let them know that even with the surgery there was no guarantee that their baby would make it.

"We needed Claire to make it through at least 35 weeks to avoid a premature baby that would most likely have health complications," Crombleholme said. "Surgery could send her into a very premature labor. Either way, we didn't even have an extra day to waste."

The Flynns had to make a quick decision. They knew surgery could prove detrimental to Claire's health.

"All I cared about was saving the baby," she said. "I was very scared, but nothing else mattered as much. Surgery was the only thing that might prevent it from dying. I had to at least try."

Crombleholme said Flynn was brave to have the surgery. She had to have two general anesthetics, and doctors made an incision in her uterus that necessitated a Caesarean delivery for the baby.

"It's a tough decision, but the Flynns knew what they wanted to do right away," said Crombleholme. Surgery was scheduled for the next morning; she was 22 weeks pregnant.

Dr. N. Scott Adzick, director of the Center for Fetal Diagnosis and Treatment, operated with Crombleholme, cutting open Claire's lower abdomen and opening the womb and fetal amniotic sac encasing the fetus. Crombleholme lifted out the fetus's left arm, exposing the left side of the chest through the opening in the uterus. An incision was then made in the left side of the chest, and the lower ribs were spread to give the surgeons access to the mass. Crombleholme said the CCAM was as large as a plum.

"The fetus's whole chest was filled with the mass," he said. "We had to dissect the CCAM away from the lung."

After the mass was removed, and before closing the womb, the surgeons introduced warm saline solution to cushion the fetus until the baby could produce more amniotic fluid.

But the worst was still in store for Claire



Claire Flynn holds her baby Maryssa, who

Flynn. She said that nothing was as excruciating as the magnesium sulfate she had to take after the surgery to prevent contractions. She said it made her have "horrible nightmares and feel delirious."

"It was the worst thing I've ever been through," she said. "But there weren't any other choices."

Crombleholme could not tell the Flynns for sure whether the surgery would save their baby.

"The longer the baby stayed in the womb, the better the chances got," said Crombleholme. "It's very difficult to operate on fetuses because you're one step removed

TH & HOSPITALS

as operated on while still in the womb



Claire Flynn holds her baby Maryssa, who had microsurgery while still in the womb.

'All I cared about was saving the baby. I was very scared, but nothing else mattered as much ... I had to at least try.'

CLAIRE FLYNN
Bedford resident

who stayed at the McDonald House with her during much of her stay.

"They have so many volunteers. There were a lot of things to keep Michael active, and it's a really beautiful place," Flynn said of the McDonald house.

She also had bi-weekly visits to the Center for Fetal Diagnosis and Treatment during the remainder of her pregnancy, managing to hold on until she was 35 weeks along.

On Feb. 15, Claire Flynn delivered 6-pound, red-haired Maryssa Lauren Flynn - the 10th open fetal surgery patient at the Center for Fetal Diagnosis and Treatment - and, much to the entire staff's delight, a healthy one.

"I just kept crying I was so happy," Claire Flynn said. "I was feeling relieved and thrilled and emotional all at once. I just thanked God that Maryssa was fine. She's a fighter. I truly owe my baby's life to these amazing doctors. Without them, I wouldn't have my little girl."

Maryssa had a little difficulty with her feeding at first, but, according to Crombleholme, that is not unusual. Crombleholme said he expected her to grow to be normal

and healthy with no restrictions.

"Maryssa needed no help medically," Crombleholme said. "I can't put in to words how gratifying it was to see her doing so well. It is always a privilege to help a baby get over an illness, but to see different services come together on the forefront of a new field to achieve success - it's just extraordinary."

The Flynn's brought Maryssa home on Feb. 28 and say she is "perfect."

"She's growing, eating and sleeping - doing all the things a normal baby does," Claire Flynn said. "We're a very lucky family."

nn. She said that nothing was as excruciating as the magnesium sulfate she had to take after the surgery to prevent contractions. She said it made her have "horrible nightmares and feel delirious."

"It was the worst thing I've ever been through," she said. "But there weren't any other choices."

Crombleholme could not tell the Flynn's sure whether the surgery would save their baby.

"The longer the baby stayed in the womb, the better the chances got," said Crombleholme. "It's very difficult to operate on fetuses because you're one step removed

from the patient. Here I was operating on something that weighs virtually a pound."

After recuperating in the maternity unit for a week, Flynn was transferred to the nearby Ronald McDonald House for the remainder of her pregnancy - about 13 weeks. She was given instructions to remain in bed, getting up only to go to the bathroom or walk around once in a while. Doctors wanted to prevent any force or stress.

Neil Flynn stayed with his wife for the first two weeks and then commuted every other weekend from Bedford. Family members took turns visiting her and helping to take care of Michael, their active 3-year-old

GLOBE PHOTO / NANCY G. HORTON

NEW HAMPSHIRE CIVIL LIBERTIES UNION

18 Low Avenue
Concord, NH 03301
603-225-3080

Testimony on SB 34

FILE COPY

Claire T. Ebel
Executive Director

For the fourth time in less than a decade, the New Hampshire House will consider the repeal of statutes passed in 1848, statutes that attempt to limit a woman's right to reproductive autonomy. In its three most recent votes, this House has chosen to repeal the statutes. I urge the committee to do so again.

The principle legal issue surrounding RSA 585:12, 585:13 and 585:14 is not the fact that they are not currently enforced; the issue is that these statutes **cannot be** enforced.

SB 34 repeals three statutes which were enacted almost 150 years ago. I will deal with each provision separately.

RSA 585:14. One who causes the death of a pregnant woman under either 585:12 or 585:13 can be charged with second degree murder under 585:14. However, a 1972 ruling by the New Hampshire Supreme Court [**State v. Millette**] held that 585:14 does not establish a separate crime of murder. Chapter 630, which lists the modern categories of murder, requires that malice as a component of the crime be charged and proven. Since malice is not part of 585:14, no charge could ever be brought under RSA 585:14.

Prosecution under 585:14 is therefore impossible. It is worthy of note that the **Millette** decision was reached prior to the ruling by the United States Supreme Court in **Roe v. Wade**. Hence, even if **Roe** were overturned, the unenforceability of RSA 585:14 would not be affected.

RSA 585:13. One who attempts to procure a miscarriage after quickening, absent proof of necessity to preserve the life of the woman, could be charged with the modern equivalent of a class A felony punishable by ten years in prison.

Quickening is a common law term. It is the moment at which a woman first "feels" movement, and is entirely subjective to the pregnant woman herself. Quickening has no relationship whatever to viability. Hence, in order to prosecute under 585:13, the testimony of the woman herself would be required, since only she could differentiate 585:13 from 585:12.

However, the pregnant woman herself could also be prosecuted under 585:13. The statute applies to "...any person (who)...shall use any... means whatever, with intent thereby to destroy the child...." The pregnant woman's 5th Amendment right against self-incrimination

3100 2 387
would provide absolute protection against her involuntary testimony, and would therefore prohibit any prosecution under 585:13.

585:12. One who attempts to procure a miscarriage (presumably prior to quickening, although that is not included in the section) could be charged with the modern equivalent of a misdemeanor, punishable by one year in prison.

The only prosecution which could be attempted if Roe were overturned would be under 585:12, but it could not be sustained. The entire chapter [585] was repealed during the 1973-4 legislative session. The legislative intent is clear. Roe was decided in January, 1973. The legislature had no reason to repeal 585:12, 585:13 and 585:14, since the statutes were rendered unconstitutional by the United States Supreme Court and therefore moot.

The pregnant woman herself would have to be prosecuted under 585:12. If any other person, such as a doctor or nurse, were indicted, the pregnant woman would also have to be charged, or selective could be alleged and this allegation would be sustained.

The New Hampshire Constitution has been held by the New Hampshire Supreme Court to provide enhanced protection against unreasonable searches and seizures when compared to the Constitution of the United States. RSA 585:12 violates the New Hampshire Constitution, since it interferes with a woman's right to privacy in her choice of medical treatment.

Even if Roe v. Wade were entirely overturned by the United States Supreme Court, a woman's right to reproductive autonomy would not be eliminated. The determination of the extent of that right would simply be returned to the individual states, governed by their state constitutions.

The 1848 statutes are repressive anachronisms which would not withstand judicial scrutiny in the 21st century. Repeal of RSA 585:12, 585:13 and 585:14 would promote respect for the law and for individual rights. I again urge this committee to pass SB 34 and repeal the only provisions which remain in Chapter 585.

You who represent the people of N. H. are called upon to exercise a tremendous responsibility. You have to make decisions for the general welfare, regardless of the pressures that are exerted upon you to act otherwise. Senate Bill 34 serves as a powerful reminder of your responsibility. This measure would take away legal protection from the most vulnerable of our citizens, the helpless infants who have not as yet seen the light of day.. It is true that the deplorable Roe vs. Wade decision of 1973 presently paralyzes our efforts to protect our unborn citizens and makes our abortion legislation ineffective for the present. This legislation, however, should remain on our books as a sign that the people of N. H., along with millions of citizens in other states, recognize the fact that preborn infants possess the same dignity as do fully grown adults. They are alive; they are human; and their rights should be acknowledged accordingly.

There are some who say that abortion should be a matter of choice. The choice of which they speak, however, is no real choice at all. It is the choice of the powerful to destroy the choice of the weak, the infants who are struggling to live, but have to depend upon society to protect their very existence. When we deal with other crimes, we do not say that people have a choice to commit them. We don't excuse larceny, arson, manslaughter or similar misdeeds on the grounds that people should be free to decide for themselves as to whether they live up to what society expects of them. Our legal system rightly declares that there are certain standards of conduct that simply are not permissible and will not be tolerated.

There are some who say that abortion is a private matter concerning only the mother and physician. If an unborn infant were able to speak for himself, he would certainly not agree. To him it is more than a private matter to have his life unjustly caught short by the instruments of death that are used in abortion.

There are some who say that having laws against abortion does not stop this practice, but merely drives people to seek abortions in back alley surroundings. Those who speak this way actually admit abortion is an evil deed. Moreover, they overlook the fact that keeping abortion legal does not stop back alley abortions from taking place. If abortions are permitted by law to occur in institutions on the main streets of our cities, abortionists have fewer reservations about performing their deadly deeds elsewhere as well.

At this time in the history of our state it is imperative that all citizens of good will unite and speak up for the rights of those who cannot speak for themselves. I beg of you to look at this issue from the standpoint of conscience and human decency. Do not let our state legislation against abortion to be lightly cast aside. Do not give in to the pressures that are being exerted upon you from political and financial sources to acquiesce in the crime against humanity that is abortion. Vote for the defense of human life. There is no other course for you to take if you wish to live with yourselves afterwards.

(Submitted by Rev. J. K. O'Connor, 519 Bridge St., Manchester 03104)



FILE COPY

**Senate Bill 34 - Repealing Laws Relative to Abortion
House Judiciary and Family Law Committee
April 16, 1997**

Maureen Kelley
Executive Director
NH Family Planning Council

I appear here on behalf of the New Hampshire Family Planning Council to urge that you pass Senate Bill 34, repealing New Hampshire's antiquated laws regarding abortion.

You will hear from many more qualified than I regarding the legal, constitutional, moral and philosophical reasons for taking this action. I will add only that to do so will bring us fully into an age where, as the courts of this land have continually indicated, decisions such as these are best made by a woman in consultation with her physician and not by legislators.

If it is the intent of those who are opposed to this legislation to rid our landscape of abortions then I extend to them my oft-repeated invitation on behalf of the NH Family Planning Council, it's eight agencies and 24 clinics operating throughout the state and its thousands of donors and supporters . . . please join with us in advocating for increased access to family planning services for all residents of New Hampshire and supporting comprehensive sexuality education in all of New Hampshire's public schools. It is these measures that will decrease the need for abortion not the annual attempts to decrease or eliminate access to abortion services.

Thank you.

TO: Representative Ward 11

FROM: Susan Daneault
538 Dubuque St.
Manchester, NH 03102

To Whom It May Concern:

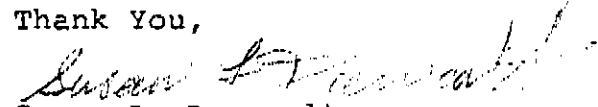
I have been an active voter in ward 11 for the past 25 years.

The bill you are trying to rush through to me is against everything I believe, I live for, and I wish to see happen to us in this state. Please vote against SB 34.

My beliefs tell me that all life is sacred. Life is for all no matter what color, religion, or beliefs each of us have. To destroy any life is wrong, no matter what.

You put those in jail who kill others don't you?
Well think about it why are you trying to make this right now.
Please, Please, for life, for life of the unborn, for life of those who want to live, vote against SB 34.

Thank You,


Susan L. Daneault
Active Voter Ward 11

FAX 472-2766

April 15, 1997

To the Legislative Committee

I would like to state my opposition to SB-34 repealing the laws on the books that been there for a very very long time.

I believe besides gambling coming into this state in the future...I fear the abortion business will also flourish. These laws have been on the books for a long time and along with a new Governor there seems to be major changes occurring in New Hampshire Government in all the wrong directions. In my opinion, not for the betterment of our population. The business of abortuaries should not flourish along with gambling in our beautifully scenic state.

I truly fear my teenage daughter will be counceled not by us as parents in her adolescence through the schools...but by these money making businesses like Planned Parenthood who already advertise confidential services like birth control to minors. Their "type" of counseling and sex education of our young create a booming business for those who profit and repealing these laws only advocates the downward slope New Hampshire will be taking by repealing these laws under SB-34. I AM IN OPPOSITION ALONG WITH OTHER PARENTS...BUT WILL OUR VOICES BE HEARD? WHO STANDS TO PROFIT IS THE QUESTION YOU NEED TO ASK AS LEGISLATORS!

JEANNE WHITCOMB

16 Greyrock Rd
Bedford, N.H. 03110

April 15, 1997

House Committee,

I would like to speak out about the repeal of State-pro-life laws with the enactment of SB 34. Laws which were designed to protect the weakest members of our society are never obsolete.

This bill SB 34 does not reflect the will of the people of N.H. Pro-abortion lobbyists who have a financial stake in the abortion industry do not represent the women of N.H.

Please consider this carefully,

Sincerely,

Nancy S. Gerdicke

I Oppose SB- 34 because it victimizes both woman and child. SB- 34 is anti child. because it discriminates against a whole class of preborn citizens, denying them their inalienable right to life. Legalized abortion is the greatest social injustice of our era. because it is not perceived as such.

I challenge you, committee members, to reverse the sweeping tide of injustice that washes human debris upon our shores. These mangled, suctioned babies, are innocent victims of an unjust and corrupt law that mocks the commandment: "Thou shall not kill."

Our abortion state laws were written, when right reason, order, and civility prevailed. To repeal RS A 585, is to affirm the twisted logic, and convoluted values of a society bent on self destruction. How civilized are we, as a people who legislate death for unwanted children? How callous are we towards women in crisis pregnancies, when all we can mandate is ~~that~~ their bodies become living tombs of dying babies? Is abortion a compassionate or destructive solution?

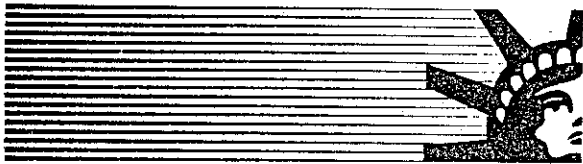
I submit to you, that abortion victimizes women, as does SB-34. Witness the tragic testimony of WEBA- Women Exploited by Abortion, who wail about their physical and mental anguish of post abortion syndrome. Come to the Concord killing center. Watch women, muscled in by male partners. See screaming children, hauled in by parents. True, there are teens who stride in blythfully, but most hobble out pathetically.

I urge you to vote against SB-34 because it victimizes vulnerable women. It strips them of legal protection in case of death. Even the staunchest pro abortion feminist would be hard pressed to promote this bill, because it relieves the abortionist of accountability.

As a feminist for life, I urge you to vote against SB-34 because it will stimulate the Death Trade, and establish New Hampshire as an abortion mecca. Since we have no restrictions on abortion, as do other states, this law will facilitate the exploitation of women here and out of state.

Will New Hampshire abandon women and babies to the destructive legislation of SB-34? Or will it embrace creative solutions for women in crisis pregnancies? The choice, committee members, is yours.

Betty Breuder
Vice President
New Hampshire Right To Life



TO: House Judiciary and Family Law Committee
FROM: Jennifer Bills, NARAL-NH
RE: SB 34
DATE: April 16, 1997

CCP

Mr. Chairman and Members of the Committee:

My name is Jennifer Bills, and I am the Field Organizer of the National Abortion and Reproductive Rights Action League of New Hampshire (NARAL-NH). I am here on behalf of our 3,000 members to express our support for SB 34, a bill to repeal RSAs 585:12, 13, & 14, which criminalize abortion in New Hampshire. We support this legislation for the following reasons:

I. RSAs 585:12, 13, & 14 Are Outdated

Like many states around the country, in the mid-nineteenth century when the practice of medicine became more formalized and regulated, New Hampshire enacted these laws in order to protect women from ill-trained medical practitioners. However, the advent of modern medical technology has made these RSAs obsolete; their intent and the antiquated medical terminology employed in the statutes no longer reflects the medical and social realities of our times.

II. RSAs 585:12, 13, & 14 Are Antithetical to New Hampshire's Values

New Hampshire has traditionally stood for the basic right of the individual to live free from government interference. Now that medical advances have made legal abortion seven times safer than childbirth, these RSAs no longer have anything to do with protecting women's lives. In 1997, these old statutes represent the opportunity for the intrusion of government policy into the most private and personal matters of a woman's life: her decisions about whether, or when, she will have children. To live free from government interference is New Hampshire's motto; these RSAs would interfere with the exercise of that freedom by violating her fundamental right to make her own reproductive decisions based on her own moral, philosophical, and religious beliefs.

By penalizing doctors for violation of these laws, enforcement of these statutes would mean that doctors are no longer free to exercise their medical judgment in

consulting with an individual patient about the best course of action given her medical and personal history. These laws would eliminate safe and legal abortion in New Hampshire, ensuring that thousands of women would travel out-of-state, or seek back-alley or self-induced means, to terminate a pregnancy. These laws would not put an end to abortion in New Hampshire; they would simply drive it underground, and in the process jeopardize the lives of New Hampshire women. Prior to the 1973 United States Supreme Court decision in *Roe v. Wade*, a thousand women died each year, and thousands more were permanently injured, from illegal abortion. It is commonplace to say that if we are unable to learn from history, we are doomed to repeat it. To ignore the lessons of the pre-*Roe* years and return to the days of illegal abortion is to inflict this sentence of doom on the women of New Hampshire. With SB 34, we now have an opportunity to prove that we can learn.

A favorite deception of those opposed to the repeal of these out-dated statutes is that without these laws on the books, New Hampshire will become the "abortion mecca" of the United States, with abortions regularly performed up to the day before birth. This claim is utter nonsense. 89% of all abortions in the nation occur within the first 12 weeks of pregnancy; 99% of all abortions occur through 20 weeks of pregnancy; and approximately 600 occur in the 7th, 8th or 9th months of pregnancy. Standard medical practice will not change because these laws are not on the books; in fact, there is no evidence of third trimester abortions being performed in New Hampshire now, even though there are no laws prohibiting them, and under *Roe* they are legal unless explicitly prohibited by the state.

III. Public Opinion and New Hampshire Tradition Support the Right to Choose

Public opinion in New Hampshire has consistently been supportive of a woman's right to choose. This New Hampshire tradition which holds that the government has no role to play in the most private of decisions in a woman's life is reflected here in the New Hampshire Legislature, where a majority of both houses has three times voted to repeal the 1848 statutes, only to be thwarted by the anti-choice vetoes of Governor Judd Gregg. In 1997, we finally have a chance to see the repeal bill not only passed by the Legislature but also signed by our Governor. The pro-choice majority of New Hampshire voters are looking to their elected representatives to ensure that abortion remains safe, legal, and accessible in New Hampshire no matter what the Supreme Court chooses to do. Removing RSAs 585:12, 13, & 14 from the state's statutes is the crucial first step.

For these reasons, I urge the Committee to recommend that SB 34 Ought to Pass. Thank you for your consideration.

**KNIGHTS OF COLUMBUS
STATE PRO-LIFE CHAIRCOUPLE
Robert J. and Peggy Ann Carbone
46-48 Derry Road
Hudson, New Hampshire 03051-4025**

FILE COPY

(603) 886-5111

Facsimile (603) 883-4444

April 16, 1997

House Judiciary and Family Law Committee
Legislative Office Building
Statehouse
Concord, NH

Attn.: Chairman John McCarthy

Re: Attempted Repeal of Statutes Relative to Abortion

Dear Chairman McCarthy:

This short letter is not the oral testimony I will provide today. Rather it is an outline of what I believe to be key points in considering the bill before you. We believe the "cold hard facts" will speak for themselves and result in a sober, non-extreme vote to decide against repeal.

1. The laws under discussion are not being enforced.
2. Each abortion costs about \$300 to \$2,000 and up, i.e., the monetary cost.
3. At a minimum, one can say that healthy women have been permanently harmed by abortions in the last 24 years, since abortion has been decriminalized.
4. If repealed, New Hampshire would have no law on the books prohibiting abortion at any time, right up to the second before birth, unlike many other states.
5. New Hampshire has no parental consent law.
6. New Hampshire has no parental notification law.
7. New Hampshire has no informed consent law with respect to women having abortions.
8. New Hampshire has no fetal remains law.
9. New Hampshire has no partial-birth abortion law.

- 10. Public funds can be used for state workers to have abortion as part of their health insurance package.**
- 11. There is no official count as to the number of abortions in the Granite State.**
- 12. The Alan Guttmacher Institute, affiliated with Planned Parenthood, says there are about 1.6 million abortions in the United States, annually.**
- 13. New Hampshire has more abortuaries now than it had even five years ago.**
- 14. The abortuary doctors are not New Hampshire residents.**
- 15. In total solidarity, every recognized pro-life group in New Hampshire has gone on the record as opposed to repeal. Several N.H. politicians have come out against repeal.**
- 16. The Diocese of Manchester is opposed to repeal.**
- 17. The U.S. House of Representatives recently voted for a partial-birth abortion bill. New Hampshire voted against a partial-birth abortion bill.**
- 18. The Knights of Columbus is opposed to repeal. There are 7,200 Knights in New Hampshire.**
- 19. A large number of New Hampshire voters are opposed to repeal.**
- 20. Then-Governor, now-U.S. Senator Gregg vetoed legislation to repeal the laws.**
- 21. Governor Merrill vetoed legislation to repeal those laws.**
- 22. U.S. Senator Bob Smith "strongly" endorses the effort to preserve those laws. Please see his letter of today.**

The facts speak for themselves. Public opinion, reflected in the mood of the country, the state, the sympathies of the people, all point away from fanatical pro-abortion positions. I strongly encourage you to keep the laws in place. To do otherwise would fly in the face of the facts.

Vivat Jesus!

A handwritten signature in black ink, appearing to read "Robert J. Carbone". The signature is fluid and cursive, with a large, stylized "C" at the beginning.

Robert J. Carbone
RJC/a

Health center doctor sued

Anti-abortion activists release information; center defends physician's record

By Liane Evans
Herald Staff

GREENLAND — A 73-year old doctor who has been performing abortions at the Feminist Health Center of Portsmouth will go to court next month in Rutland, Vermont, for a medical malpractice suit which claims he perforated a woman's uterus and bladder during an abortion procedure, causing permanent damage.

The information on the suit against Dr. Michael M. Gold, hired by the Feminist Health Center earlier this spring, was released by local anti-abortion activist Steven Mears at a press conference held in front of the Portsmouth Avenue center Tuesday morning.

"Women coming here have a right to be aware of this situation," said Mears, wearing a blue T-shirt emblazoned with 'Jesus Loves Unborn Children.'

The suit, filed by Suzanne Wilbur of Greenwich, New York, alleges that in 1989, Gold negligently perforated her uterus and bladder. The perforations were repaired at another medical facility but resulted in permanent pain, discomfort, and difficulty controlling bladder functions, the suit alleges.

The suit also alleges that Gold and the Vermont Women's Health Center, named as co-defendant, failed to disclose the risks of the abortion procedure to Wilbur. "Those risks included the laceration and perforation of the uterus and bladder which would affect the functioning of the bladder and uterus, and which would result in a long standing or permanent disability, pain and suffering," the court document stated.

Wilbur is seeking unspecified damages for physical and mental suffering, and medical costs.

Kay McKenzie, member of the board of directors and outreach coordinator for the Greenland clinic, said Gold's patients are not putting themselves at risk. Gold has performed probably over 4,000 successful abortions, she said. Risk is associated with any uterine, vaginal or cervical procedure.

FILE COPY

The article at left appeared in the Portsmouth Herald on Wednesday, August 3, the day after our press conference outside the Feminist Health Center in Greenland, exposing the name of their new abortionist, Michael Gold, and the malpractice suit pending against him in Vermont. The story was also carried by WMUR-TV and Foster's Daily Democrat, although the latter refused to print the abortionist's name. We were pleased, however, that it was given some public exposure in the media here.

Based on the information we had at the time, last month's Missionary Update reported that Gold was not licensed to practice in New Hampshire. After an initial phone call to the NH Board of Registration in Medicine, and being told he was NOT licensed, we sought a written notarized statement from them to that effect. It's interesting how at THAT time his license showed up on the computer! Below is a photo copy of the letter I received from the Board a few weeks later.

Some of the new signs held by picketers outside the Greenland abortuary read "MICHAEL GOLD IS BEING SUED" and "GOLD KILLS IN TWO STATES." We're also carrying our own (unofficial) complaint against Gold to the Greenland police station each week (NH law on the books still criminalizes abortionists, and of course killing preborn babies violates the immutable Law of God.)

We are planning on being at Gold's trial in Rutland District Court in Vermont on Tuesday, September 27, 1994.



TEL (603) 271-1203

State of New Hampshire

BOARD OF REGISTRATION IN MEDICINE

2 INDUSTRIAL PARK DRIVE
CONCORD, NH 03301

TDD Access: Relay NH 1-800-735-2964

BOARD MEMBERS
DOUGLAS M. BLACK, M.D.
PRESIDENT
ALBERT M. DEUKTEINIS, M.D., J.D.
VICE PRESIDENT
MARCEL R. DUPUIS, M.D.
WALLACE F. BUTTRICK, M.D.
ROBERT C. CHARMAN, M.D.
MAUREEN P. KNEPP, P.A.C.
PARAMEDICAL PROFESSIONAL
LAWRENCE W. O'CONNELL
PUBLIC MEMBER

July 28, 1994

Steven P. Mears
325 Wabird Street
Portsmouth, NH 03801

RE: Michael M. Gold, M.D.

Dear Mr. Mears:

In response to your letter of July 22, 1994 alleging that the above referenced physician is not licensed in New Hampshire, please be advised that this physician presently holds license #9154 issued May 4, 1994 and expiring June 30, 1995. Since your allegations show no evidence of violation of RSA 329, the Medical Practice Act, the Board of Registration in Medicine has determined that no further action is appropriate at this time.

Sincerely,

Karen laCroix
Karen laCroix
Administrator



Missionaries To The Preborn
P.O. Box 683
Somersworth, NH 03878-0683

Missionaries To The Preborn Newsletter

Deborah Mears joined pro-life picketers in Newburyport, Massachusetts on Sunday afternoon, August 7, to expose abortionist Joseph Heyman. Because of a parade that was marching through town, the picketers quickly repositioned themselves at the end of the parade route. Several politicians marched in the parade, which lasted a couple of hours, and pro-lifers were able to challenge them as they passed. TED KENNEDY, renegade Catholic and enemy of the pre-born, tried his best to walk on the opposite side of the street, but well-spoken Boston activist BARBARA BELL called out to the clearly out-of-shape senator to "REPENT!" Deborah exhorted him to "Remember the preborn!" The picketers received positive responses from many marchers, including one beauty queen who gave a "thumbs up" for life! One creative member of the pro-life group held a sign which read, "WHAT ABOUT HEALTH CARE FOR MARY JO?"

PICKETING PICKS UP

During the summer months there have been more picketers in Greenland than usual, with as many as 20 people on Tuesday, August 16th. This is due largely to the fact that a couple of home schooling mothers have been coming with their children, which has been both a blessing and encouragement. In addition, the children are GREAT SINGERS, and are a tremendous witness to the fact that "children are a heritage of the Lord" (Psalm 127:4), in the midst of the holocaust of pre-born babies.

For the past three weeks, a Greenland policeman in his cruiser has been stationed in the driveway of the abortuary, because (we assume by what the staff claims in the newspaper) they fear an outbreak of violence. Too bad they don't see it right inside

FILE COPY

C O M P L A I N T

ABORTIONIST ARRIVED IN GREENLAND TO KILL BABIES:

DATE: _____

TIME: _____

LICENSE NO.: _____

IN VIOLATION OF THE 6TH COMMANDMENT (EXODUS 20:13)

AND

NEW HAMPSHIRE RSA 585:12 & 13

(HOMICIDE AND OFFENCES AGAINST THE PERSON)

JOEL STEIN, M.D.

GSB Building, Suite 823
One Belmont Avenue
Bala Cynwyd, PA 19004
Phone (610) 664-6004

HOME ADDRESS OF JOEL STEIN:

20237 VALLEY FORGE CIRCLE

KING OF PRUSSIA, PENNSYLVANIA 19406

(610) 783-0511

COMPLAINANT:

ADDRESS: _____

DATE OF BIRTH: _____

FILE COPY

C O M P L A I N T

ABORTIONIST ARRIVED IN GREENLAND TO KILL BABIES:

DATE _____

TIME _____

LICENSE NO. _____

IN VIOLATION OF THE 6TH COMMANDMENT (EXODUS 20:13)

AND

NEW HAMPSHIRE RSA 585:12 & 13

(HOMICIDE AND OFFENCES AGAINST THE PERSON)

Jeanne Hubbuch, M.D.

Board Certified in Family Practice

1126 Beacon Street
Newton, MA 02161

Holistic health, women's health care, cervical caps
available, allergies and environmental sensitivities

For appointment call 965-7770

Home Address of Jeanne Hubbuch:

33 Ashcroft Street

Jamaica Plain, MA 02130

617-524-7656

COMPLAINANT:

ADDRESS: _____

Date of Birth: _____

C O M P L A I N T

FILE COPY

On (Date) _____

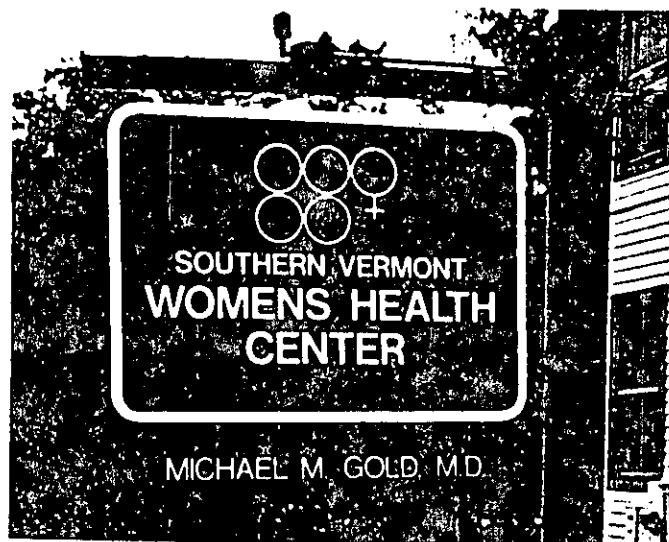
ABORTIONIST MICHAEL MERTON GOLD
WAS AT THE PORTSMOUTH FEMINIST HEALTH CENTER,
559 PORTSMOUTH AVENUE, GREENLAND, N.H. 03840

T O K I L L B A B I E S

IN VIOLATION OF GOD'S COMMANDMENT,
"THOU SHALT NOT KILL" (EXODUS 20:13)

AND

NEW HAMPSHIRE RSA 585:12, 13,
"HOMICIDE AND OFFENSES AGAINST THE PERSON"



MICHAEL GOLD IS ALSO THE ABORTIONIST
AT THE SOUTHERN VERMONT WOMEN'S HEALTH CENTER,
187 NORTH MAIN ST, RUTLAND, VT 05701
WHERE HE PERFORATED A WOMAN'S UTERUS AND BLADDER DURING AN ABOR-
TION PROCEDURE ON NOVEMBER 22, 1989 (RUTLAND SUPERIOR COURT - VT
DOCKET NUMBER SO806-91RcC)

HOME ADDRESS OF MICHAEL M. GOLD:
RD 1, Box 11, Cuttingsville, VT 05378

C O M P L A I N A N T :

NAME: _____

ADDRESS: _____

DATE OF BIRTH: _____

HOMICIDE AND OFFENSES AGAINST THE PERSON

Murder

585:1-585:6 [Repealed.]
585:7 Joining Charges. [Repealed.]

Manslaughter

585:8-585:11 [Repealed.]

Other Offenses

585:12 Attempt to Procure Miscarriage.
585:13 Intent to Destroy Quick Child.
585:14 Penalty for Causing Death.
585:15-585:28 [Repealed.]

Murder

585:1-585:6.

[Repealed 1974, 34:12, eff. April 15, 1974.]

Former RSA 585:1-585:6, which were derived from RS 214:1; CS 227:1; 1859, 2221:2; GS 264:1, 2, 4; GL 282:1, 2, 4; PS 278:1, 2, 4; 1899, 24:1; 1903, 114:1; 1915, 65:2, 3; PL 392:1-6; 1937, 20:1; and RL 455:1-6, related to the definition of murder and to the procedure for prosecutions for murder. See now RSA 630:1-630:1-b and 630:5.

585:7 Joining Charges.

[Repealed 1973, 370:6, eff. Nov. 1, 1973.]

Former RSA 585:7, which was derived from 1859, 2221:3; GS 264:6; GL 282:6; PS 278:6; PL 392:7; and RL 455:7, related to joinder of charges of murder and concealment of death of a newborn child.

Manslaughter

585:8-585:11.

[Repealed 1973, 370:7, eff. Nov. 1, 1973.]

Former RSA 585:8-585:11, which were derived from RS 214:4; CS 227:4; GS 264:7-10; GL 282:7-10; PS 278:7-10; PL 392:8-11; and RL 455:8-11, related to the definition of manslaughter and the procedure for prosecutions for manslaughter. See now RSA 630:2 and 630:3.

Other Offenses

CROSS REFERENCES

Classification of crimes, see RSA 625:9.
Concealing death of a newborn, see RSA 639:5.
Homicide, see RSA 630.
Sentences, see RSA 651.

LIBRARY REFERENCES

West Key Number

CJS

Abortion ⇐ 1.

Abortion § 1 et seq.

585:12 Attempt to Procure Miscarriage. If any person shall wilfully administer to a pregnant woman any medicine, drug, substance, or thing whatever, or shall use or employ any instrument or means whatever, with intent thereby to procure the miscarriage of such woman, he shall be imprisoned not more than one year or fined not more than \$1,000, or both.

HISTORY

Source. 1848, 743:1. CS 227:11. GS 264:11. GL 282:11. PS 278:11. PL 392:12. RL 455:12.

ANNOTATIONS

1. Cited A2d 108; State v. Millette (1972) 112 NH 458, 299 A2d 150.
Cited in State v. Wood (1873) 53 NH 484;
Bennett v. Hymers (1958) 101 NH 483, 147

585:13 Intent to Destroy Quick Child. If any person shall administer to a woman pregnant with a quick child any medicine, drug, or substance whatever, or shall use or employ any instrument or means whatever, with intent thereby to destroy the child, unless, by reason of some malformation or of difficult or protracted labor, it shall have been necessary to preserve the life of the woman or shall have been advised by 2 physicians to be necessary for that purpose, he shall be fined not more than \$1,000 and imprisoned not more than 10 years.

HISTORY

Source. 1848, 743:2. CS 227:12. GS 264:12. GL 282:12. PS 278:12. PL 392:13. RL 455:13.

ANNOTATIONS

1. Cited A2d 108; State v. Millette (1972) 112 NH 458, 299 A2d 150.
Cited in State v. Wood (1873) 53 NH 484;
Bennett v. Hymers (1958) 101 NH 483, 147

585:14 Penalty for Causing Death. If any person shall cause the death of a pregnant woman in the perpetration or attempt to perpetrate either of the crimes mentioned in RSA 585:12 and 13, or in consequence of the perpetration or the attempt to perpetrate either of them, he shall be deemed guilty of murder in the second degree and shall be punished accordingly.

HISTORY

Source. 1848, 743:3. CS 227:13. GS 264:13. GL 282:13. PS 278:13. PL 392:14. RL 455:14.

Revision note. For purposes of clarity, substituted "RSA 585:12 and 13" for "the two preceding sections" following "crimes mentioned in".

CROSS REFERENCES

Culpable mental states generally, see RSA 626:2.
Second degree murder, see RSA 630:1-b.

ANNOTATIONS

Cited, 3

Construction generally, 1

1. Construction generally
This section establishes a degree of murder as elsewhere defined by statute or case law; it

Elements of offense, 2

does not establish a separate crime of murder. State v. Millette (1972) 112 NH 458, 299 A2d 150.

AMSHOFF, DONOVAN, & SMITH, P.C.**FILE COPY****Ninth Floor, 200 W. Broadway, Louisville, Kentucky 40202 (502) 540-0065****FOR IMMEDIATE RELEASE**

Date: December 6, 1996

Contact: Theodore H. Amshoff, Jr.

(502)540-0065, Fax: (502)540-0066; Voice Mail: (502)540-0066

City of Origin: Jefferson County, Alabama

CONTROVERSIAL ABORTION DOCTOR ORDERED TO PAY \$10,000,000 IN DEATH OF ABORTION PATIENT

An Alabama court has rendered a \$10,000,000 judgment against Dr. Thomas Tucker, II, and his professional corporation. Dr. Tucker was an abortion doctor who in recent years was the focus of feature articles in *USA Today* (7/17/94), *The New York Times* (4/24/94) and *Time Magazine* (8/9/93). The suit concerned the 1991 death of an Alabama mother of five who died shortly after obtaining an abortion from Dr. Tucker at his office in Birmingham, Alabama. The court in its findings found it "difficult to imagine a case more appropriate for an award of punitive or exemplary damages."

Prior to the abortion, Dr. Tucker had been warned by his staff not to proceed with the abortion in part because the patient had 5 previous pregnancies, a temperature, and her hemoglobin levels were low and could lead to excessive bleeding. Dr. Tucker responded: "You know we need the money. Just do it. Just put the patient through."

The court found in its 36 page opinion that following the abortion procedure, the patient had difficulty breathing, her blood pressure dropped and she bled excessively. In an attempt to stabilize her blood pressure, Dr. Tucker administered medications. He then deactivated the pulse oximeter and blood pressure monitor alarms which were sounding loudly and had the patient taken to a recovery room that had no equipment for monitoring vital signs, because he needed the operating room to perform other abortions.

The patient's condition continued to worsen and a clinic staffer called for an ambulance. Dr. Tucker canceled the ambulance stating "he could not afford to send another patient to UAB [hospital] because those doctors down there would hang him." According to testimony, the patient continued to bleed very badly, and a staff member then told Tucker: "I want you to do something. She is going to lay there and die." An ambulance was called, and the court found that Tucker then left the clinic completely before the ambulance arrived. The patient was taken to the University of Alabama-Birmingham Hospital where she died three days later.

In 1994, the news that Dr. Tucker's medical license had been suspended made national headlines. On April 24, 1994, the *New York Times* reported that Dr. Tucker had performed as many as 70% of the abortions in Mississippi. He also performed abortions at two clinics in Alabama, including the clinic where the patient was injured.

Previously, *The New York Times* reported (4/24/94) that Dr. Tucker had been the subject of two criminal investigations. One involved the death of a patient in Birmingham and the other concerned allegations that he killed a newborn infant moments after it was born alive.

In the trial resulting in the \$10,000,000 judgment, the family of the deceased woman was represented by the Louisville based law firm of Amshoff, Donovan, & Smith, P.C. Theodore H. Amshoff, Jr., who was lead counsel on the case, said that "This award cannot bring this mother back to her family, but it demonstrates the enormous injury sustained by her five orphaned children, and sends a clear signal that shoddy and unsafe medical practices will not be tolerated." Mr. Amshoff was assisted by partners J. Thomas Smith and Helen M. Donovan, associates Paul P. Clemens and Collin J. LeBlanc and Birmingham counsel Bill Swatek.

ENCLOSURE: Court Judgment (Complete 36 page opinion available on request).

MATERNAL DEATHS FROM LEGAL ABORTIONS IN THE UNITED STATES

(118 names - This is a partial list.)

Pro-Life Action League

Last revised September 14, 1994

FILE COPY

Name: Diane Adams Age: 28
Died: February 28, 1992
Abortionist: Dr. Angel Acevedo Montalvo, San Juan, PR
Cause of Death: Legal abortion
Source: Virgin Islands Daily News, March 5, 1992

Name: Cassandra Bleavins Age: 20 Race: Black
Died: September 18, 1971
Abortion Site: John Wesley Hospital, Los Angeles, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report No. 71-10001

Name: Eurice Agbaga Age: 26 Race: Black
Died: January 15, 1989
Abortionist: Dr. Abram Zelikman, Y&P Medical Center, New York, NY
Cause of Death: Legal abortion
Source: New York Daily News, 1-16-89

Name: Diane Boyd Age: 19
Died: October 23, 1981
Abortionist: Dr. Robert Crist, Reproductive Health Services, St. Louis, MO
Cause of Death: Legal abortion
Source: St. Louis City Circuit Court, Case # 812-11077

Name: Mickey Apodaca Age: 28 Race: Hispanic
Died: April 11, 1984
Abortionist: Dr. Raymond Showery, El Paso, TX
Cause of Death: Legal abortion
Source: Des Moines Register, 5-5-84

Name: Dorothy Brown Age: 37 Race: Black
Died: August 16, 1974
Abortion Site: Friendship Medical Center, Chicago, IL
Cause of Death: Legal abortion
Source: Chicago Sun-Times, 11-19-78

Name: Gloria Aponte Age: 20 Race: Hispanic
Died: April 29, 1986
Abortionist: Dr. Hanan Rotem, Stamford, CT
Cause of Death: Legal abortion
Source: Associated Press, 11-22-89

Name: Belinda Byrd Age: 37 Race: Black
Died: January 27, 1987
Abortionist: Dr. Stephen Pine, Inglewood Hospital, Inglewood, CA
Cause of Death: Legal abortion
Source: LA County Superior Court, Case # SWC 90298

Name: Jacqueline Bailey Age: 29 Race: Black
Died: December 3, 1977
Abortionist: Dr. Eboraine, Pacific Glen Hospital, Glendale, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report No. 77-14583

Name: Geneva Calton Age: 21
Died: July 18, 1979
Abortionist: Dr. Larry Cohen, Northside Family Planning Services, Atlanta, GA
Cause of Death: Legal abortion
Source: National Right to Life, Sept/Oct 1979

Name: Myrta Baptise Age: 26
Died: December 18, 1982
Abortion Site: Women's Care Center, Miami, FL
Cause of Death: Legal abortion
Source: Miami Herald, 1-5-83

Name: Maria Anne Cardamone Age: 18 Race: Caucasian
Died: August 16, 1989
Abortion Site: Magee Women's Hospital, Pittsburgh, PA
Cause of Death: Legal abortion
Source: Pittsburg Press, 9-26-91

Name: Deanna K. Bell Age: 13 Race: Black
Died: September 5, 1992
Abortion Site: Family Planning Associates, Chicago, IL
Cause of Death: Legal abortion
Source: Daily Herald, 9-7-92

Name: Teresa Causey Age: 17 Race: Black
Died: December 3, 1988
Abortionist: Joe W. McDaniel, Medical Center of Macon, Macon, GA
Cause of Death: Legal abortion
Source: Macon Telegraph and Press, 12-5-88

Name: Brenda Benton Age: 35 Race: Black
Died: April 20, 1987
Abortionist: Dr. Dusan Zivkovic, Biogenetics, Chicago, IL
Cause of Death: Legal abortion
Source: Cook County Circuit Court, Case No. 89L 2808

Name: Patricia Chacon Age: 16 Race: Hispanic
Died: March 3, 1984
Abortionist: Dr. Edward Alfred, Family Planning Associates, Los Angeles, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report, No. 84-2948

Name: Rosario Bermeo Age: 30 Race: Hispanic
Died: June 14, 1983
Abortionist: Dr. Joseph B. Shaper, Prospect Hospital, New York, NY
Cause of Death: Legal abortion
Source: Bermeo v. Prospect Hospital, 162 A.D. 2d 235, 556 N.Y.S. 2d 600 (1990)

Name: Sandra Lynn Chmiel Age: 35 Race: Caucasian
Died: June 3, 1975
Abortion Site: Biogenetics, Chicago, IL
Cause of Death: Legal abortion
Source: Chicago Sun-Times, 11-19-78

Name: Janet Lally Blaum Age: 37 Race: Caucasian
Died: March 11, 1974
Abortionist: Dr. Sidney Knight, New Orleans, LA
Cause of Death: Legal abortion
Source: Jefferson Parish District Court, Case No. 168-162 filed in 1974

Name: Pamela Colson Age: 30
Died: June 26, 1994
Abortion Site: Pensacola Women's Medical Services, Pensacola, FL
Cause of Death: Legal abortion
Source: Pensacola News Journal 6-29-94

MATERNAL DEATHS FROM LEGAL ABORTIONS IN THE UNITED STATES

(118 names - This is a partial list.)

Pro-Life Action League

Last revised September 14, 1994

Name: Liliana Cortez Age: 22 Race: Hispanic
Died: September 25, 1986
Abortionist: Dr. Leo Kenneally, Her Medical Clinic, Los Angeles, CA
Cause of Death: Legal abortion
Source: L.A. Herald Examiner, 2-22-88

Name: Twila Coulter Age: 21 Race: Caucasian
Died: November 15, 1972
Abortion Site: Bel Air Hospital, Los Angeles, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report, No. 72-12165; American Journal of Obstetrics & Gynecology, 8-73

Name: Betty Jane Zellers Damato Age: 26
Died: February 25, 1980
Abortionist: Dr. James E. Franklin, ABCD Clinic, Denver, CO
Cause of Death: Legal abortion
Source: Denver Post, 5-22-81

Name: Mary Ann Dancy Age: 32
Died: July 27, 1990
Abortionist: Dr. Clarence J. Washington, The Fleming Center, Raleigh, NC
Cause of Death: Legal abortion
Source: Raleigh News and Observer, July 29, 1992

Name: Angel Dardie Age: 22 Race: Black
Died: August 3, 1982
Abortionist: Dr. Youl Choi, Plymouth General Hospital, Detroit, MI
Cause of Death: Legal abortion
Source: Wayne County Circuit Court, Case No. 84-423794-NM

Name: Barbaralee Davis Age: 18 Race: Caucasian
Died: June 14, 1977
Abortionist: Dr. Hector Zevallos, Hope Clinic for Women, Granite City, IL
Cause of Death: Legal abortion
Source: Chicago Tribune, 8-31-77

Name: Glenda Davis
Died: March 14, 1989
Abortionist: Dr. Robert Hanson, Aaron Planning Clinic, Houston, TX
Cause of Death: Legal abortion
Source: Harris County District Court, Case No. 89-28771

Name: Margaret Davis Age: 33 Race: Black
Died: July 15, 1972
Abortionist: Dr. Christopher Dotson, Windsor Hospital, Los Angeles, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report, No. 72-7646

Name: Marina DeChapell Age: 34
Died: August 17, 1978
Abortionist: Dr. Eduardo F. Elias, Miami, FL
Cause of Death: Legal abortion
Source: Miami Herald, 8-18-78

Name: Synthia Derrard Age: 24 Race: Black
Died: September 7, 1989
Abortionist: Dr. Inno Obasi, Biogenetics, Chicago, IL
Cause of Death: Legal abortion
Source: Cook County Circuit Court, Case No. 89L-13682; Chicago Tribune, 5-3-90, 6-13-90

Name: Laniece Dorsey Age: 17 Race: Black
Died: February 6, 1986
Abortionist: Dr. Kenneth Wright, Family Planning Associates, Cypress, CA
Cause of Death: Legal abortion
Source: Orange County Superior Court, Case No. 510415; Orange County Coroner's Report, No. 86-0682

Name: Anjelica Duarte Age: 21 Race: Hispanic
Died: October 30, 1991
Abortionist: Dr. Larry Thompson, Women's Place Clinic, Las Vegas, NV
Cause of Death: Legal abortion
Source: Las Vegas Review Journal, 11-2-91

Name: Evelyn Dudley Age: 38
Died: March 16, 1973
Abortion Site: Friendship Medical Center, Chicago, IL
Cause of Death: Legal abortion
Source: Chicago Sun-Times, 11-19-78

Name: Sherry Emry Age: 26 Race: Caucasian
Died: January 2, 1978
Abortionist: Dr. Arnold Bickham, Water Tower Reproductive Center, Chicago, IL
Cause of Death: Legal abortion
Source: Chicago Sun-Times, 11-19-78

Name: Georgianna English Age: 32
Died: 1980
Abortionist: Dr. Milan Vutch, Laurel Clinic, Washington, DC
Cause of Death: Legal abortion
Source: Washington Times, 4-19-84; Vital Signs, 6/85

Name: Gladys Delanoche Estanislao Age: 28 Race: Hispanic
Died: May 23, 1989
Abortionist: Dr. Alan J. Ross, Wisconsin Ave. Women's Health Care Center, Bethesda, MD
Cause of Death: Legal abortion
Source: Wanderer, 12-5-91

Name: Erna Fisher Age: 18
Died: March 10, 1988
Abortionist: Dr. Dennis W. Miller, Comprehensive Women's Health Care, Overland Park, KS
Cause of Death: Legal abortion
Source: Kansas City Star, 6-30-90

Name: Sharon Floyd Age: 18 Race: Black
Died: April 28, 1975
Abortionist: Dr. Samuel Edwards, Associated Concern, Chicago, IL
Cause of Death: Legal abortion
Source: Chicago Sun-Times, 11-19-78; Cook County Death Certificate

Name: Linda Fondren Age: 21 Race: Black
Died: January 20, 1974
Abortionist: Dr. Mohammad Pourtabib, Pre-Birth Clinic, Chicago, IL
Cause of Death: Legal abortion
Source: Chicago Sun-Times, 11-19-78

Name: Christella Forte Age: 15 Race: Black
Died: January 14, 1986
Abortion Site: New Center Hospital, Detroit, MI
Cause of Death: Legal abortion
Source: Bernadell Technical Bulletin, Vol. 1, No. 2, 11/89

MATERNAL DEATHS FROM LEGAL ABORTIONS IN THE UNITED STATES

(118 names - This is a partial list.)

Pro-Life Action League

Last revised September 14, 1994

Name: Janet Foster Age: 18 Race: Black
Died: September 15, 1971
Abortionist: Dr. Richard Neal, Valley Doctors Hospital, Los Angeles, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report, No. 71-9846

Name: Glenna Jean Fox Age: 17 Race: Caucasian
Died: January 1989
Abortionist: Dr. Morris Wortman, Rochester, NY
Cause of Death: Legal abortion
Source: Bernadell Technical Bulletin, Vol. 2, No. 2, 3/90

Name: Josefina Garcia Age: 37 Race: Asian
Died: May 23, 1985
Abortion Site: Family Planning Associates, Long Beach, CA
Cause of Death: Legal abortion
Source: L.A. County Superior Court, Case No. SOC 82220;
Press-Telegram, 4-25-86

Name: Kathleen Gilbert Age: 29 Race: Caucasian
Died: May 2, 1985
Abortionist: Dr. David Turrow, Women's Aid Clinic, Lincolnwood, IL
Cause of Death: Legal abortion
Source: Cook County Circuit Court, Case No. 85L 10465

Name: Maria Gomez Age: 29 Race: Hispanic
Died: May 4, 1978
Abortionist: Dr. John Blodgett, Atlantic Family Clinic, Compton, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report, No. 76-5654

Name: Doris Grant Age: 32 Race: Black
Died: February 15, 1971
Abortionist: Dr. W. W. Williams, Doctors Hospital, Los Angeles, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report, No. 71-1975

Name: Debra M. Gray Age: 34 Race: Black
Died: July 15, 1989
Abortionist: Dr. Gideon M. Kioko, Hillview Women's Medical Center,
Suitland, MD
Cause of Death: Legal abortion
Source: Washington Post, 8-13-90

Name: Angela Masheal Hall Age: 27 Race: Black
Died: June 14, 1991
Abortionist: Dr. Thomas W. Tucker II, Birmingham, AL
Cause of Death: Legal abortion
Source: University of Alabama Medical Center Autopsy Report No. 18268,
Jefferson County Circuit Court, Case # CV8 300632

Name: Wilma Harris Age: 32
Died: June 20, 1974
Abortionist: Dr. Milan Vuitch, Laurel Clinic, Washington, DC
Cause of Death: Legal abortion
Source: U.S. Dist. of Columbia Court, Case No. 75-1156

Name: Sheila Hebert Age: 27
Died: June 6, 1986
Abortion Site: Delta Women's Clinic, Baton Rouge, LA
Cause of Death: Legal abortion
Source: State Times & Morning Advocate, 7/86

Name: Donna Heim Age: 20 Race: Caucasian
Died: August 13, 1986
Abortionist: Dr. Mahlon Cannon, Her Medical Clinic, Los Angeles, CA
Cause of Death: Legal abortion
Source: L.A. Herald-Examiner, 2-22-88

Name: Inez Herron Age: 26 Race: Hispanic
Died: November 3, 1983
Abortionist: Dr. William D. Stanley, Bakersfield, CA
Cause of Death: Legal abortion
Source: National Right to Life News, 10-23-86

Name: Betty Hines Age: 21 Race: Black
Died: July 20, 1971
Abortionist: Dr. A. Mitchell, Doctors Hospital, Los Angeles, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report, No. 71-7752

Name: Denise Holmes Age: 24 Race: Caucasian
Died: December 21, 1970
Abortionist: Dr. Edward Alfred, Avalon Memorial Hospital, Los Angeles, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report, No. 70-13367

Name: Patricia King Age: 24 Race: Black
Died: May 4, 1987
Abortionist: Dr. Dean H. Dimert, State Wide Clinic, Tulsa, OK
Cause of Death: Legal abortion
Source: Tulsa Tribune, 7-13-87

Name: Cora Mae Lewis Age: 23 Race: Black
Died: December 3, 1983
Abortion Site: Inglewood Hospital, Inglewood, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report, No. 83-15079

Name: Sara Frankl Lint Age: 22 Race: Caucasian
Died: August 12, 1970
Abortion Site: San Vincente Hospital, Los Angeles, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report, No. 70-8468

Name: Deborah Ann Lozinski Age: 17 Race: Caucasian
Died: June 21, 1985
Abortion Site: Medical Care Center, Woodbridge, NJ
Cause of Death: Legal abortion
Source: Middlesex County Superior Court, Case No. L-054832-85

Name: Dawn Mack Age: 21
Died: August 3, 1991
Abortion Site: Eastern Women's Center, New York, NY
Cause of Death: Legal abortion
Source: New York Post, 8-5-91, 8-6-91, and 8-7-91

Name: Michelle Madden Age: 18 Race: Caucasian
Died: November 22, 1986
Abortionist: Dr. O. B. Evan, Family Planning Medical Center, Mobile, AL
Cause of Death: Legal abortion
Source: Mobile Press Register, 6-16-91

MATERNAL DEATHS FROM LEGAL ABORTIONS IN THE UNITED STATES

(118 names - This is a partial list.)

Pro-Life Action League

Last revised September 14, 1994

Name: Sharon Margrove Age: 25 Race: Caucasian
Died: May 21, 1970
Abortion Site: Pacific Hospital, Long Beach, CA
Cause of Death: Legal abortion
Source: L.A. County Death Certificate

Name: Sophie McCoy Age: 17
Died: September 26, 1990
Abortionist: Dr. Abu Hayat, Women's Medical Clinic, New York, NY
Cause of Death: Legal abortion
Source: New York Times, 11-21-91 and 11-22-91

Name: Rita McDowell Age: 16 Race: Black
Died: March 8, 1975
Abortionist: Dr. Robert Sherman, Columbia Family Planning Clinic, Washington, DC
Cause of Death: Legal abortion
Source: People Magazine, 7-21-82; New York Times, 10-6-82

Name: Lynn McNair Age: 24
Died: Early 1980s
Abortionist: Dr. Edward Rubin, New York, NY
Cause of Death: Legal abortion
Source: New York Supreme Court, Case No. 4492-81; Associated Press, 12-11-80

Name: Dawn Mendoza Age: 28 Race: Hispanic
Died: June 29, 1988
Abortionist: Dr. Rubin, Women's Medical Pavilion, Dobbs Ferry, NY
Cause of Death: Legal abortion
Source: Wanderer, 6-29-88; New York Post, 7-4-89

Name: Natalie Meyers Age: 16 Race: Caucasian
Died: October 27, 1972
Abortion Site: San Vicente Hospital, Los Angeles, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report, No. 72-11445

Name: Sandra Milton Age: 28 Race: Caucasian
Died: April 27, 1990
Abortionist: Dr. Carl Armstrong, Toledo Medical Services, Toledo, OH
Cause of Death: Legal abortion
Source: State of Ohio Death Certificate

Name: Oshiro Mohar Age: 31 Race: Asian
Died: September 10, 1975
Abortionist: Dr. Baca, Pacoima Lutheran Hospital, Los Angeles, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report 75L-10835

Name: Ruth Montero Age: 23
Died: August 7, 1979
Abortion Site: Women's Care Center, Miami, FL
Cause of Death: Legal abortion
Source: Miami Herald, 1-5-83

Name: Denise Montoya Age: 15 Race: Hispanic
Died: May 29, 1988
Abortionist: Dr. Douglas Karpen, Women's Pavilion, Houston, TX
Cause of Death: Legal abortion
Source: Harris County Court, Case No. 89-16747

Name: Beverly Ann Moore Age: 15
Died: July 11, 1975
Abortionist: Tucky Hayes, Chattanooga Women's Clinic, Chattanooga, TN
Cause of Death: Legal abortion
Source: Chattanooga Times, 1-31-76

Name: Sylvia Moore Age: 18 Race: Black
Died: December 31, 1986
Abortionist: Dr. Arnold Bickham, Friendship Medical Center, Chicago, IL
Cause of Death: Legal abortion
Source: Cook County County Circuit Court, Case No. 87L-15971

Name: Maura Morales Age: 25 Race: Hispanic
Died: May 8, 1981
Abortion Site: Women's Care Center, Miami, FL
Cause of Death: Legal abortion
Source: Miami Herald, 1-5-83

Name: Katherine Morse Age: 20 Race: Caucasian
Died: September 3, 1972
Abortionist: Dr. John DuPont, Bel Air Hospital, Los Angeles, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report, No. 72-9587

Name: Kathy Murphy Age: 17 Race: Black
Died: September 8, 1973
Abortionist: Dr. John DuPont, Inglewood Hospital, Inglewood, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report, No. 73-14675

Name: Dorothy Muzorewa Age: 25 Race: Black
Died: August 23, 1974
Abortionist: Dr. David Turow, Women's Aid Clinic, Lincolnwood, IL
Cause of Death: Legal abortion
Source: Cook County Coroner's verdict; Chicago Sun-Times, 11-19-78

Name: Guadalupe Negron Age: 33
Died: July 9, 1993
Abortionist: Dr. Elyas Bonrouhi a.k.a. David Benjamin, Metro Women's Center, Corona, NY
Cause of Death: Legal abortion
Source: New York Newsday, 7-18-93

Name: Joyce Ortenzio Age: 32 Race: Caucasian
Died: June 8, 1988
Abortionist: Dr. Ruben Marmet, Family Planning Associates, Los Angeles, CA
Cause of Death: Legal abortion
Source: L.A. County Superior Court, Case No. WEC136580

Name: Linda Padfield Age: 28
Died: June 18, 1973
Abortionist: Dr. Benjamin Munson, Rapid City, SD
Cause of Death: Legal abortion
Source: Minneapolis Tribune, 10-21-77

Name: Shirley Payne Age: 33
Died: January 4, 1983
Abortion Site: Women's Care Center, Miami, FL
Cause of Death: Legal abortion
Source: Miami Herald, 1-5-83

MATERNAL DEATHS FROM LEGAL ABORTIONS IN THE UNITED STATES

(118 names - This is a partial list.)

Pro-Life Action League

Last revised September 14, 1994

Name: Mary Pena Age: 43 Race: Hispanic
Died: December 16, 1984
Abortionist: Dr. Edward Allred, Family Planning Associates, Los Angeles, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report, No. 84-16016

Name: Danette A. Ferguson Age: 19 Race: Caucasian
Died: February 11, 1992
Abortionist: Dr. Robert Tamis, Abortion Services of Phoenix, Phoenix, AZ
Cause of Death: Legal abortion
Source: Arizona Republic, 4-20-92

Name: Catherine Pierce Age: 27
Died: October 10, 1989
Abortionist: Dr. Daniel McBrayer, Atlanta Surgi-Center, Atlanta, GA
Cause of Death: Legal abortion
Source: Atlanta Journal/Constitution, 1-5-90

Name: Dawn Ravenell Age: 13 Race: Black
Died: February 11, 1985
Abortionist: Dr. Allen Kline, Eastern Women's Center, New York, NY
Cause of Death: Legal abortion
Source: New York Post, 12-11-90

Name: Erica Kae Richardson Age: 16 Race: Black
Died: March 2, 1989
Abortionist: Dr. Gene Crawford, Laurel, MD
Cause of Death: Legal abortion
Source: Prince George's (MD) Journal, 5-30-90

Name: Rosael Rodriguez Age: 21
Died: during or before 1986
Abortionist: Dr. Angel Acevedo Montalvo, San Juan, PR
Cause of Death: Legal abortion
Source: Virgin Islands Daily News, March 5, 1992

Name: Jane Roe Age: 21
Died: Early 1970s
Abortion Site: Massachusetts
Cause of Death: Legal abortion
Source: New England Journal of Medicine, 4-1-78

Name: Jane Roe
Died: 1975
Abortion Site: Champaign, IL
Cause of Death: Legal abortion
Source: Chicago Sun-Times, 11-19-78

Name: Jane Roe
Died: 1975
Abortion Site: Springfield, IL
Cause of Death: Legal abortion
Source: Chicago Sun-Times, 11-19-78

Name: Jane Roe Age: 30 Race: Caucasian
Died: January 1978
Abortion Site: Tennessee
Cause of Death: Legal abortion
Source: American Journal of Obstetrics & Gynecology, 7/79

Name: Jane Roe Age: 14
Died: Mid-1980s
Abortionist: Dr. E. Wyman Garrett, Newark, NJ
Cause of Death: Legal abortion
Source: Newark Star Ledger, 2-1-87

Name: Jane Roe Age: 30
Died: March 1986
Abortionist: Dr. E. Wyman Garrett, U of Medicine & Dentistry of NJ, Newark, NJ
Cause of Death: Legal abortion
Source: Newark Star Ledger, 2-1-87

Name: Jane Roe (Patient E)
Died: December 3, 1983
Abortionist: Dr. Andre Nehorayoff, New York, NY
Cause of Death: Legal abortion
Source: New York State Office of Professional Discipline, Commissioner's Order, No. 12342

Name: Jane Roe (Patient F) Age: 19
Died: December 15, 1979
Abortionist: Dr. Andre Nehorayoff, New York, NY
Cause of Death: Legal abortion
Source: New York State Office of Professional Discipline, Commissioner's Order, No. 12342

Name: Jane Roe: aka K.B. Age: 19
Died: August 1, 1988
Abortion Site: Center for Reproductive & Sexual Health (CRASH), New York, NY
Cause of Death: Legal abortion
Source: Associated Press, 9-30-88; All About Issues, 1/90

Name: Julia Rogers Age: 20
Died: March 28, 1973
Abortion Site: Friendship Medical Center, Chicago, IL
Cause of Death: Legal abortion
Source: Chicago Sun-Times, 11-19-78

Name: Stacy Lee Ruckman Age: 23
Died: February 20, 1988
Abortionist: Dr. Scott Barrett, Springfield Central Health Center, Springfield, MO
Cause of Death: Legal abortion
Source: Green County Circuit Court, Case No. CV188-875CC2

Name: Angela Satterfield Age: 23 Race: Caucasian
Died: October 15, 1990
Abortionist: Dr. Dean H. Diment, State Wide Clinic, Tulsa, OK
Cause of Death: Legal abortion
Source: State of Oklahoma Medical Examiner's Report #901-0672

Name: Angela Scott Age: 19
Died: 1979
Abortion Site: Atlanta Women's Pavilion, Atlanta, GA
Cause of Death: Legal abortion
Source: Georgia Right to Life News, 7/79

MATERNAL DEATHS FROM LEGAL ABORTIONS IN THE UNITED STATES

(118 names - This is a partial list.)

Pro-Life Action League

Last revised September 14, 1994

Name: Gloria Small Age: 34
Died: March 7, 1978
Abortionist: Dr. Ronald Tauber, Orlando Birthing Center, Orlando, FL
Cause of Death: Legal abortion
Source: Orlando Sentinel Star, 4-20-78

Name: Diane Smith Age: 23 Race: Black
Died: September 11, 1976
Abortion Site: Chicago, IL
Cause of Death: Legal abortion
Source: Chicago Sun-Times, 11-19-78; Cook County Death Certificate

Name: Margaret Smith Age: 25
Died: June 16, 1971
Abortionist: Dr. Jesse Ketchum, Buffalo, NY
Cause of Death: Legal abortion
Source: U.S. District Court Ruling Ketchum v. Ward (No. 1U-75-79, 422 F. Supp 934, 1976)

Name: Laura Sorrels Age: 30 Race: Caucasian
Died: September 6, 1988
Abortion Site: L.A. County, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report (No. 88-07800)

Name: Maria Soto Age: 32 Race: Hispanic
Died: September 9, 1985
Abortion Site: Her Medical Clinic, Los Angeles, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report (No. 85-11579)

Name: Jennifer Suddeth Age: 17 Race: Caucasian
Died: June 30, 1982
Abortionist: Dr. Frank Robinson, Tri-Med Family Planning, Bellflower, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report (No. 82-8251)

Name: Tami Suematsu Age: 19 Race: Asian
Died: September 19, 1988
Abortionist: Dr. Vern Wagner, Family Planning Associates, Riverside, CA
Cause of Death: Legal abortion
Source: Riverside County Death Certificate, Riverside County Autopsy Memo No. 64442

Name: Yvonne Tanner Age: 22 Race: Black
Died: August 14, 1984
Abortionist: Dr. Stephen Pine, Inglewood Hospital, Inglewood, CA
Cause of Death: Legal abortion
Source: L.A. County Superior Court (Case No. C-55-5261)

Name: Michelle Thames Age: 18 Race: Black
Died: September 19, 1987
Abortion Site: Her Medical Clinic, Los Angeles, CA
Cause of Death: Legal abortion
Source: L.A. Herald Examiner, 2-22-88

Name: Ingrid Thomas Age: 28 Race: Black
Died: August 1, 1991
Abortionist: Dr. Kanu Virani, Botsford General Hospital, Farmington, MI
Cause of Death: Legal abortion
Source: Michigan Department of Health Death Certificate, No. 0548862

Name: Magnolia Reed Thomas Age: 38 Race: Black
Died: February 19, 1986
Abortionist: Dr. Rudolph Morange, Hedd Surgi-Center, Chicago, IL
Cause of Death: Legal abortion
Source: Cook County Circuit Court # 88-L-18707

Name: Elizabeth Tsuji Age: 21 Race: Asian
Died: February 2, 1978
Abortionist: Dr. Jurewitz, Los Angeles, CA
Cause of Death: Legal abortion
Source: L.A. County Death Certificate

Name: Cheryl Tubbs Age: 29 Race: Caucasian
Died: August 8, 1975
Abortionist: Dr. Mitchell, Pacific Glen Hospital, Glendale, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report (No. 75-9493)

Name: Maureen Lynn Tyke Age: 21
Died: May 31, 1983
Abortionist: Bayard Britton, Aware Women's Clinic, Melbourne, FL
Cause of Death: Legal abortion
Source: Florida Today, June 2, 1983

Name: Latchia Veal Age: 17
Died: November 2, 1991
Abortionist: Dr. Robert Crist, West Loop Clinic, Houston, TX
Cause of Death: Legal abortion
Source: Houston Post, 11-7-91 and 11-12-91; Kansas City Star, 11-6-91

Name: Gail Ann Vroman Age: 20
Died: July 18, 1979
Abortionist: Dr. Taksin Ratharathorn, Fort Wayne Women's Health Organization, Fort Wayne, IN
Cause of Death: Legal abortion
Source: Fort Wayne Journal-Gazette, 7-20-79

Name: Lynette Wallace Age: 22 Race: Black
Died: September 27, 1975
Abortion Site: Inglewood Hospital, Inglewood, CA
Cause of Death: Legal abortion
Source: L.A. County Coroner's Report, No. 75-11665

Name: Diane Watson Age: 27 Race: Black
Died: August 29, 1987
Abortionist: Dr. Rudolph Morange, Hedd Surgi-Center, Chicago, IL
Cause of Death: Legal abortion
Source: Cook County Circuit Court, Case No. 87L24404

Name: Robin Wells Age: 27 Race: Black
Died: August 2, 1981
Abortionist: Dr. Gaujeen, Akron Center for Reproductive Health, Akron, OH
Cause of Death: Legal abortion
Source: Summit County Common Pleas Court, Case No. CV82-4-1036

Name: Ellen Williams Age: 38 Race: Black
Died: March 5, 1985
Abortionist: Dr. Chatoor Singh, Dadeland Family Planning Center, Miami, FL
Cause of Death: Legal abortion
Source: Dade County Circuit Court, Case No. 85-14112

Name: Carole Wingo Age: 22 Race: Black
Died: July 22, 1974
Abortion Site: Mercy General Hospital, Detroit, MI
Cause of Death: Legal abortion
Source: Wanderer, 9-12-74

FILE COPY

THE STATE OF NEW HAMPSHIRE

SUPERIOR COURT
ROCKINGHAM COUNTY

WRIT OF SUMMONS

MAR 26

0-405-84

COURT (

MAJORY (xx)

Elane Douglas
75 Portland Street
Rochester, NH 03807

vs.

Gregory C. Luck, MD
152 Court Street
Portsmouth, NH 03801

To the Sheriff of Any County or His Deputy:

WE COMMAND YOU TO SUMMON Gregory C. Luck, MD of 152 Court Street,
Portsmouth, N.H.

if to be found in your precinct, to appear at the SUPERIOR COURT at EXETER, in said County of Rockingham,
on the first Tuesday of April, 1984, to answer to the plaintiff(s). In a plea of CASE, for that in or

about November of 1982, the plaintiff, finding she was pregnant after a physical examination
and tests, sought and obtained the services of the defendant to perform an abortion;
that the defendant, who holds himself out as a medical specialist in reproductive health
care, had a duty to provide the plaintiff with proper medical care consistent with the
conditions for which she sought defendant's services; that on or about November 10, 1982,
the defendant performed an abortion on plaintiff; that although the defendant's observation
of the tissue recovered in the procedure failed to give a positive indication of products
of conception, the doctor reported that the abortion was probably complete; that said
tissue was not sent for a pathology examination; that a week later the defendant performed
a follow-up examination and reiterated that the plaintiff was no longer pregnant; that on or about
December 12, 1982, the plaintiff was stricken with severe and excruciating abdominal pain
and rushed to the hospital for emergency admission; that upon examination, emergency
surgery was necessary to save her life; that the surgery revealed plaintiff had a
ruptured ectopic pregnancy and had been suffering from internal bleeding as a result of
consequence thereof had lost two (2) litres of blood; that but for the intervention of
other members of the medical profession, plaintiff would more probably than not have
died; that defendant breached his duty to provide the plaintiff with proper medical
care by negligently failing to take the necessary steps to enable him to properly
evaluate plaintiff's condition; that as a result of defendant's negligent acts and omissions,
plaintiff's health was placed in jeopardy, plaintiff suffered extreme physical and
emotional distress and pain, as well as the loss of part of her uterus and fallopian
tube; that as a direct result of defendant's negligence, plaintiff has a reduced
possibility of future pregnancy and increased chances of complications during a pregnancy.

To the dam
with

as he say the sum of

dollars and make return of this

Witness

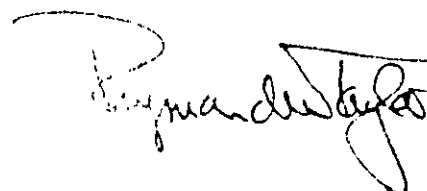
ED P. DUNFEY

Esquire, the

day of

A.D., 19

Chief Justice

 Clerk

DOUGLAS

BY

ATTORNEY

Box 571, Somersworth, NH 03878

FILE COPY

ORIGINAL PAPER
RUTLAND SUPERIOR COURT

STATE OF VERMONT

RUTLAND SUPERIOR COURT

RUTLAND COUNTY, SS

JUN 30 1992

DOCKET NO. S0806-91RcC

SUZANNE WILBUR,
Plaintiff

Ray S. Johnson
Clerk

VS

MICHAEL M. GOLD, and SOUTHERN
VERMONT WOMEN'S HEALTH CENTER,
Defendants

AMENDED COMPLAINT

Pursuant to Order of Rutland Superior Court dated June 16, 1992 ordering that Southern Vermont Womens' Health Center be made a party defendant in the above entitled action, that the Complaint be amended accordingly, and that a Summons issue, the plaintiff amends its Complaint as follows:

COUNT I

1. On November 22, 1989 the plaintiff was a patient at the defendant Southern Vermont Women's Health Center (hereinafter called Center) in Rutland, Vermont under the general care of Defendant Gold.

2. Defendant Gold was under the duty to exercise the degree of care ordinarily exercised by reasonably skillful, careful and prudent physicians engaged in similar medical practice under the same or similar circumstances.

3. Defendant Gold failed to exercise that degree of care but to the contrary thereof performed the procedure in a negligent manner.

4. As a proximate result of Defendant Gold's negligence and failure to exercise that degree of care, the plaintiff suffered injuries which would not otherwise have been incurred. During the course of the procedure the plaintiff's uterus and bladder were perforated. She was taken to the Rutland Regional Medical Center where the perforations were repaired. The plaintiff has suffered great pain of body and mind, and incurred expenses for medical attention and hospitalization, continues to suffer pain, and has difficulty controlling her bladder functions. She alleges that the injuries to her uterus and bladder, and the pain, discomfort and Disfunction in connection therewith are permanent.

5. At all times on November 22, 1989 Defendant Gold was the servant, agent and employee of Defendant Center and was acting in the scope of his employment.

WHEREFORE plaintiff demands judgment against Defendant Gold in an amount in excess of the jurisdictional minimum and her costs.

COUNT II

1. On November 22, 1989 the plaintiff was a patient at Defendant Southern Vermont Womens' Health Center (hereinafter called Center) in Rutland, Vermont under the general care of Defendant Gold. She was taken to the procedure room for a procedure to be performed by Defendant Gold.

2. Prior thereto the plaintiff consulted with Defendant Gold and with other employees of the Center and discussed with

them the alternatives to that procedure and the reasonably foreseeable risks and benefits involved.

3. The defendants failed to disclose to the plaintiff the reasonably foreseeable risk which Defendant Gold as a reasonable medical practitioner should have disclosed. Those risks included the laceration and perforation of the uterus and bladder which would affect the functioning of the bladder and uterus, and which would result in a long standing or permanent disability, pain and suffering.

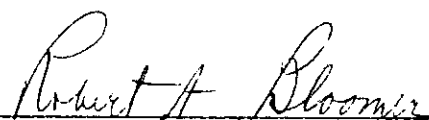
4. Had the defendants notified and advised the plaintiff that a reasonably foreseeable risk was the laceration of the bladder with its attendant pain, suffering and permanent disfunction, the plaintiff would not have undergone the procedure performed by Defendant Gold, as an employee of the Defendant Center, on November 22, 1989.

5. As a proximate result of the Defendant Gold's failure and the failure of the servants, agents and employees of the Center to advise plaintiff of the foreseeable risks of lacerating and perforating her uterus and bladder the plaintiff suffered great pain of body and mind, and incurred expenses for medical attention and hospitalization, and continues to suffer pain, and has difficulty controlling her bladder functions. She alleges that the injuries to her uterus bladder and the pain, discomfort and disfunction in connection therewith are permanent.

6. At all times on November 22, 1989 Defendant Gold was the servant, agent and employee of Defendant Center and was acting in the scope of his employment.

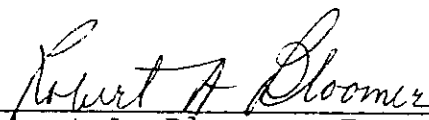
WHEREFORE she demands judgment against the defendants and each of them, in an amount in excess of the jurisdictional minimum and her costs.

Dated at the City of Rutland, County of Rutland and State of Vermont this 23rd day of June, 1992.


Robert A. Bloomer, Esq.
A member of the firm of
Bloomer & Bloomer, P.C.
22 Cottage St., Rutland VT 05701
Attorney for plaintiff

JURY DEMAND

Plaintiff demands trial by jury.


Robert A. Bloomer, Esq.
A member of the firm of
Bloomer & Bloomer, P.C.
22 Cottage St., Rutland VT 05701
Attorney for plaintiff



STATE OF VERMONT

ORIGINAL PAPER
RUTLAND SUPERIOR COURT

Rutland SUPERIOR COURT

Rutland COUNTY, ss

JUN 30 1992

Civil Action, Docket Number _____

SUZANNE WILBUR, Plaintiff
of Greenwich, Washington
County, New York
Clerk

vs.

MICHAEL M. GOLD, Defendant
of Shrewsbury, Rutland County,
Vermont and
SOUTHERN VERMONT WOMEN'S HEALTH CENTER,
Defendant, of City of Rutland, Rutland
County, Vermont

Summons

To the above-named Defendant(s):

You are hereby summoned and required to serve upon Robert A. Bloomer, Esq.,
plaintiff's attorney, whose address is 22 Cottage Street, Rutland VT 05701, an
answer to the complaint which is herewith served upon you, within 20 days after service of this summons
upon you, exclusive of the day of service.* If you fail to do so, judgment by default will be taken against
you for the relief demanded in the complaint. Your answer must be filed with the court. Unless the
relief demanded in the complaint is for damage covered by a liability insurance policy under which the
insurer has the right or obligation to conduct the defense, or unless otherwise provided in Rule 13(a),
your answer must state as a counterclaim any related claim which you may have against the plaintiff, or
you will thereafter be barred from making such claim in any other action.

Plaintiff's AttorneyDated June 23, 1992*Served on June 25, 1992
Date
Deputy Sheriff

STATE OF VERMONT

Rutland COUNTY, ss

ORIGINAL PAPER
RUTLAND SUPERIOR COURT

SUPERIOR COURT

JUN 30 1992

Civil Action, Docket Number _____

SUZANNE WILBUR, Plaintiff

Gay S. Johnson
Clerk

vs.

MICHAEL M. GOLD and
SOUTHERN VERMONT WOMEN'S HEALTH
CENTER, Defendants

Return of Service

On the 25th day of June 1992 I made service of the within
Summons and Amended Complaint upon the Southern Vermont Women's Health
Center
(HERE INSERT NAME OF PERSON(S), SO SERVED)

by delivering to Lisa Harrison, Director Southern V.T. Women's Health
Center; in hand, at 187 N. Main St., City of Rutland.

(INSERT NAME OF PERSON TO WHOM DELIVERY IS MADE AND ADDRESS OF PLACE OF DELIVERY AND RELATIONSHIP OF SUCH PERSON TO PERSON(S) SERVED)

Service \$ 15.00

Attachment

Travel,

5 miles ~~one~~ way 1.25

Postage

.52

Amount

\$ 16.77

Steven D. Anderson
Deputy Sheriff

ORIGINAL PAPER
RUTLAND SUPERIOR COURT

STATE OF VERMONT

JUN 26 1992

RUTLAND SUPERIOR COURT

RUTLAND COUNTY, *Ray S. Johnson*

DOCKET NO. S0806-91RcC

Clerk

SUZANNE WILBUR,

Plaintiff

vs.

CERTIFICATE OF SERVICE

MICHAEL M. GOLD and SOUTHERN
VERMONT WOMEN'S HEALTH CENTER,
Defendants

On the 25th day of June 1992, I, Robert A. Bloomer, Esq., hereby certify that I served Summons and Amended Complaint in the above-entitled cause by mailing the same, first class mail, postage prepaid, to David L. Cleary Associates, P.O. Box 6740, 110 Merchants Row, Rutland, Vermont 05702-0740.

Robert A. Bloomer
Robert A. Bloomer, Esq.
A member of the Firm of
Bloomer & Bloomer, P.C.
22 Cottage Street
Rutland, Vermont 05701
Attorney for Plaintiff

cc: David L. Cleary Associates

MISSIONARY

FILE COPY

U.P.D.A.T.E

Missionaries To The Preborn Newsletter

VOLUME II, NUMBER 6

SOMERSWORTH, NEW HAMPSHIRE

OCTOBER 26, 1994

Abortion Lawsuit Settled Before Trial

ESTABLISHED
1794

Rutland Daily Herald

October 15, 1994

A New York woman who had sued a Rutland abortion provider settled her suit against the doctor and clinic Friday, one day before the case was set to go to trial.

The terms of the settlement were not disclosed.

Suzanne Wilbur of Greenwich, N.Y., sued Dr. Michael M. Gold and the Southern Vermont Women's Health Center in 1992, claiming they failed to tell her of the full risks of an abortion, then negligently performed the procedure.

Wilbur claimed she went to the clinic for an abortion in November 1989 and suffered a perforated uterus and bladder during the procedure that necessitated surgery to repair.

Had she been advised of the risks involved, Wilbur claimed, she would not have had the abortion.

The center and Gold denied Wilbur's claims.

On Monday, October 17 we were in Rutland, Vermont for what was to be the trial of abortionist Michael M. Gold. However, the two sides in the case had agreed to an out-of-court settlement on Friday. At the Rutland Superior Court at 9:30 am we met pro-life pastors Michael McHugh from Grace Christian Church in Essex Junction and Robert Lockwood from the Church of the Nazarene in Leicester. Mike has been the rescue leader, and is presently director of the American Rights Coalition in Vermont.

The court clerk told us that the amount of the judgment hadn't been made public, and as much as we would like to know what the settlement was, we understand that with such cases, the results will never be disclosed.

We're not sure which side initiated the settlement, but suspect that it may have been the doctor, in order to avoid the exposure and scrutiny of a public trial. An expert witness who was scheduled to testify on behalf of the woman, Dr. Anthony Levatino, is a former abortionist himself, and an attorney (Albany Law School, 1993), specializing in medical and abortion malpractice.

We had hoped that this case would be a major contributing factor to Gold's downfall and demise as a child killer. Nevertheless, the LORD is

Abortion Lawsuitcontinued

still in control, and we continue to pray that He removes Michael Gold in any way that pleases Him. The fact is, the last time we saw Gold here in Greenland, NH doing abortions at the Feminist Health Center was on Sept. 13. We hope he never comes back!

(The week before the case was scheduled to go to trial, I sent out letters to 22 Seacoast area OB/GYNs, informing them of the pending malpractice suit against Gold [including copies of court documentation, and the Portsmouth Herald's coverage of our news conference revealing this information] and asking them, in the interest of true health and well-being of women, NOT to refer any of their patients to the Feminist Health Center for abortions. We know that many, if not most of these doctors, refer for abortion, or are abortionists themselves, within their own private or group practices. This was just another method of exposing abortionist Gold and the Feminist Health Center to the local medical community.)

From the courthouse we went to the Southern Vermont Women's Health Center on North Main Street in Rutland to picket for about an hour, with signs naming abortionist Gold, and the fact that he has been sued for malpractice. While we were there, he ANGRILY drove into the parking lot and nearly ran my wife over as she was standing on the grass near the driveway entrance. On his way into the building I exhorted him to stop killing babies and injuring women, and told him we didn't want him coming to New Hampshire to kill babies. He didn't stay long, as no abortions were scheduled that day.

Before we left, Mike McHugh was afforded an excellent opportunity to counsel and witness to one young lady who was going in for a routine appointment. She agreed to drive her car over to the adjacent lot where the pro-lifers' cars were parked, and Mike gave her all the information about the "doctor" who works there. She couldn't believe it, and at Mike's suggestion agreed to call the clinic, cancel her appointment, and tell them exactly WHY. She was also presented with the Gospel, and accepted what we had to say with an apparently open heart, PRAISE GOD!

I am at the local abortion clinic three or four a days a week now, ready to hand out pro-life information to anyone who will stop to take it. I have the Book of Psalms with me, and read or sing as the Spirit leads. I also offer my own extemporaneous imprecatory and intercessory prayers. Yes, it will be the PRAYERS of God's people, coupled with our ACTIONS, that will bring this most terrible of evils to an end. I want to sound like an optimist, while realizing that the churches have been essentially silent and inactive, which is why we are where we are today. As Joe Scheidler has so often said, it will take "ORA ET LABORA - PRAYER AND WORK!" While I am still free to stand on the streets, I also pray for our brothers and sisters who are suffering the state's imprisonment for their obedience to our Lord's command to love our neighbor as ourselves.

On Fridays I am at the Concord Feminist Health Center. For the past month, Stanton Goldstein has been the abortionist at both of these mills. He commutes from Newtonville, Mass.

We rejoice with the Bramwell family over Danny's release on October 29, after a total of 22 months in jail. May God bless them as they adjust to finally having Danny home!

BOB SMITH

NEW HAMPSHIRE

1-800-922-2230

IN NEW HAMPSHIRE

opinion@smith.senate.gov

SELECT COMMITTEE ON
ETHICS

COMMITTEE ON ARMED SERVICES

COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS

United States Senate

WASHINGTON, DC 20510-2903

April 16, 1997

FILE COPY

Mr. Bob Carbone
Knights of Columbus
46-48 Derry Road
Hudson, New Hampshire 03051-4025

Dear Bob:

Thank you for contacting me regarding the current attempt to repeal New Hampshire's pro-life laws. As you know, legislation to repeal those laws has been passed before, but was vetoed by Governors Gregg and Merrill.

My position on this issue is well-known. I believe in the sanctity of all human life -- born, partially-born, and unborn. The New Hampshire pro-life laws were written and enacted in order to protect the sanctity of human life. Therefore, I support New Hampshire's pro-life laws and I strongly endorse the effort to preserve them.

Sincerely,



Bob Smith, U.S.S.

/srv

2000 Elm Street
Suite 100
Manchester, NH 03101-2903
(603) 634-5003

1790 Elm Street
Suite 100
Manchester, NH 03104
(603) 634-5000

ONE HARBOUR PLACE
Suite 205
Portsmouth, NH 03801
(603) 433-1547

150 N AVENUE
FIRST FLOOR
BETHLEHEM, NH 03570
(603) 752-2600

PRINTED ON RECYCLED PAPER

M E M O R A N D U M

FILE COPY

TO : House Judiciary & Family Law Committee
FROM: John Harrington
RE : SB 34
DATE: April 16, 1997

Following up on the questions I was asked during my testimony today, let me give you the following information:

Anders v. Floyd is reported at 440 U.S. 445 (1979), and the opinion below was reported at 440 F.Supp. 535 (1977).

With the respect to possible language amending or replacing 585:13 in such a way that a post-viability abortion prohibition would remain in place, please refer to the copy of my memo to Senator Wheeler and the two attached alternatives, one of my own drafting and the other the Uniform Abortion Act, which are attached.

g r h

c/o Sulloway & Hollis, P.L.L.C.
9 Capitol St.
P.O. Box 1256
Concord, N.H. 03302-1256

7/5/87

To Senator David Wheeler

re: SB 34

Dear Senator Wheeler:

I have enclosed several copies of a summary of my testimony in opposition to this bill, which I would appreciate it if you would distribute to the members of the committee, particularly those that left before I spoke. As you requested, I have also enclosed a proposed amendment to RSA 585:13 which I drafted, which retains the present form of the statute but changes certain provisions to make it comply fully with U.S. Supreme Court precedents. I have added a sentence at the end concerning the meaning of maternal health, which seems to me to be necessary to clarify what might otherwise be a serious potential ambiguity in the statute. However, no other statute that I know of attempts to define maternal health nor do the Supreme Court cases. This is my own idea, and although I think it is consistent with the Supreme Court cases, it is just a suggestion.

I have also included a copy of the Revised Uniform Abortion Act. This is issued by the Uniform Laws Commissioners (the same group responsible for the Uniform Commercial Code and other uniform laws). It is intended to comply with Roe v. Wade. The uniform act covers certain matters that are not dealt with by existing New Hampshire statutes. If you wanted to repeal RSA 585:13 and replace it with only those provisions of the uniform act that cover the same subject matter, you would just use §1(1), §2(3) (deleting the references to "licensed physician" and "hospital") and §7 (inserting in the blanks the penalties currently found in 585:13. Please let me know if I can be of any further help on this matter.

Yours sincerely,

John Harrington

Hand
January 5, 1997

Proposed amendment to RSA 585:13

Repeal and re-enact to read as follows:

"Intent to destroy viable foetus. If any person shall administer to a woman pregnant with a foetus which, in the good faith medical judgment of such person, is viable, any medicine, drug, or substance whatever, or shall use or employ any instrument or means whatever, with intent thereby to destroy ~~the child~~, unless in the good faith medical judgment of such person it shall have been necessary to preserve the life or health of the woman or shall have been advised by 2 physicians to be necessary for that purpose, he shall be fined not more than \$1,000 and imprisoned not more than 10 years. For purposes of this section, "viable" means capable of surviving outside the womb, with or without medical assistance. For purposes of this section, "necessary to preserve the health of the woman" means necessary to preserve such woman's physical or mental health from the consequences of continued pregnancy or childbirth, and does not include preserving such woman's health from the consequences of the existence of the child following birth."

such foetus

REVISED UNIFORM ABORTION ACT

1973 ACT

Section

1. Definitions.
2. Limitations on Abortions.
3. Consent Required.
4. Exceptions to Requirements.
5. Express Objection.
6. Participation in Abortion Not Required.
7. Penalty.
8. Application and Construction.
9. Short Title.
10. Severability.
11. Repeal.
12. Time of Taking Effect.

Be it enacted

§ 1. [Definitions]

As used in this Act:

(1) "Abortion" means the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead embryo or fetus.

(2) "Hospital" means a hospital approved by the [state department of health] or operated by the United States, this State, or any department, agency, or political subdivision thereof.

(3) "Medical facility" means a facility other than a hospital, such as a medical clinic, that has adequate staff and services necessary to perform an abortion safely, to provide after-care, and to cope with any complication or emergency that might reasonably be expected to arise therefrom, or that has arrangements with a nearby hospital to provide those services.

(4) "Licensed physician" means a physician licensed to practice medicine [or osteopathy] in this state, or a physician practicing medicine [or osteopathy] in the employ of the government of the United States or of this State, or any department, agency, or political subdivision thereof.

COMMENT

The definition of abortion is retained from the original Uniform Act.

In the original Uniform Act, no definition of hospital or medical facility was included. A hospital was the principal facility in which abortions were to be permitted. The state was offered optional language which would allow abortions in physicians' offices or medical clinics.

Abortion legislation in several states has brought about the establishment of abortion clinics offering no other medical services. Abortion in many cases is a relatively simple operation, and does not require hospitalization. However, some qualifications for facilities that are not hospitals is necessary for the health and safety of those seeking abortion. There is a state interest in protecting the health

and safety of those seeking abortion after the first trimester, and the standards necessary to the protection of pregnant females must be escalated as full term approaches, since the dangers of the operation increase proportionately. The drafters, therefore, have provided a definition of "hospital," and of "medical facility" to distinguish clearly between the two, and

to provide a basis for determining the location for performing abortions during the three stages of pregnancy.

A specific definition of "licensed physician" does not occur in the original act. However, the principles set forth in this definition are fundamentally carried over from the language of Section 1(b)(1) of the original Uniform Act.

Law Review Commentaries

Abortion and public policy: What are the issues? 17 N.Y.L.F. 411 (1972).

Abortion statutes as invasion of woman's right of privacy. 15 St. Louis U.L.J. 642 (1971).

California's therapeutic abortion statute. 41 U.Cin.L.Rev. 235 (1972).

Certification of rape under Colorado abortion statute. 42 U.Colo.L.Rev. 121 (May 1970).

Failure to advise: Basis for malpractice under the revised Oregon abortion Act. 6 Willamette L.J. 349 (June 1970).

Florida abortion law: Reform or regression in 1972. 24 U.Fla.L.R. 346 (1972).

Georgia law and the unborn child. 6 Ga.L. Rev. 168 (1971).

Hawaii abortion law. F. E. Zimring. 39 U.Chicago L.Rev. 699 (1972).

Iowa abortion statute. 20 Drake L.Rev. 666 (1971).

New Jersey's abortion law: Establishment of religion? 25 Rutgers L.Rev. 452 (1972).

New Mexico's 1969 criminal abortion law. J. B. Sutin. 10 Natural Resources J. 591 (July 1971).

New York abortion law reform: Study of religious, moral, medical and legal conflict. 31 Albany L.Rev. 290 (1967).

New York law concerning abortion and status of the fetus, 1964-1968: Case of cessation of constitutionality. 3 N.Y.L.F. 411 (1968).

New York reform abortion law: Consideration, application and legal consequences—more than we bargained for? 35 Albany L.Rev. 644 (1971).

New York's abortion reform law: Unanswerable questions. V. N. Duin. 37 Albany L.Rev. 22 (1972).

Oklahoma: Call for abortion law reform. 24 Okl.L.Rev. 243 (1971).

Phoenix of abortional freedom. 17 N.Y.L.F. 335 (1972).

South Carolina and abortion law. 24 S.C.L. Rev. 425 (1972).

Survey of statutory and case law on abortion: Contradictions and problems. 1972 U.Ill. Law.Forum 177.

Symposium: Abortion and the law. 23 Case W.Res.L.Rev. 705 (1972); 17 Western Res.L. Rev. 369 (Dec. 1965).

Texas abortion statutes: Constitutional issues and need for reform. 23 Baylor L.Rev. 605 (1971).

Library References

Encyclopedias

Definitions and general considerations with respect to abortion, see C.J.S. Abortion and Birth Control; Family Planning § 2.

§ 2. [Limitations on Abortions]

An abortion may be performed in this State only under the following circumstances:

(1) During the first [12] [13] [14] weeks of pregnancy by a woman upon herself upon the advice of a licensed physician or by a licensed physician.

(2) After the first [12] [13] [14] weeks of pregnancy and before the fetus is viable, by a licensed physician and in a hospital or medical facility.

(3) After the fetus is viable, by a licensed physician, in a hospital, and in the medical judgment of the physician the abortion is necessary to preserve the life or health of the woman.

COMMENT

This provision concerns the first trimester of pregnancy. The decision to abort is left solely to the woman and her licensed physician. This conforms to the Supreme Court's determination that no compelling state interest exists in the first trimester. "For the stage prior to approximately the end of the first trimester, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician." *Roe v. Wade*, 1973, 93 S.Ct. 1409, 410 U.S. 959.

The Uniform Act provides bracketed language of 12, 13, or 14 weeks to measure the period of the first trimester. There is variability in the time of transition between the first and second trimester, and it is left to the state to decide which time period should prevail. It was the drafters' intent to provide certainty as to the time period, notwithstanding the viability in individual cases, since the physician's responsibility and potential liability are substantial and require a great degree of certainty. Since this is a criminal statute, and the greatest problem will arise with decisions made towards the end of the first trimester, a definite standard was deemed desirable.

In the second trimester, the state has an interest in the health of the mother, and may regulate the abortion procedure. The Uniform Act limits the performance of abortion to hospitals and medical facilities, as defined. Abortion in the first trimester is a relatively simple operation, and the chances of damage to the mother's health and life are slight. In the second trimester, the probability of harm is great enough to require the operation to be performed in regulated institutional environments such as state approved clinics and hospitals.

In the third trimester, that period after the child becomes viable, the state has an interest not only in the health and safety of the mother, but also in the health and safety of the viable infant. The "state may regulate and even proscribe abortion, except where it is necessary in appropriate medical judgment, for the preservation of the life or health of the mother." *Roe et al. v. Wade*, supra. The Uniform Act proscribes abortion except in the situation that the operation "is necessary to preserve the life or health of the woman." This conforms precisely to the scope of the state interest.

A precise numerical measure for the end of the second trimester and the beginning of the third is not provided. The end of the second trimester can occur from 24 to 28 weeks into the pregnancy. With this level of variability, establishing a precise legal time for the end of the second trimester would not accord well with the facts of many given cases. Further, the fact of viability can be determined well enough in individual cases, with reasonable medical judgment, for the physician to determine if the standards applicable to the second or to the third trimester should prevail in making the abortion decision. Thus, the question of the time of viability is left to the physician's determination.

In the third trimester, abortion is considerably more serious a procedure. Therefore, the operation may be performed only in hospitals, the institutions with the most facilities and personnel for assuring the life and health of the mother. In this section, the need for separate definitions of "hospital" and "medical facility" is clearly demonstrated.

Library References

American Digest System

Right of privacy, and applications of personal rights to matters of sex and family, see Constitutional Law ¶82(7, 10).

Right to abortion and regulation by statute, see Abortion and Birth Control ¶.50, 1.20, 1.30.

Encyclopedias

Constitutional right of privacy and abortion decisions, see C.J.S. Constitutional Law § 647.
Regulation of abortion and validity of statutes, see C.J.S. Abortion and Birth Control; Family Planning §§ 6, 7, 9.

§ 3. [Consent Required]

Consent to an abortion must first be given by the woman or, if she is mentally incapable of giving consent, by a parent or guardian or by order of the [appropriate] court. A woman is not incapable by reason of her minority of giving consent to an abortion under this Act.

COMMENT

Legal consent to the operation is required. This is to avoid superimposition of the decision to abort upon a pregnant female, particularly by overzealous agencies. There have been cases in which social agencies have pressed abortion upon clients without regard to consent. Consent must come from the pregnant female. If incompetency precludes the giving of consent, then parents, guardians, or the court are the appropriate sources. The burden is necessarily upon the person or agency desiring abortion to

obtain consent or to obtain the appropriate ruling of incompetency as a prelude to obtaining consent. If there is any doubt as to the question of incompetency or as to the necessity of the abortion, a court ruling is the only reasonable recourse. It is important to note that age of the pregnant female is not a necessary determinant of incapacity. A pregnant female in her minority may consent to an abortion, given that other factors of incompetency or incapacity are not present.

Library References

American Digest System

Right to abortion and regulation by statute, see Abortion and Birth Control §§ 50, 1.20, 1.30.

Encyclopedias

Consent to abortions, see C.J.S. Abortion and Birth Control, Family Planning §§ 5, 6, 8, 9.

§ 4. [Exceptions to Requirements]

If, in the medical judgment of the physician, an abortion is immediately necessary to preserve the life of the woman, it may be performed anywhere and, if the woman is unable to consent for any reason, without her consent.

COMMENT

Section 4 merely restates the normal emergency powers of a physician when life is in danger, and consent is not obtainable in the time necessary to save the life. This provides a statutory defense against civil battery and against prosecution for unlawful abortion. Also, the spe-

cific requirements of Section 2 regarding the place of abortion are avoided in the emergency situation. If the physician must act to preserve life, he will not be constrained as to location if time does not permit transporting the pregnant female to the appropriate place.

ABORTION ACT

§ 6

Library References

American Digest System

Right to abortion, and regulation by statute, see Abortion and Birth Control ¶.50, 1.20, 1.30.

Encyclopedias

Regulation of abortions in general, see C.J.S. Abortion and Birth Control; Family Planning
§ 6

§ 5. [Express Objection]

In no event may any abortion be performed under this Act upon a woman over her express objection, except that if she is under [12] [13] [14] years of age and the [appropriate] court finds the abortion is necessary to preserve her life or health, it may order the abortion to be performed.

COMMENT

There is one instance in which express objection to an abortion may be overridden. If the pregnant female is of such minority that she cannot, at law, be permitted to object if her life and health are threatened, a court may order an abortion upon a proper finding. Otherwise,

an express objection cannot be vitiated, notwithstanding the circumstances of life and health. The pregnant female who chooses to accept the risk of her decision may not be prevented from taking the pregnancy to its full term.

Library References

American Digest System

Right to abortion, and regulation by statute, see Abortion and Birth Control ¶.50, 1.20, 1.30.

Encyclopedias

Necessity of consent of woman to abortion, see C.J.S. Abortion and Birth Control; Family Planning § 9.

§ 6. [Participation in Abortion Not Required]

No physician, nurse, hospital or medical facility employee, or any other individual is under any duty or required to participate in an abortion. An individual who participates or refuses to participate in an abortion permitted under this Act may not for that reason be discriminated against in employment or professional privileges.

COMMENT

Section 6 is bracketed, and is optional to the adopting state. The basic principle of uniformity underlying the act requires uniformity in so far as conformity to the *Roe et al. v. Wade* decision is met. The basic regulation of abortion, and the correct determination of the state's interests, are the essential elements of the act. Uni-

formity as to these essential elements will not be disturbed by exclusion of section 6 in adopting states.

However, section 6 deals with an important civil liberties issue. If a physician, nurse, hospital, or anyone related by employment to any of these cannot in

§ 6

ABORTION ACT

good conscience participate in abortions for religious or other reasons, this section would prevent penalties from accruing for the refusal. It is not generally regarded as desirable policy, that people be penalized because of an exercise of conscience. It is to this end that section 6 is provided.

Library References

American Digest System

Officers and employees of hospitals, see Hospitals ¶4.

Statutory provisions, see Abortion and Birth Control ¶1.20.

Encyclopedias

Refusal of employee of hospital on grounds of conscience to participate in abortion, see C.J.S. Hospitals § 7.

Refusal of hospital to permit use of facilities for elective abortions, see C.J.S. Hospitals § 3.

§ 7. [Penalty]

Any person who knowingly performs or procures an abortion other than as permitted by this Act is guilty of a [felony] and, upon conviction thereof, may be sentenced to pay a fine not exceeding [\$1,000] dollars or to imprisonment in the [state penitentiary] not exceeding [5] years, or both.

COMMENT

The penalty provision is retained from the original Uniform Abortion Act, with one significant exception. The word "knowingly" has been added with respect to performing or procuring an abortion other than permitted by this Act. This addition precludes inadvertent violations of the letter of the act from becoming the basis of criminal penalty. It would not be desirable, for example, to subject a

physician to criminal penalty for performing an abortion in a medical facility instead of a hospital if the performance was done on the belief that viability had not occurred. The effects of such mistakes are best left to remedy in civil actions, if damage occurs. Inadvertency, mistake and even negligence should not be the basis for criminal action.

Library References

American Digest System

Offenses in connection with abortions, see Abortion and Birth Control ¶1, 4 to 15.

Encyclopedias

Offenses in connection with abortions, see C.J.S. Abortion and Birth Control; Family Planning, §§ 10 to 12.

§ 8. [Application and Construction]

This Act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this Act among states enacting it.

§ 9. [Short Title]

This Act may be cited as the Revised Uniform Abortion Act.

ABORTION ACT

§ 12

§ 10. [Severability]

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

§ 11. [Repeal]

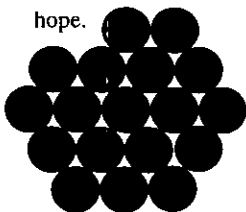
The following acts and parts of acts are repealed:

- (a)
- (b)
- (c)

§ 12. [Time of Taking Effect]

This Act shall take effect _____.

When
single efforts join together,
then there is
hope.



DIOCESAN PUBLIC POLICY COMMITTEE

Diocese of Manchester, 153 Ash Street - P.O. Box 310, Manchester, NH 03105-0310
Tel. (603) 669-3100 & 669-3030 Fax: (603) 669-3077 & 626-1252

Most Reverend Leo E. O'Neil
Bishop of Manchester, NH

April 16, 1997

Most Reverend Francis J. Christian
Auxiliary Bishop of Manchester, NH

The Honorable John J. Mc Carthy, Jr, Chairperson and
Members of the Judiciary and Family Law Committee

Sr. Margaret Crosby, SNDdeN
Coordinator
Diocesan Public Policy Committee
Social Concerns Office
Diocese of Manchester

My name is Judith Delisle and I am the Director of the Respect Life Office of the Roman Catholic Diocese of Manchester. On behalf of the Diocesan Public Policy Committee, I wish to offer testimony in **OPPOSITION** to SB 34, an act repealing the laws relative to abortion.

Msgr. Norman Bolduc
Secretary for Pastoral Services
Diocese of Manchester

Matthew Carnevale, Esq.
Diocesan Pastoral Council

Mr. Robert Clohosey
Director of Family Service
N.H. Catholic Charities

Mr. Bradford Cook, Esq.
Diocesan Attorney
Legislative Representative
for the Diocese

The Catholic Church's opposition to abortion is inalterable. Abortion is an overriding concern because it negates two of our fundamental moral imperatives; respect for innocent life and preferential concern for the weak and defenseless. The lives of unborn children should be protected, and such protection is a proper and defensible responsibility of the state.

Mrs. Judith Delisle
Director of Respect Life Office
Diocese of Manchester

SENATE BILL 34 before the Judiciary and Family Law Committee today, repeals three parts of the Criminal Code of the State of New Hampshire without any deterrents or safeguards to the performance of abortion. Since the only alternative presented to the legislature this year is total repeal of these statutes and not their amendment or revision, it is the position of the Diocese of Manchester that they should remain on the books. Without these laws no deterrent or prohibition would exist and we believe this would be an inappropriate stance for New Hampshire to take.

Mr. David Gabert
Associate Superintendent
Diocese of Manchester

Mr. Timothy Kelly
Associate Director
Immigration & Refugee Services
N.H. Catholic Charities

Change in any law demands study, dialogue, debate and reflection. The overwhelming public sentiment in opposition to SB 34 should not go unnoticed. The lives of women and unborn children are at stake. Members of this committee must weigh every word with them in mind to provide safeguards and protection for them.

Sr. Pauline Lebel, CSC
Secretary for Christian Formation
Diocese of Manchester

Msgr. John Molan
Secretary for Temporalities
Diocese of Manchester

Msgr. John Quinn
Secretary for Community Services
N.H. Catholic Charities

We respectfully request SB 34 be reported **INEXPEDIENT TO LEGISLATE**.

Mr. Robert Raiche, Esq.
Nixon, Raiche, Manning & Branch

Thank you.

Mr. Richard Shannon
Director of Parish Social Ministry
N.H. Catholic Charities

Margaret Drye
RR 2 Box 69
West Lebanon, NH 03784
(603) 298-5016
April 14, 1997

Judiciary and Family Law Committee
Room 208 LOB
Concord, NH 03301

Re: SB 34

To the members of the Committee:

I agree with the sponsors of this bill - these laws sure look like they need to be repealed.

After all, they were formulated in 1848, back when we were only learning about developing human life. And they aren't even the law of the land - *Roe vs. Wade* is! At the Senate hearing for this bill, some in favor of it testified that these laws are obsolete because of *Roe vs. Wade*, but **that is not so**.

Roe vs. Wade allows states to regulate or even prohibit abortions after viability, except when necessary to save the life of the mother.

RSA 585:13 prohibits later abortions, except to save the life of the mother.

Roe vs. Wade allows states to pass laws to protect the health of the mother. RSA 585:14 is designed to protect the life of the mother.

Maybe our forefathers were smarter than we are. Even with their limited knowledge, they moved to protect human life (both mother and baby) wherever they recognized it. Today, with our ob/gyn specialists, and our ultrasound, fetoscopy, and CAT scans, not to mention our ability to treat the unborn as patients, we ought to be able to be much more specific and technical, yet we haven't improved on their laws at all.

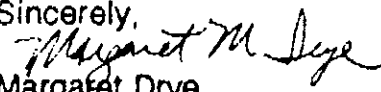
Roe vs. Wade allows states to regulate abortion. Repealing these laws would leave one of the most common invasive medical procedures, with all its inherent risks, without any regulation whatsoever. Talk about returning to the back alleys!

As it stands now, SB 34 is simply a way to get a roll call vote on abortion. You, the Judiciary Committee, have a chance to engineer a true compromise on the issue if you update the language and truly examine what *Roe vs. Wade* allows you to do.

Vote to simply repeal the laws and you just throw the baby out with the bath water.

Please vote SB 34 inexpedient to legislate.

Sincerely,


Margaret Drye
Plainfield, NH

State Abortion Laws

Though Roe, Doe and Casey limit the power of states to regulate or ban abortion, every state has some sort of law limiting abortion. Most ban non-therapeutic abortion in the last three months of pregnancy. Many have parental notice or consent laws for minors, waiting periods, informed consent and statistical reporting requirements for all abortions. Most of these latter types of legislation were ruled unconstitutional during the period from Roe to Thornburg, but have been mostly upheld since the Webster and Casey precedents. Since Casey, as medical science pushes the line of viability further back, states have been allowed to proscribe abortion weeks earlier than under Roe. Some states have responded by adding viability test requirements.

It must be remembered that the criminalization of post-viability abortions is still controlled by Doe v. Bolton so that, if a doctor, in his best medical judgment, believes an abortion is needed to preserve a woman's mental or physical health and well-being, he may perform the abortion. This is capable of very loose construction so that any woman who is physically or emotionally burdened by a pregnancy may have the right to abort throughout pregnancy. However, this does not necessarily imply the death of a viable child. Late-term abortion techniques, like hysterotomy and prostaglandin induced labor, are available that can preserve the child's life. The selection of other methods, involving dismemberment, obviously precludes a live birth.

State Abortion Law Survey Ohio: a statutory case study

Background

Historically, in Anglo-American law, abortion had been criminalized, at least from the point of "quickening" (c.15-18 weeks) and often severely punished. Liberalization of abortion laws in both countries began to occur in the later 1960's.

English Law

Henry Bracton, (1216-1272) "the Father of Common Law," apparently regarded all abortion as homicide and it seems that at early Common Law abortion was a felony, and, therefore, a hanging offense. Later commentators, Coke and Blackstone, held expressly that abortion after quickening was not the crime of murder, but a separate crime (a "grave misprision"). It is unclear whether pre-quickening abortion was still criminalized. The Miscarriage of Woman Act of 1803 ("Lord Ellenborough's Act," 43 Geo. 3, c. 58.), introduced a statutory abortion scheme in England. Pre-quickening abortion was made a felony and post-quickening abortion was a capital crime. In 1837, with abolition of the death penalty, 7 Will. 4 & 1 Vict., c. 85. § 6, the quickening distinction was removed and all abortion was punished as a single felony. In 1861, the Offenses Against the Person Act, 24 & 25 Vict., c. 100, § 59, introduced a replacement statutory scheme where, as before, all abortions were felonies. In 1929, the Infant Life (Preservation) Act, 19 & 20 Geo. 5, c. 34, was passed. It supplemented the OAPA and included a defense for bona fide efforts to save the mother's life. A common law health exception to the OAPA was introduced in 1938 by Rex v. Bourne, [1939] 1 K. B. 687, 3 All E. R. 615 (1938). Finally, the Abortion Act of 1967, while maintaining the general prohibition of abortion, introduced broad exceptions for genetic defects, and the mental and physical health of the mother. Under this law, abortion is generally permitted if a pregnancy is unwanted, as childbirth is seen as more of a health threat than early abortion. However, this law does not apply uniformly throughout the U.K., e.g. Man and Jersey.

American Law

In the United States, before general codification of law became commonplace in the 19th century, criminal law was based on the Common Law inherited from England. Therefore, states followed the law as it existed in England, either prior to (as was usually the case), or after 1803, depending on when the state is said to have "received" the Common Law.

As states and territories slowly began to opt for statutory criminal law over common law, abortion laws were inevitably included. Most of these took after the English scheme of 1803. Connecticut was the first, in 1821, passing a law making post-quickening abortion a felony. New York followed in 1828 with a statute making a felony of post-quickening abortion and a misdemeanor of pre-quickening

abortion. Through the 1830's, 40's and 50's this process continued.

In the mid 19th Century, a movement began to tighten abortion regulation. Spearheaded by the medical community, by the late 1860's this movement had succeeded in establishing uniform abortion prohibition in England and throughout most of the United States. Outside of necessity to preserve the life of the mother, abortion was prohibited. These laws, or similar successor provisions, would remain in place in all fifty states until the 1960's.

During the 1960's and early 70's many states liberalized their abortion laws to some degree. Generally, this meant allowing abortion in cases of rape and incest, or for various health reasons. This was largely due to the influence of the 1962, Model Penal Code. Its inclusion of "liberalized" features was a watershed for the loosening of abortion regulations, which had, until this time, usually banned all abortions but those to save the mother's life. (However, *Roe v. Wade* would ultimately strike down these MPC-style laws in 1973.)

In 1967, Colorado was the first such state to adopt an MPC-type statutory scheme.

In 1970, New York (followed by Alaska, Hawaii and Washington) introduced the first laws to allow abortion "on demand." New York's modification of Penal Law & sect 125.00 made elective abortions performed by a licensed physician completely legal for the first 24 weeks and homicide thereafter. The state has also added reporting and live-birth regulations in Article 41 of the Public Health Law. This statute's constitutionality was upheld by the New York Court of Appeals (5-2) in *Byrn v. New York City Health & Hospitals Corp.*, 31 N.Y.2d 194, 286 N.Y.2d 194 (1972).

In 1973, *Roe v. Wade* struck down the abortion laws of most states. Under *Roe*, no state could regulate abortion during the first trimester of pregnancy. Regulations directly related to maternal health would be allowed during the second trimester. Post-viability abortions, if regulated, would be subject to the mental and physical health exceptions set out in *Doe v. Bolton*.

After 1973, American abortion law is substantially controlled by the Supreme Court of the United States. As some states pass new laws they are usually subjected to review by the Court, which decides whether they comport with the federal Constitution or not. (See Constitutional Law.)

Recently some states have passed bans on "Partial-birth" Abortions, and it is likely more will consider it in the future.

Compare Abortion Law in Canada.

WEBSITE UNDER CONSTRUCTION

State Abortion Laws: A Survey

GENERAL ABORTION BANS

Sixteen states and the District of Columbia have never repealed restrictive laws ruled unconstitutional by Roe v. Wade (AL, AZ, AR, CA, CO, DE, DC, MA, MI, MS, NH, NM, OK, TX, VT, WV, WI). Two states (LA, UT) and the Territory of Guam enacted "test" laws prohibiting most abortions after the Supreme Court's 1989 decision in Webster v. Reproductive Health Services. In 1992, the Court's ruling in Planned Parenthood v. Casey held that a general abortion ban would fail Constitutional muster under the new "undue burden" test. In 1992 and 1993, respectively, the Court declined to review the cases striking down the laws of Guam and Louisiana. Utah did not appeal a lower court's decision finding its 1991 abortion ban unconstitutional.

POST-VIABILITY ABORTION BANS

Forty-one states have laws banning most post-viability abortions (AL, AZ, AR, CA, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, MT, NE, NV, NH, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VA, WA, WI, WY).

PARTIAL-BIRTH ABORTION BANS

At least two states (MI, OH) have passed laws prohibiting partial-birth or "dilation and extraction" ("D&X") abortion procedures, but in Ohio a preliminary injunction has enjoined its enforcement. A third state (UT) has banned the procedure after viability.

LEGISLATIVE DECLARATIONS

Four states have laws declaring that if Roe v. Wade is overturned, abortion is to be prohibited (IL, KY, LA, SD). In addition, five states have laws declaring their intent to ban abortion to the fullest extent permitted by the Constitution (AR, MO, NE, ND, PA), and four other states have declarations stating their policy to protect the unborn as persons under state law (LA, MO, MT, UT). Three states have resolutions in opposition to the Freedom of Choice Act, a proposed federal law that would codify Roe v. Wade (LA, ND, WV).

Four states have laws affirming a right to abortion before viability, and at any time thereafter if necessary to preserve her life or health of the mother (CT, ME, MD, WA). Another state (NV) has a law that provides a right to abortion during the first 24 weeks of pregnancy.

NON-SURGICAL ABORTIONS

At least two states have laws restricting non-surgical or chemical abortion (RI, TN). A Rhode Island regulation prohibits chemical abortions to licensed hospitals with an approved research protocol, while a Tennessee law provides that no nurse practitioner or physician's assistant may prescribe or distribute drugs or medication intended to cause abortion.

VIABILITY TESTING

Four states have laws requiring physicians to perform tests to determine viability in certain circumstances (AL, LA, MO, OH). The Louisiana law has been ruled unconstitutional. A court has issued a preliminary injunction prohibiting the enforcement of the Ohio law.

SPOUSAL CONSENT OR NOTICE

Ten states have unenforceable laws requiring spousal consent or notice (CO, FL, IL, KY, LA, ND, PA, RI, SC, UT). The Supreme Court struck down Pennsylvania's mandatory husband notice law in Planned Parenthood v. Casey.

PARENTAL CONSENT OR NOTICE

Twenty-seven states have laws that prevent a minor from obtaining an abortion without parental consent or notice (AL, AR, DE, GA, ID, IN, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NC, ND, OH, PA, RI, SC, TN, UT, WV, WI, WY). Nine more states have parental consent or notice laws on the books that are not enforced (AK, AZ, CA, CO, IL, MT, NV, NM, SD). Of the 27 laws enforced, 24 contain a judicial by-pass provision (AL, AR, DE, GA, IN, KS, KY, LA, MA, MI, MN, MS, MO, NE, NC, ND, OH, PA, RI, SC, TN, WV, WI, WY). Two states provide a physician waiver of the notice requirement (MD, WV). Two states require counselors to discuss of the possibility of parental involvement (CT, ME).

INFORMED CONSENT AND WAITING PERIODS

Eighteen states have mandatory waiting periods (DE, ID, IN, KS, KY, LA, MA, MI, MS, MT, NE, ND, OH, PA, SC, SD, TN, UT). Eleven of these states currently enforce their waiting period laws (ID, KS, LA, MS, NE, ND, OH, PA, SC, SD, UT). In three states, the laws have been ruled unconstitutional in whole or in part (MA, MI, TN). Courts in two other states (IN, MT) have issued preliminary injunctions prohibiting enforcement of their laws. Thirty states have an informed consent

State Abortion Laws

1/27/97 11:01 AM

law for abortion (AL, AK, CA, CT, DE, FL, ID, IN, KS, KY, LA, ME, MA, MI, MN, MS, MO, MT, NE, NV, ND, OH, PA, RI, SC, SD, TN, UT, VA, WI). Such laws were held unconstitutional under Thornburg v. American Col. of Ob. & Gyn., but are generally upheld since the court reversed itself in Planned Parenthood v. Casey.

LICENSED PHYSICIAN REQUIREMENT

In 43 states the law provides that only a physician may perform an abortion (AL, AK, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VA, WA, WI, WY). Oklahoma also has a law that provides that no woman may induce an abortion upon herself except under the supervision of a licensed physician. The Minnesota law provides that only a physician or a physician-in-training may perform an abortion. Kentucky has a law requiring that first trimester abortions be performed by a physician or by the woman herself with the advice of a physician, and that later abortions be performed only by a physician. A District of Columbia law requires that all abortions be performed under the supervision of a licensed physician.

CLINIC ACCESS

Some twelve states and the District of Columbia have laws specifically prohibiting clinic blockades and harassment (CA, CO, DC, KS, ME, MD, MA, MN, NV, NC, OR, WA, WI). Four states have passed resolutions condemning clinic violence (CA, MI, NM, PA).

CONSCIENCE EXCEPTIONS

Forty-six states have laws that permit certain medical personnel, health facilities, to refuse to participate in abortion on the basis of conscience or religious conviction (AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, MT, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY). In at least three of these states, the laws have been held unconstitutional as applied to public facilities (AK, MN, NJ).

COUNSELING REGULATIONS

Four states have so called "gag rules" that prevent state funded personnel from counseling abortion or giving abortion referrals (LA, MO, ND, PA). A court has ruled the North Dakota law unconstitutional.

PUBLIC EMPLOYEES

A single state (MO) has a law prohibiting public employees from participating in abortions.

PUBLIC FACILITIES

Five states have laws prohibiting the use of public facilities for abortion (KY, LA, MO, ND, PA).

PUBLIC FUNDING

Two states prohibit the use of state funds for abortion except when the woman's life is endangered (MS, SD). These states refuse to comply with a federal law requiring states to provide Medicaid funding for abortion in cases of life endangerment, rape or incest. Twenty-nine states fund abortion in cases of threat to life, rape or incest (AL, AZ, AR, CO, DE, FL, GA, IN, IA, KS, KY, LA, ME, MI, MO, NE, NV, NH, NC, ND, OH, OK, PA, RI, SC, TN, TX, UT, WY). Three states fund abortion in cases of a threat to the woman's life, rape, incest as well as certain other health reasons (NM, VA, WI). Sixteen states and the District of Columbia fund in all or most circumstances (AK, CA, CT, DC, HI, ID, IL, MD, MA, MN, MT, NJ, NY, OR, VT, WA, WV).

INSURANCE REGULATIONS

Five states have laws that prohibit insurance coverage for abortion unless a special premium is paid (ID, KY, MO, ND, RI). The Rhode Island law was ruled unconstitutional. Another state (PA) has a law that requires insurers to provide policy alternatives excluding abortion. Six states have laws that prohibit insurance coverage for abortion in certain circumstances when public funds are used or public employees are insured (CO, IL, MA, NE, PA, RI). The Rhode Island law has also been held to be partially unconstitutional. At least two states exclude abortion coverage from state health care programs (IL, MN).

Back to Abortion Laws

April 15, 1997

Dear Representative,

Please, please vote against SB34.

I have always been proud to be a resident of New Hampshire because of it's belief in the right to life of all. This Bill will overturn New Hampshire's correct and true belief that we have no right to take the life of the pre-born child.

Again, please vote against SB34. Thank you.

Sincerely,

Lucille A. Hawthier
225 Mitchell Dr
Manchester N.H. 03103

Active Registered Voters

Maddieim Chant 54 Brown Ave, #C Manchester wd 9
Muriel Meek 66 Fernside St Manchester, N.H. Ward. 9
Lisley Ladieu 69 Sears Dr. Man. NH Ward 9
Ericka Damman 316 Westwood Dr. Man. NH 03103
Theresa May Hard 127 Pickering St. City. 03104
Pauline M. Copeley 49 High St. Concord, N.H. 03301
Roger Duchesneau 27 Core St Gofftown NH 03045
Mary Trivato 86 Waterman St 03103
M/M Robert E. Cloutier 130 Elm. & Roy Dr. #206 - Manchester 03104
William McManus 232 Park St Manchester NH 03104
ADELE TEFFREY 5 WILDWOOD LANE AMHERST, N.H. 03031
Walter Zule 26 Garrison Dr. Bedford NH. 03110
Joseph Zule 26 Garrison Dr. Bedford, NH. 03110
Deanne Coleman 183 Silver St

Claudette Odessa 4241 Brown Ave. Manchester NH 03103
D. Nolan 383 Spruce St. Man N.H. 03103
Paul Simard 27 Cove St Goffstown NH 03045

April 15, 1997

Dear Representative,

Please, please vote against SB34.

I have always been proud to be a resident of New Hampshire because of it's belief in the right to life of all. This Bill will overturn New Hampshire's correct and true belief that we have no right to take the life of the pre-born child.

Again, please vote against SB34. Thank you.

Sincerely,

Patricia M. Palermo



Manchester, N.H. 03104

Ward 3

{William F. Hamrock
{Mary L. Hamrock
46 Birchwood Circle
Bedford NH 03110

John H. Hays
281 Wapack Ave. W
Bedford NH

Paul M. Belliveau
5 SILVER SPRING DR
BEDFORD N.H. 03110

William A. Bens
124 Liberty Rd
Bedford, NH

April 15, 1997

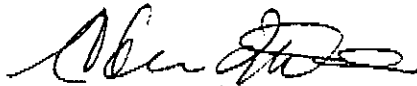
Dear Representative,

Please, please vote against SB34.

I have always been proud to be a resident of New Hampshire because of it's belief in the right to life of all. This Bill will overturn New Hampshire's correct and true belief that we have no right to take the life of the pre-born child.

Again, please vote against SB34. Thank you.

Sincerely,



Stephanie Murand

700 Pine St

Manchester, NH

03104

Active Registered Voter

Ward 3

Lanning Lomdi 21 Shute Dr. Londonderry

Martha Pakant 19 Algum Dr

Annette Pineault Bedford NH 03110

16 Allen ST Man NH

Joseph Stepanov 27 HERSES ST B. 03102

Eunice Stepanov 27 Hersey St Bedford, NH 03102 03110

Louise Madore 35 Gault Rd. Bedford NH 03110

Mormu York 3 Burlingh Terrace Bedford N.H 03110

Sharon A Coughlin 26 Willeby Dr Bedford NH 03110

Cynthia Jobson 46 Ambuda Way Bedford NH 03110

April 15, 1997

Dear Representative,

Please, please vote against SB34.

I have always been proud to be a resident of New Hampshire because of it's belief in the right to life of all. This Bill will overturn New Hampshire's correct and true belief that we have no right to take the life of the pre-born child.

Again, please vote against SB34. Thank you.

Sincerely,

Lindy St. Laurent

Active Registered Voters

*Mr & Mrs Roger Bergeron 86 Sargent Station Rd #43
Ware N.H.
Fern Carpenter, 95 West Clark apt 7 - Manchester, N.H. 03104
Geraldine Joubert 170 Chester Rd. Auburn, NH 03032
Elaine Lamoureux Po Box 607 Merrimack NH 03004
Violet F. Lamoureux 11 Hoddlingwood Ln. N.H. 0354
Esther Amador (#9) 154 Overland St. Man N.H. 03103
Claire Talty 11 - O'Malley St Manchester ward 9*

April 15, 1997

Dear Representative,

Please, please vote against SB34.

I have always been proud to be a resident of New Hampshire because of it's belief in the right to life of all. This Bill will overturn New Hampshire's correct and true belief that we have no right to take the life of the pre-born child.

Again, please vote against SB34. Thank you.

Sincerely,

Active Registered Voters

Richard R. Lioard 140 Theresa Ct., Manchester, N.H. 03103

Raymond B. Berzoin 323 Central St. Manchester 03103
Word 4

James C. McDade 70 Ashua Rd. Bedford NH 03110.

Juliette Lamy

150 West Clarke St Apt -

Manchester N.H.
03104

Mr MARK COLEGROVE 52 Diamond Lane
Coffstown, NH 03045

April 15, 1997

Dear Representative,

Please, please vote against SB34.

I have always been proud to be a resident of New Hampshire because of it's belief in the right to life of all. This Bill will overturn New Hampshire's correct and true belief that we have no right to take the life of the pre-born child.

Again, please vote against SB34. Thank you.

Sincerely,

Joseph St. Laurent

Active Registered Voter 5

Richard Morin 20 June St.

Cheryl English 14 Tilton St

Dave English 14 Tilton St.

Paula Davis

Jacqueline St James 4 Patricia Drive Hudson, N.H.

Christopher St James 4 Patricia Drive

Joanne McHard 19 April Dr Nashua

Andre McHard 19 April Dr.

April 15, 1997

Dear Representative,

Please, please vote against SB34.

I have always been proud to be a resident of New Hampshire because of it's belief in the right to life of all. This Bill will overturn New Hampshire's correct and true belief that we have no right to take the life of the pre-born child.

Again, please vote against SB34. Thank you.

Sincerely,

Active Registered Voters

Unita (Baker) Ward 9. 461 Calhoun St.
Raymond Thayer 25 High St. Manchester
Thomas A. Blaskey 461 Calhoun Rd Manchester NH 03103
Janis C Coffey 14 Friendship Dr. Goffstown
Etta Mills 182 Willow St. Man, N.H.
Carmen Hammond 283 Tuller Ave Rd, Goffstown
J. Michael E. Serigny 14 Elm St. Wd. 9
Rita Lacroix 627 Montgomery St. Man. NH Ward 12.
Arthur Gagnon 779 Hall St. Manchester NH, 03104

April 15, 1997

Dear Representative,

Please, please vote against SB34.

I have always been proud to be a resident of New Hampshire because of it's belief in the right to life of all. This Bill will overturn New Hampshire's correct and true belief that we have no right to take the life of the pre-born child.

Again, please vote against SB34. Thank you.

Sincerely,

Active Registered Voter

| | |
|--------------------|--|
| Denise T. Methodt, | 127 Deerhaven Road, Weare, NH 03381 |
| Joely D Berger | 110 Steph Dr. Goffstown, NH 03045 |
| Irene Duff | 96 Upland St Manchester NH. 03102 WARD-11 |
| Ronald A. René | 70 Dover St. Manchester, NH 03102 Ward 11 |
| Lisa Sottile | 127 Pickering St. Manch. Ward |

April 15, 1997

Dear Representative,

Please, please vote against SB34.

I have always been proud to be a resident of New Hampshire because of it's belief in the right to life of all. This Bill will overturn New Hampshire's correct and true belief that we have no right to take the life of the pre-born child.

Again, please vote against SB34. Thank you.

Sincerely,

Active Registered Voters

Louise Leitch 45 Rockwood St.
Jean Gagne 10 Louis St.
Anna Bowin 48 Rockwood St.
Ronald Helbert 20 Waverly Ave.

April 15, 1997

Dear Representative,

Please, please vote against SB34.

I have always been proud to be a resident of New Hampshire because of it's belief in the right to life of all. This Bill will overturn New Hampshire's correct and true belief that we have no right to take the life of the pre-born child.

Again, please vote against SB34. Thank you.

Sincerely,

Active Registered Voters

Alma Bond 380 Donald Bedford
Claudette Lavelle Box 175 Safford, N.H.
Doris Desjardis 31 Pine St W 9 Manchester
Catherine Little 16 Arcot Court Bedford N.H.
Eduardo Rudski 10 Fairfield Dr N.H.
Murray A. Weiss 53 Pondview Dr. Merrimack
Meredith Weiss 53 Pondview, Merrimack, N.H. 03084
Mark & Ellen Colegrove 52 Diamond Ln Safford, N.H.
Leo A. Ladieu - 69 Seas Dr Man. N.H.

April 15, 1997

Dear Representative,

Please, please vote against SB34.

I have always been proud to be a resident of New Hampshire because of it's belief in the right to life of all. This Bill will overturn New Hampshire's correct and true belief that we have no right to take the life of the pre-born child.

Again, please vote against SB34. Thank you.

Sincerely,

Lorraine Duguay

Active Registered Voters

11 Sherwood Drive

Hooksett, N.H.

03106

Raymond J. Lamoureux

11 Nottingham Lane

Merrimack N.H.

Kate De Zillo 03054
Liz De Zillo 28 Birchwood Cir Bedford

April 15, 1997

Dear Representative,

Please, please vote against SB34.

I have always been proud to be a resident of New Hampshire because of it's belief in the right to life of all. This Bill will overturn New Hampshire's correct and true belief that we have no right to take the life of the pre-born child.

Again, please vote against SB34. Thank you.

Sincerely,

Active Registered Voters

Bernardine Donelson 3 Fox Lane Auburn, NH
Madeleine Vachon Ward 8
Napoleon A. Vachon Ward 8
Lisa St Jean 590 Chestnut St
Jill Cummings 335 Colby Road WEARE
Laurette Heavagret 401 50 Mammoth Rd & Main Ward
Melba & Kathy Moore 705 Jewett St. Manchester, N.H.
Anneth & Handy 5 Sandy Pond Hwy. Bedford, N.H. 03110
Theresa Leizillo 28 Brickwood Cir Bedford
June C. Mart 04 Whittier St. Bedford NH
03110

Frank J. Pastore
53 Bracken Circle
Bedford, NH 03110

April 15, 1997

Dear Representative,

Please, please vote against SB34.

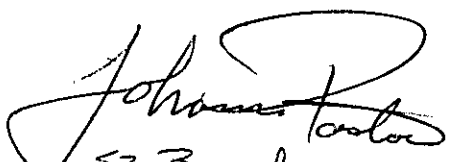
I have always been proud to be a resident of New Hampshire because of it's belief in the right to life of all. This Bill will overturn New Hampshire's correct and true belief that we have no right to take the life of the pre-born child.

Again, please vote against SB34. Thank You.


Sincerely,




Frank J. Pastore
Active Registered Voter



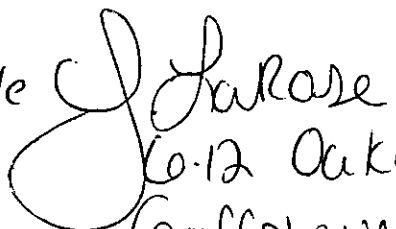
53 Bracken Cir.
Bedford, NH 03110



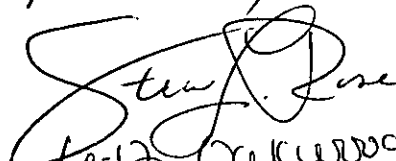
66 HULLIS ST
MANCHESTER, NH 03101



28 Birchwood Circle
BEDFORD, N.H.



6-12 Oakwood Lane
Goffstown, NH. 03045



6-12 Oakwood Lane
Goffstown, NH. 03045

April 15, 1997

Dear Representative,

Please, please vote against SB34.

I have always been proud to be a resident of New Hampshire because of it's belief in the right to life of all. This Bill will overturn New Hampshire's correct and true belief that we have no right to take the life of the pre-born child.

Again, please vote against SB34. Thank you.

Sincerely, *Mike Frenod*
191 Riverdale Rd
New Boston, N.H. 03070

Active Registered Voter

April 15, 1997

Dear Representative,

Please, please vote against SB34.

I have always been proud to be a resident of New Hampshire because of it's belief in the right to life of all. This Bill will overturn New Hampshire's correct and true belief that we have no right to take the life of the pre-born child.

Again, please vote against SB34. Thank you.

Sincerely,

Patricia M. Palermo

Active Registered Voter

97 Salmon St.
Manchester, N.H. 03104
Ward 3

April 15, 1997

Dear Representative,

Please, please vote against SB34.

I have always been proud to be a resident of New Hampshire because of it's belief in the right to life of all. This Bill will overturn New Hampshire's correct and true belief that we have no right to take the life of the pre-born child.

Again, please vote against SB34. Thank you.

Sincerely,



JOHN L. JONES

Active Registered Voter

CITY OF MANCHESTER

552 MERRIMACK

Annette M. Palermo
394-11 Notre Dame Ave.
Manchester, NH 03102
WARD 11

April 15, 1997

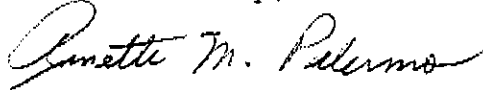
Dear Representative,

Please, please vote against SB34.

I have always been proud to be a resident of New Hampshire because of it's belief in the right to life of all. This Bill will overturn New Hampshire's correct and true belief that we have no right to take the life of the pre-born child.

Again, please vote against SB34. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Annette M. Palermo".

Annette M. Palermo
Active Registered Voter

April 15, 1997

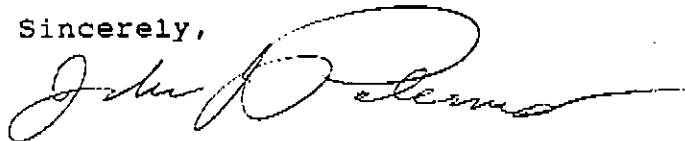
Dear Representative,

Please, please vote against SB34.

I have always been proud to be a resident of New Hampshire because of it's belief in the right to life of all. This Bill will overturn New Hampshire's correct and true belief that we have no right to take the life of the pre-born child.

Again, please vote against SB34. Thank you.

Sincerely,



Active Registered Voter

Ward #3
93 Salmon St
Manchester, NH 03101

April 15, 1997

Dear Representative,

Please, please vote against SB34.

I have always been proud to be a resident of New Hampshire because of it's belief in the right to life of all. This Bill will overturn New Hampshire's correct and true belief that we have no right to take the life of the pre-born child.

Again, please vote against SB34. Thank you.

Sincerely,

Active Registered Voter

Eugene Dweeney 360 Coolidge Avenue Manchester NH 03102

April 15, 1997

Dear Representative,

Please, please vote against SB34.

I have always been proud to be a resident of New Hampshire because of it's belief in the right to life of all. This Bill will overturn New Hampshire's correct and true belief that we have no right to take the life of the pre-born child.

Again, please vote against SB34. Thank you.

Sincerely,

Marci Albert, Deering
Active Registered Voter



603-271-3600

HOUSE COMMITTEE RESEARCH OFFICE
New Hampshire House of Representatives
4th Floor, Legislative Office Building
Concord, New Hampshire 03301
TDD Access: Relay NH
1-800-735-2964

FILE COPY

To: Rep. John J. McCarthy, Jr., Committee Chairman
Judiciary and Family Law Committee

From: Kevin B. Moquin, Committee Researcher
House Committee Research

Date: April 15, 1997

Re: SB-34, repealing laws relative to abortion.

For the convenience of the committee, I have attached copies of RSAs 585:12 -14, which SB-34 seeks to repeal. If I may be of further assistance, please do not hesitate to contact me.

§ 585:12. Attempt to Procure Miscarriage.

If any person shall wilfully administer to a pregnant woman any medicine, drug, substance, or thing whatever, or shall use or employ any instrument or means whatever, with intent thereby to procure the miscarriage of such woman, he shall be imprisoned not more than one year or fined not more than \$1,000, or both.

History

Source. 1848, 743:1. CS 227:11. GS 264:11. GL 282:11. PS 278:11. PL 392:12. RL 455:12.

Annotations

Cited. State v. Wood, 53 NH 484 (1873); Bennett v. Hymers, 101 NH 483, 147 A2d 108 (1958); State v. Millette, 112 NH 458, 299 A2d 150 (1972).

§ 585:13. Intent to Destroy Quick Child.

If any person shall administer to a woman pregnant with a quick child any medicine, drug, or substance whatever, or shall use or employ any instrument or means whatever, with intent thereby to destroy the child, unless, by reason of some malformation or of difficult or protracted labor, it shall have been necessary to preserve the life of the woman or shall have been advised by 2 physicians to be necessary for that purpose, he shall be fined not more than \$1,000 and imprisoned not more than 10 years.

History

Source. 1848, 743:2. CS 227:12. GS 264:12. GL 282:12. PS 278:12. PL 392:13. RL 455:13.

Annotations

Cited. State v. Wood, 53 NH 484 (1873); Bennett v. Hymers, 101 NH 483, 147 A2d 108 (1958); State v. Millette, 112 NH 458, 299 A2d 150 (1972).

§ 585:14. Penalty for Causing Death.

If any person shall cause the death of a pregnant woman in the perpetration or attempt to perpetrate either of the crimes mentioned in RSA 585:12 and 13, or in consequence of the perpetration or the attempt to perpetrate either of them, he shall be deemed guilty of murder in the second degree and shall be punished accordingly.

History

Source. 1848, 743:3. CS 227:13. GS 264:13. GL 282:13. PS 278:13. PL 392:14. RL 455:14.

Revision note. For purposes of clarity, substituted "RSA 585:12 and 13" for "the two preceding sections" following "crimes mentioned in".

Cross references. Culpable mental states generally, see RSA 626:2.

Second degree murder, see RSA 630:1-b.

Annotations

Analysis

1. Construction generally.
2. Elements of offense.

1. Construction generally.

This section establishes a degree of murder as elsewhere defined by statute or case law; it does not establish a separate crime of murder. *State v. Millette*, 112 NH 458, 299 A2d 150 (1972).

This section does not create a separate and variant murder offense which does not include malice aforethought as an element. *State v. Millette*, 112 NH 458, 299 A2d 150 (1972).

2. Elements of offense.

In an indictment and trial under this section, malice must be alleged and proven. *State v. Millette*, 112 NH 458, 299 A2d 150 (1972).

Cited. *State v. Wood*, 53 NH 484 (1873).

Library References

ALR Right of action for injury or death of woman who consented to illegal abortion. 36 ALR3d 630.

Voting Sheets

FILE COPY

HOUSE COMMITTEE ON JUDICIARY AND FAMILY LAW

EXECUTIVE SESSION on SB 34

BILL TITLE:

DATE:

4/30/97

LOB ROOM:

(See attached)

Amendments:

Sponsor: Rep.

Holden

OLS Document #:

11906

Adopted/Failed

Sponsor: Rep.

OLS Document #:

Adopted/Failed

Sponsor: Rep.

OLS Document #:

Adopted/Failed

Motions:

OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

DePecol

Seconded by Rep.

M. Smith

Vote:

13-7

(Please attach record of roll call vote.)

Motions:

OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

(Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent:

Refer to Committee Report

Respectfully submitted,

Rep. Sandra B. Keans, Clerk

MINORITY
BY HOLDEN
ET AL.

SB 34

Bill #

Public Hearings

Executive Session

4/30/97

COMMITTEE REPORT:

OTP

| | YEAS | NAYS |
|----------------------------------|------|------------------------|
| McCarthy, John J., Jr., Chairman | | X |
| Woods, Deborah L., V Chairman | X | |
| Bickford, David A. | X | |
| Brown, Julie M. | | |
| Clay, Susan J. | X | |
| Colburn, Thomas M. | | X |
| Holden, Carol H. | | X |
| Jacobson, Alf E. | X | |
| Keans, Sandra B., Clerk | X | |
| Letendre, Evelyn S. | | X |
| Mirski, Paul M. | | X |
| Reardon, Neil J. | | X |
| Smith, Kevin H. | | X |
| Wall, Janet G. | X | |
| Allison, David C. | X | |
| Johnson, Lionel W. | X | |
| McGowan, Cynthia A. | X | |
| Moynihan, Wayne T. | X | |
| Pratt, Irene A. | X | |
| Richardson, Barbara Hull | X | |
| Smith, Marjorie K. | X | |
| TOTAL VOTE | | |
| Appeared in Favor | | Appeared in Opposition |

137

Committee Report

MAJORITY COMMITTEE REPORT

FILE COPY

COMMITTEE: Judiciary and Family Law

BILL NUMBER: SB 34

TITLE: repealing laws relative to abortion.

DATE: April 30, 1997

CONSENT CALENDAR YES ☐ NO ☒

- ☒ OUGHT TO PASS
- ☐ OUGHT TO PASS WITH AMENDMENT
- ☐ INEXPEDIENT TO LEGISLATE
- ☐ RE-REFER
- ☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT (Include Committee Vote)

This bill repeals three antiquated 1848 statutes dealing with abortion. All legal protections for patients and doctors remain in place. This is not an attempt to expand or limit any procedure, it is simply an act to eliminate three laws already deemed unconstitutional and three laws we do not use.

Vote 13-7.

Rep. Benjamin J. DePecol
FOR THE MAJORITY

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

Judiciary and Family Law

SB 34, repealing laws relative to abortion. OUGHT TO PASS

Rep. Benjamin J. DePecol for **Judiciary and Family Law: Majority** This bill repeals three antiquated 1848 statutes dealing with abortion. All legal protections for patients and doctors remain in place. This is not an attempt to expand or limit any procedure, it is simply an act to eliminate three laws already deemed unconstitutional and three laws we do not use. Vote 13-7.

**MINORITY
COMMITTEE REPORT**

FILE COPY

COMMITTEE: Judiciary and Family Law

BILL NUMBER: SB 34

TITLE: repealing laws relative to abortion.

DATE: April 30, 1997

CONSENT CALENDAR YES ☐ NO ☒

- ☐ OUGHT TO PASS
- ☐ OUGHT TO PASS WITH AMENDMENT
- ☒ INEXPEDIENT TO LEGISLATE
- ☐ RE-REFER
- ☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

**STATEMENT OF INTENT
(Include Committee Vote)**

Passage of this bill causes grave consequences for the state of New Hampshire. Three major areas the committee is concerned with are: (1) there would no longer be any penalties against doctors who injure or harm a woman's life or health due to an abortion, thus giving women no action for recourse; (2) there is no longer any protection for post-viable fetuses, which Roe vs Wade clearly states there should be; (3) with abortionists now being able to perform any abortion at any time period, under any circumstance, New Hampshire could conceivably become the abortion mecca of the country. New Hampshire cannot afford to pass this extreme measure.

Vote

Rep. Kevin H. Smith
FOR THE Minority

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

Judiciary and Family Law

SB 34, repealing laws relative to abortion. INEXPEDIENT TO LEGISLATE

Rep. Kevin H. Smith for **Judiciary and Family Law:Minority** Passage of this bill causes grave consequences for the state of New Hampshire. Three major areas the committee is concerned with are: (1) there would no longer be any penalties against doctors who injure or harm a woman's life or health due to an abortion, thus giving women no action for recourse; (2) there is no longer any protection for post-viable fetuses, which Roe vs Wade clearly states there should be; (3) with abortionists now being able to perform any abortion at any time period, under any circumstance, New Hampshire could conceivably become the abortion mecca of the country. New Hampshire cannot afford to pass this extreme measure.

COMMITTEE REPORT

COMMITTEE: JUDICIARY AND FAMILY LAW

BILL NUMBER: SB34

TITLE:

DATE: 4/30/97

CONSENT CALENDAR YES ☒ NO ☒

- ☒ OUGHT TO PASS
- ☐ OUGHT TO PASS WITH AMENDMENT
- ☐ INEXPEDIENT TO LEGISLATE
- ☐ RE-REFER
- ☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Vote 13-7

Rep. _____
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

SB 34 OUGHT TO PASS

BENJAMIN J. DETECOL FOR THE COMMITTEE.

THIS BILL REPEALS THREE ANTIQUATED 1848 STATUTES DEALING WITH ABORTION. ALL LEGAL PROTECTIONS FOR PATIENTS AND DOCTORS REMAIN IN PLACE. THIS IS NOT AN ATTEMPT TO EXPAND OR LIMIT ANY PROCEDURE, IT IS SIMPLY AN ACT TO ELIMINATE THREE LAWS ALREADY DEEMED UNCONSTITUTIONAL + THREE LAWS WE DO NOT USE. VOTE 13-7

ol/gmk/haic

~~MINORITY~~ due Ang Holden

Minority report on #SB-34 I.T.L. Rep. Kevin Smith

Passage of this bill causes grave consequences for the State of New Hampshire. Three major areas the committee is concerned ~~about~~ ^{WITH} ~~the~~ are, one: there would no longer be any penalties against doctors who injure or harm a woman's life or health due to an abortion, thus leaving women ^{action for} no recourse. Two; there is no longer any protection for post-viable fetuses, which Roe v. Wade clearly states there should be. Three; with abortionists now being able to perform any abortion at ~~at~~ ^{any} time period, under any circumstance, New Hampshire would ~~inevitably~~ become the abortion mecca of the country. →

OK/qm-

New Hamp. cannot afford to pass this extreme measure,