

**LES AUCOIN**  
1st District, Oregon



**CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515**

July 31, 1979

Dear Colleague:

I strongly urge your opposition to Representative Dougherty's amendment to the Department of Defense Authorization bill, H.R. 4040.

The amendment masquerades as an anti-abortion amendment. It is not an anti-abortion amendment; it is a big government amendment. It is a prime example of the ways in which government can be made to interfere in individuals' private lives. It is a waste of taxpayers' money, adds to the paper-shuffling required of the military, and will not prevent one abortion.

Among other provisions, the Dougherty Amendment would require that whenever an abortion is performed in any medical facility or by any personnel under the jurisdiction of the Secretary of Defense, all possible steps shall be taken to preserve the life of any fetus showing signs of life, and a summary of all such steps must be reported to the Congress. The medical profession is already compelled, under their own code of ethics, to take such steps. Such situations have occurred in at most 14 cases per year out of the 1.3 million abortions performed annually in the U.S., according to the Center for Disease Control. Physicians who neglect this duty can be, and have been, prosecuted for malpractice. Therefore, it is unnecessary and inappropriate for the Congress to interfere in this area of medical practice.

But beyond the point that it is unnecessary to write this into legislation, Representative Dougherty's amendment would require that extensive reports be submitted to Congress every three months listing such extraneous information as how many abortions were performed during that period, the procedure used for each abortion, the condition of each fetus after the abortion, and the number of women having abortions during the reporting period who had previously had an abortion.

What is the purpose of requiring that quarterly reports of this nature be made to Congress? What would the reports accomplish? Issuing such reports certainly would not prevent any abortions.

Passage of this amendment will add to the already overwhelming burden of federal paperwork. At a time when we are looking at every penny spent by the federal government to make sure it counts, do we want to spend our defense dollars on compiling more reports, or on increasing military preparedness?

No hearings were held on this proposal. Thus, the Department of Defense has not been able to arrive at an estimate of the cost of implementing the detailed reporting procedure called for in the amendment. What is clear is that it would require virtually every U.S. military hospital world-wide to compile figures quarterly; these figures in turn would be submitted through the Department's chain of command to the Pentagon and then compiled in a single report for submission to Congress. These efforts will consume a great many manpower hours by both administrative and professional medical personnel, at a great expense to the taxpayer.

The amendment contains no suggestion for what the Congress will do with these reports once they are received. This amendment's effect, pure and simple, is harassment of the Secretary of Defense, of military medical personnel, and of the women who use military medical facilities. Comparable record keeping is not required for any other medical procedure performed in military hospitals.

What's more, the provision requiring that each woman be asked whether she had previously had an abortion is a flagrant violation of the right to privacy. Even though the amendment calls for no "individually identifiable information", someone must ask the patient whether she's had a previous abortion, the figures must be verifiable in some way, and the information must be submitted to authorities. It is an affront to the sensitivities and the privacy of the women involved. Consider this: If a Congressman's wife had an abortion performed at Walter Reed or Bethesda Naval Hospital, even though she paid for it personally, she would be subjected to the reporting procedures called for in this amendment.

The Department of Defense authorization bill is not the place to debate medical ethics. It is not the place to write legislation, without proper hearings, requiring burdensome government reports for which no need has been determined. I hope you will oppose Representative Dougherty's amendment.

Sincerely,



LES AuCOIN  
Member of Congress