



LIFE: AT THE HEART OF THE LAW

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Honorable Richard Pan, Chair
Assembly Health Committee
California State Capitol, Room 6005
Sacramento, CA 95814

VIA FACSIMILE

Dear Chairman Pan:

I am writing on behalf of Life Legal Defense Foundation to express support for ACA 5, the Parental Notification, Child and Teen Safety, and Stop Predators Act.

Common sense dictates that a parent should be involved when a minor daughter is pregnant and considering abortion. Rather than belabor the arguments in favor of the amendment, I would like to address two common objections raised by opponents.

First, opponents frequently claim that a parental notification requirement will endanger the health and well-being of minors by subjecting them to the wrath of abusive parents, driving them to procure “unsafe” abortions by non-legal means, or causing them to delay their abortions. All of these arguments lack empirical proof.

I would be happy to discuss at whatever length you wish the supposed “evidence” that opponents adduce to support their position. However, I believe it is more instructive to look at what happened when their claim came before a California court.

When Proposition 4, the parental notification initiative, was on the ballot in 2008, proponents stated in their Rebuttal that the Argument Against the initiative contained “[n]ot a single example of a ‘real’ teenager harmed by a notification law. THAT’S BECAUSE IT HAS NEVER HAPPENED.” (Original emphasis.)

The proponents expected these statements to draw a challenge from opponents, and they did. Opponents sought a writ of mandate to prevent these statements from being printed in the Voter Guide on the grounds that they were false and misleading. They claimed a “host of scientific studies” proved the statements false.

To succeed in their challenge, the opponents only needed to show a single documented case of a minor being harmed by a parental notification law. They were unable to do so. The court denied their petition, and the unaltered statements were printed in the Voter Guide.

Undeterred, opponents will assert – repeatedly and confidently and aggressively – that parental involvement laws harm minors, but they have yet to produce any proof. Indeed, the lack of such proof given that parental involvement laws are in place in over 35 states, and in some states for as long as three decades, is itself striking evidence that these laws do not harm minors.

The second argument the opposition will make is that parental notification laws aren't necessary because most teens already tell a parent. The "proof" of this is usually a single study conducted more than 20 years ago. If one actually reads the study, rather than accepting the opponents' representations about its contents, one finds that, even of the self-selected group of minor girls who agreed to respond to a survey in an abortion clinic, only 45% had told a parent. Another 17% reported that a parent found out some other way. So much for "most teens tell a parent." Notably, when the principal author of the study, Stanley Henshaw, was questioned about the use of the study to show that most teens already tell, he agreed that this characterization of the results was "entirely incorrect."

Opponents will often try to muddy the issue of how many minors already tell a parent by citing a hodge-podge of other studies about minors' attitudes and habits and the like. Apparently they prefer to rely on speculation and unwarranted extrapolation from such data rather than conducting a valid study of this simple question.

Finally, I would like to address the issue of the role of parental involvement laws in combating the sexual abuse of minor girls. Planned Parenthood and other opponents of parental involvement laws insist that they comply with mandated reporting laws, with the implication being that compliance with these laws is sufficient to protect minor girls. It is not.

First, these laws do not require a mandated reporter to make any sort of investigation or ask any questions. Thus, if a 13-year-old seeks an abortion, the counselor, nurse, physician, or other mandated reporter who has contact with her is not required to ask any questions about how she got pregnant. He or she can simply assume, contrary to the odds, that the pregnancy resulted from consensual sex with a minor of like age. Meanwhile, the receptionist at the front desk, not a mandated reporter, can be accepting payment for the abortion from a 30-year-old man.

Second, California's mandated reporting laws cover only the most egregious forms of sexual abuse against the youngest teens. Thus, a 14-year-old impregnated by a 20-year-old stepbrother does not trigger the mandatory reporting law. A 16-year-old impregnated by a 40-year-old stepfather or teacher similarly does not trigger a report. The mandated

reporting laws, even if complied with, do not obviate the need for parental involvement.

ACA 5 is a common sense proposal that understandably enjoys wide public support, both in California and across the nation. Thank you for your commitment to restoring parental rights and protecting young girls.

Very truly yours,

Catherine Short
Legal Director