

July 20, 2006

TO: Interested Parties**FROM:** Rachel Laser, Director of The Culture Project**SUBJECT:** Talking Points for the Child Custody Protection Act

Majority leader Frist has indicated that the Child Custody Protection Act ("CCPA") will be up for a vote in the Senate imminently. Last year, the House passed a similar bill, the Child Interstate Abortion Notification Act, in April 2005.

First, to summarize, the Child Custody Protection Act makes it a crime, punishable by up to a year in prison and a fine, for any person other than a parent to help a teen cross state lines to obtain an abortion unless the teen's home state's abortion parental involvement requirements were already met.

This bill is not intended to reduce the number of abortions in America (I'll get to that later), but to win a political debate. In the 1980s, the pro-choice community developed a winning strategy based on the "Who Decides?" campaign. This campaign cast the decision to have an abortion as between a woman, her doctor and her family versus the government. This message had the effect of unifying pro-choice progressives with anti-government conservatives.

After several years on the losing end of this debate, the pro-life community commandeered the "Who Decides?" message by taking specific types and instances of abortions and forcing politicians to affirmatively answer the question of who decides. How about if the woman is 8 months pregnant? How about if the woman is a teenager? Thus, the pro-life movement became more about abortion regulation than abortion bans and the pro-choice side was left to fight dozens of battles on the abortion issue—most of them on territory where their tried and tested "Who Decides?" message was no longer the antidote it had once been.

We will not mislead you: when asked, about 3/4 of voters support a law requiring women under 18 to get parental consent for any abortion. So opponents of this measure have an uphill climb. But our own polling shows that nearly 70% of voters oppose abortion laws that put people in jail. When prison enters the debate, conservatives begin to lose the battle of reasonableness with voters.

Whatever your position on the bill, here are the key points that progressives (particularly progressives in red to purple states) should make:

1. We should attempt to reduce the number of abortions in America, but this bill won't do it.

Over 90% of all abortions occur in the state where the woman lives.
91.3% of all abortions occur in the woman's home state.¹

According to government statistics, there appears to be no correlation between out-of-state abortions and parental involvement laws. Nine of the ten states that attract the most out-of-state abortions have moderate to strict parental involvement laws.²

- » Of the ten states with the highest rates of out-of-state abortions, only one—D.C.—has no parental notification/consent law.
- » Four of the ten—North Dakota, Rhode Island, Tennessee, and Alabama—have strict parental consent laws.
- » Five of the ten—Kansas, Delaware, Colorado, Arkansas and Nebraska—have moderate parental notification laws.³

In most cases of teen abortions, which are only 20% of all abortions in America, a parent knows about the abortion. Sixty-one percent of respondents in a sample of 1,500 unmarried minors having an abortion reported that at least one of their parents knew about their abortion.⁴

Even if teens are forced to tell a parent, parents overwhelmingly prefer that their teens have an abortion. In a nationwide sample of minors having abortions, upon learning of their daughters' pregnancies, parents favored abortion over childbirth by a 4 to 1 ratio.⁵

This law would not even apply to teens who come from half of the states. Fifteen states and the District of Columbia have no parental involvement requirement that could trigger this law. Nine additional states have parental involvement laws that do not meet the narrow definition in this bill.

2. I believe that teenagers should tell parents if they intend to have an abortion, but I don't think people should go to prison if they don't. There is a reason pro-life conservatives never talk about prison. Voters hate it.

The Child Custody Protection Act's approach to the abortion issue—putting people in jail—is unpopular. CCPA would subject people to jail as punishment for helping a teen cross state lines to obtain an abortion. In our own recent poll, 68% of voters disagree (50% strongly disagree) with putting people in jail because of abortion.

3. There is a better way to reduce teen abortions that doesn't put people in jail—preventing unintended pregnancies from happening in the first place and providing social supports for pregnant women and new parents.

The Prevention First bill would help reduce the number of abortions in America by preventing unintended pregnancies from happening in the first place. Majority leader Frist has never brought this bill up for a vote.

Some specific policies that **prevent unintended pregnancies** from happening in the first place, in particular for teens, include:

- » Promoting teen pregnancy reduction incentive grants for states.
- » Promoting responsible teen pregnancy prevention through grants for pregnancy prevention education programs that encourage teens to delay sexual activity, but also provide age-appropriate, factually and medically accurate and complete contraceptive information for teens.
- » Promoting after-school programs, which provide self-esteem building activities for teens during otherwise unsupervised hours of the day.
- » Promoting a national center for parents of teens to support parents by equipping them with information and resources to promote and strengthen communication with their children about healthy relationships and values.

Policies that **support both pregnant women (and parents)** who would like to go forward with their pregnancies but who lack the resources to do so include:

- » Promoting free home visits by registered nurses to teenage or first-time mothers (that include contraceptive counseling).
- » Supporting pregnant and parenting students through grants to institutions of higher education to provide support services to assist both pregnant students who have decided to carry their pregnancies to term and parenting students in continuing their studies and graduating.
- » Increasing funding for the Child Care and Development Block Grant (CCDBG) program
- » Ensuring that the WIC program receives full funding

4. The reason that the abortion rate is so high in America is because Washington is more interested in playing politics than seriously addressing the number of abortions in America.

President Bush and the current congressional majority have made no meaningful effort to reduce the number of abortions in America.

- » Every year in America more than one in every five pregnancies end in abortion, totaling 1.3 million abortions—a number that most Americans would agree is far too high. The abortion rate decline has flattened since the late 1990s.⁶
- » President Bush and the current congressional majority have sacrificed pregnancy reduction programs in favor of abortion politics. “Partial-birth” abortions, for example, account for 8 in every 10,000 abortions.⁷

¹ Centers for Disease Control, "Reported number, ratio, and rate of legal abortions by residence and occurrence," 2001.

² *Id.*

³ State parental involvement laws were obtained from the website for the Center for Reproductive Rights.

⁴ Henshaw, Stanley K & Kathryn Kost. (1992). "Parental Involvement in Minors' Abortion Decisions." *Family Planning Perspectives*, 24(5), 196-207 & 213.

⁵ *Id.* at 203.

⁶ Guttmacher Institute "In Brief: Facts on Induced Abortion in the United States" 2006.

⁷ Guttmacher Institute "An Overview of Abortions in the United States" 2003.