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July 24, 2006

Dear Senator:

When the Child Custody Protection Act (S.403) comes before the Senate on Tuesday, July 25, the National Right to Life Committee (NRLC) urges that you oppose the pending Feinstein and Boxer Amendments, and support passage of the bill.

About 80 percent of the public favors requiring notification of or consent by a parent before an abortion can be performed on a minor daughter. (For a sampling of public opinion polls on this issue, see <http://www.nrlc.org/federal/ccpa/ParentalInvolvementPolls.html>) The majority of states have enacted laws requiring notification of, or consent by, a parent (or a judicial waiver) before an abortion can be performed on a minor daughter, but circumvention of these laws is widespread, as minors are often transported across state lines into neighboring states in which such requirements are not in force. Indeed, many abortion clinics advertise across state lines, using "no parental notification" as a selling point. S. 403 would prohibit non-parents from taking minor girls across state lines to obtain secret abortions, if this abridges a parent's legal right, under state law, to be notified or give consent before their daughter receives an abortion. For a summary of the parental involvement laws of each state, see www.nrlc.org/federal/ccpa/ParentalLawsFS.pdf

State parental consent laws contain "judicial bypass" provisions, as required by the U.S. Supreme Court; any minor who receives such judicial authorization in her home state would not be affected by S. 403.

We ask that you vote against the Feinstein Amendment, which would allow a minor girl of any age to be transported across state lines, without parental knowledge, by any "grandparent" or by any "member of the clergy." Among other problems, this means that anyone designated as "clergy" would be empowered to take a minor girl out of state for a secret abortion -- even if he is the sexual abuser who impregnated her, even if he is the leader of a dangerous cult, and even if he is affiliated with an abortion clinic. Moreover, certain organizations such as the Universal Life Church offer free clergy ordination credentials in five minutes or less on the Internet.

S. 403 contains a provision that allows a parent to sue a person who transports the parent's minor daughter to another state for an abortion in circumvention of the law. Senator Ensign or his designee will offer an amendment to clarify that this right to sue cannot be employed by a parent who commits incest on the minor. NRLC supports adoption of the Ensign Amendment. Senator Boxer has submitted a second amendment that was also represented as removing an incestuous parent's right to sue -- but the Boxer Amendment -- whether through careless drafting or otherwise, is much too broad -- it would actually strip protection away from incest victims and allow them to be doubly victimized in some cases. The Boxer Amendment, if adopted, would result in the bill not applying at all to any minor who has an abortion as "a result of a pregnancy caused by an act of incest." This would mean, for example, that if a 24-year-old man rapes and impregnates his 15-year-old sister, he could take her to a different state for a secret abortion without the parents' knowledge, and could not be prosecuted under the bill! Therefore, we urge you to support Sen. Ensign's clarifying amendment and to reject the poorly constructed Boxer Amendment.

We anticipate that the roll calls on the Feinstein and Boxer amendments and on final passage will be included in NRLC's scorecard of key votes for the 109th Congress. Thank you for your consideration of NRLC's position on this legislation.

Sincerely,

A handwritten signature in blue ink that reads "Douglas Johnson".

Douglas Johnson
Legislative Director

A handwritten signature in black ink that reads "Susan T. Muskett".

Susan T. Muskett, J.D.
Congressional Liaison