

Testimony Submitted by

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H.R.2299, the Child Interstate Abortion Notification Act

Chairman Franks, Ranking Member Nadler, members of the subcommittee: thank you for this opportunity to testify once again on H.R.2299, the Child Interstate Abortion Notification Act. As I have appeared before this and other committees before, I am pleased to be invited back, but saddened that Congress is once again taking up this topic.

I come before you today as an Episcopal priest with over 15 years in parish ministry now serving as President of one of the Episcopal Church's 10 seminaries. Episcopal Divinity School is a graduate school in Cambridge, Massachusetts preparing women and men for ordained and lay ministries in the Church and the world. My interest in, and perspective on, this issue are shaped by my life as a parish priest whose privilege it was to be intimately involved in the lives of a variety of people who struggled every day with what it means to be ethical, morally responsible people of God in an always complex, frequently confusing, sometimes difficult, and occasionally tragic modern world; by my current work as an educator, working to prepare women and men to care for the people entrusted to them; and by my responsibilities as a representative of the Episcopal Church – for this bill is contrary to the official position of the Episcopal Church.

I recall vividly a day when I left my home near Cambridge Massachusetts, and drove to one of the economically challenged cities to the north of me to pick up a 15-year-old girl and drive her to Boston for an 8 a.m. appointment for an abortion. I didn't know the girl – I knew her school nurse. The nurse had called me a few days earlier to see if I knew where she might find money to give the girl for bus fare to and cab fare home from the hospital. I was stunned – a 15-year-old girl was going to have to get up at the crack of dawn and take multiple buses to the hospital alone? The nurse shared my concern but explained that the girl had no one to turn to. She feared for her safety if her father found out and there was no other relative close enough to help. There was no one to be with her. So I went. And during our hour-long drive to Boston, we talked.

She told me about her dreams for the future – all the things she thought she might like to do and be. I talked to her about the kind of hard work and personal responsibility it would take to get there.

She told me about the guilt she felt for being pregnant – even though the pregnancy was the result of a date rape. She didn't call it that. She just told me about the really cute guy from school who seemed so nice and about how pleased she was when he asked her out. And then, she told me, he asked her to have sex with him and she refused. And he asked her again...and again. And then he pushed her down and forced himself on her. But he didn't pull a gun, or break any bones, or cause any serious injury – other than a pregnancy and a wounded spirit – so she didn't know to call it rape. She figured the fault was hers for not somehow having known that he wasn't really the "nice boy" he had seemed. And I talked to her about the limits of personal responsibility; and not

everything that happens to us is our own fault, or God's will; and about how much God loves her.

Then I took her inside and turned her over to some very kind nurses. I went downstairs to get a couple of prescriptions filled for her. I paid for the prescriptions after I was informed that they'd either need the girl's father's signature in order to charge them to his insurance, or the completion of a pile of forms that looked far too complex for any 15-year-old to have to deal with. I drove her back to her school and walked her to the nurse's office and turned her over to someone who would look out for her the rest of the day. And then I drove home wondering how many bright, funny, thoughtful girls, girls brimming with promise, were not lucky enough to know someone who knew someone who could help. I despaired that in a society as rich and purportedly reasonable and compassionate as ours, any young woman should ever find herself in such a position. It never occurred to me that anyone would ever try to criminalize those who were able and willing to help.

Although New Hampshire was closer to that girl's home than Boston, as it happened, I did not take her across state lines. Nor did I, to my knowledge, break any laws. But if either of those things had been necessary in order to help her, I would have done them. And if helping young women like her should be made illegal I will, nonetheless, continue to do it. I have no choice because some years ago I stood before an altar and a Bishop and the people of God and vowed "to proclaim by word and deed the Gospel of Jesus Christ and to fashion (my) life in accordance with its precepts...to love and serve the people among whom (I) work, caring alike for the young and old, strong and weak, rich and poor." I have no choice. Even if you tell me that it is a crime to exercise my ministry, I will have no choice. And, I assure you, I am not alone.

I'd like to acknowledge that we all probably have much in common here. Though we may differ as to when, if ever, abortion is a morally appropriate choice, certainly we can all acknowledge the facts – it is a legally protected choice. Even more inarguably, certainly we all wish fewer young women (or women of any age) had any need or reason to consider abortion and we all deeply desire that every teen facing any significant decision be able to turn to her parents for guidance and support.

That's the world we wish for. The Episcopal Church certainly hopes and works for such a world – even as we passed a resolution opposing parental-notification laws. Because we know that unfortunately, for far too many young women, that is not the world they live in and must find a way to navigate. We know that young women do get pregnant, sometimes due to poor choices or carelessness (traits that tend to be characteristic of many teens), too often due to violence and coercion. And while you surely know the statistics that an overwhelming majority of minor women considering abortion do, indeed, talk to their parents, some won't and others can't.

This is why, many years ago now, the Episcopal Church passed a resolution opposing any parental-consent or -notification mandates that did not include provision *for non-judicial* bypass. We insisted on a non-judicial bypass even before we had evidence of how ineffective, unavailable, and often abusive judicial-bypass procedures have proved to be. We simply thought it was far too much to require a teenager already undergoing the trauma of an unintended pregnancy to also have to face and navigate an intimidating judicial system and tell her story in court. Stories of what young women have endured in that system validate our original view that any morally responsible notification or consent requirement had to allow young women to turn for help to a responsible adult other than a parent or a judge – to go instead to a grandparent or an aunt, a teacher or neighbor, a counselor, minister or rabbi – or doctor. Our position encourages the very things this bill would outlaw. Certainly, we want young people to be able to turn to their parents. But when they can't or won't, we want to make it easier, not harder, for them to turn to other responsible adults and, most certainly, we don't want to make it harder for their doctors to be their allies and advocates.

We adopted this resolution (by a large majority) not because we don't care about parental involvement. The Episcopal Church wants young women to be able to turn to their parents for help when faced with serious decisions. I want that. I'm sure members of Congress want that. And, in fact, most teens – more than 60 percent – do turn to their parents, and 90 percent of young women who do not involve a parent are accompanied to the doctor by another person who can provide support. We'd like it to be 100 percent. But we know that no one can simply legislate healthy communication within families. And we know that, of those girls who do not involve their parents, many feared violence or being thrown out of their home. Statistical and anecdotal evidence demonstrates that, in far too many American homes, such fears are not unfounded. In some tragic cases, we have learned of young women who simply could not go for consent to the fathers who had impregnated them, the mothers who turned them out of the house rather than believe a story that implicated a husband or son, the family members who were simply too unstable to begin with to ever manage this situation. These stories of young women beaten, harassed, and abandoned, stories of young women who assure us that they would have committed suicide had they not been able to obtain an abortion are, sadly, not unusual. Many of the minority of young women who do not turn to their parents report these as the reasons. There is no excuse good enough to justify legislation or regulation that further imperils young people who are already living in danger in their own homes.

Even if we were to find ourselves drained of the last vestiges of our compassion there would still be a self-interested reason to fear and oppose this legislation. It imperils all young women, even those in our own families. One hopes that none of the young women we know and love has anything to fear from their parents. We may even be quite confident that this is true. But let's not kid ourselves. Even in the happiest and healthiest of families teens sometimes cannot bring themselves to confide in their

parents. Even in families like Rebecca Bell's. Perhaps you remember her story. Becky's parents report that they had a very good and loving relationship with their daughter. They believed that there was nothing that she couldn't or wouldn't tell them. But when Becky became pregnant she apparently couldn't stand the thought of disappointing and hurting the parents she loved. And she lived in a state that required parental notification. So she had an illegal abortion – and she died.

Should Becky Bell have talked to her parents? I think so. Did she exercise poor judgment? Absolutely. But, sisters and brothers, I can tell you, teenagers will, from time to time, exercise poor judgment. It's a fact of nature and there is no law Congress can pass that will change that. The penalty should not be death.

I find it troubling, even horrifying, that we should find ourselves at odds over this issue – and devoting yet more legislative time to it at a time when so many national crises require your attention. Presumably we all want the same things here. We want fewer unintended pregnancies and we want young people who face problems, particularly problems that have to do with their health and their futures, to receive loving support and counsel from responsible adults. This bill, however, doesn't help to achieve those goals. It doesn't resolve the problems with which we are faced. It doesn't even address those problems. This is not a bill about solutions; it's a bill about punishments. And, while it is the rare saint who is not sometimes subject to punitive impulses, such impulses are, nonetheless, venal and beneath the dignity of Americans or of any member of the human family.

We should be talking, instead, about evidence-based, age-appropriate sex education for all young people, and about safe, affordable, and available contraception. We should be figuring out how we impress upon boys that "no" really does mean "no," and about how to teach girls to defend themselves. We should be talking about education and economics; about child care and welfare; about violence at home and on the streets; not about new ways to punish victims and those who care for them.

Yet, no matter how intense and successful our efforts, there will still be minors who face unintended pregnancies. And some of them will still decide that abortion is the best – sometimes the most responsible – option for them. And then, as now, we will want them to be able to turn to their parents for love and support and guidance. But when they can't, we want them to turn to *some* responsible adult. Please don't outlaw the very help we want our children to have.

Oppose this bill. Oppose it because no matter how good the intentions of its authors and supporters, it is, in essence, punitive and mean-spirited. Oppose it out of compassion for those young people who cannot, for reasons of their safety, comply with its provisions. I am sure each of your families is of course supportive and your daughter would come to you if she were faced with an unintended pregnancy. But what about

her best friend? What if she can't turn to *her* family for support? What about your neighbor's daughter? We as a society need to stand up for those teens who don't have the support systems in place that our daughters are blessed enough to have from us.

Thank you for the opportunity to provide this testimony.