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A Parental-Involvement Opportunity

There's solid evidence that well-designed laws can protect mothers and their unborn children.

By Michael J. New

Political candidates who support legal abortion have been changing their rhetoric in recent years. Indeed, during the current election cycle, a number of pro-choice candidates, including Barack Obama, have expressed an interest in lowering the incidence of abortion. Such statements present a unique opportunity for the pro-life movement. Indeed, pro-lifers should insist that these candidates support pro-life parental-involvement laws. Such laws enjoy broad support and unlike other laws limiting abortion, they can be easily justified as a parental-rights issue. Furthermore, my recent study for the Family Research Council provides evidence that well designed parental-involvement laws have been surprisingly effective at reducing abortion rates among minors.

Indeed, there are a number of academic and policy studies which demonstrate the effectiveness of pro-life parental-involvement laws. Four studies in peer-reviewed academic journals use time-series, cross-sectional data to simultaneously analyze all the enacted pro-life parental-involvement laws over an extended period of time. These studies find that these pieces of legislation reduce the in-state minor abortion rate by anywhere from 13 to 19 percent. Case studies of parental-involvement laws that have been enacted in Massachusetts, Indiana, Missouri, and Minnesota arrive at similar conclusions about the effects of parental-involvement laws.

However, the best case study of a pro-life parental-involvement law appeared in *The New England Journal of Medicine* in 2006. This study analyzed the Texas parental-notification law that took effect in 2000. The authors found that the law resulted in statistically significant declines in the abortion rate in Texas among 15-year-olds, 16-year-olds, and 17-year-olds. Now the authors did find some evidence that some 17-year-olds were able to circumvent the law by waiting until their 18th birthday to have an abortion. However, they found little evidence that Texas minors were circumventing the law by obtaining abortions in neighboring states.

My recently released Family Research Council study contributes to this body of research. It is actually the first study that compares the effect of different types of pro-life parental-involvement legislation. The results indicate that parental-involvement laws reduce the minor abortion rate by 13 percent — a finding that is consistent with other research on the subject.



However, state laws that require parental consent instead of parental notification are even more effective, reducing the abortion rate by an average of 19 percent. This finding held true for all age groups that were analyzed — 17-year-olds, 16-year-olds, and 15-year-olds.

There are a number of reasons why parental-consent laws might be more effective than parental-notice laws. Consent laws, unlike notification laws, would effectively give parents the ability to prevent an abortion from being performed on their daughter. Additionally, a parental-notice law might not deter a minor who feels she can intercept the notification. Finally, it should also be noted that abortion providers might have a greater incentive to follow parental-consent laws. A missed notification can possibly be blamed on timing or other incidental factors. However, failure to obtain consent would likely be seen as the responsibility of the abortion provider and could result in legal action — especially if the parents did not approve of the abortion being performed.

Interestingly, those parental-involvement laws that require the involvement of two parents instead of one are even more effective. The regression model indicates that these laws reduce the minor abortion rate by 31 percent. Now only three states — Minnesota, Mississippi, and North Dakota — have enacted parental-involvement laws that require the involvement of two parents. However, the substantial abortion declines that have occurred in each of these states suggest that they are models that other states should follow.

These abortion declines all sound impressive. However, it is entirely possible that some of these in-state abortion reductions could be offset by minors who obtain abortions in neighboring states where the laws are more permissive. Federal legislation has been introduced that would considerably strengthen these state-level parental-involvement laws. The Child Custody Protection Act that has been introduced in the U.S. Senate and the Child Interstate Abortion Notification Act (CIANA) that has been introduced in the U.S. House would make it a felony for anyone other than a parent to take a child across state lines for the purpose of obtaining an abortion.

CIANA and the Child Custody Protection Act passed the House and Senate respectively in 2006. However, this legislation ultimately was defeated when Senate Democrats refused to appoint members to a conference committee to work out the differences in the two pieces of legislation. Regardless, by making it more difficult for a minor to obtain an abortion in neighboring states, these federal laws could considerably strengthen the state-level parental-involvement laws that are already in place. Indeed, both CIANA and the Child Custody Protection Act should both remain a high priority for pro-life organizations working on federal legislation.

Meanwhile at the state level, the pro-life movement still has plenty of work to do. Right now



about 36 states have pro-life parental-involvement laws in effect. However, about 15 of these laws only require parental notification. Furthermore, only three of these laws mandate the involvement of two parents. Strengthening these state laws could be a worthwhile project for pro-life activists. The Supreme Court has consistently upheld strong state-level parental-involvement laws, and it is certainly possible that other legislative proposals to limit abortion at the state level may not withstand judicial scrutiny.

During the 2008 election campaign, abortion will undoubtedly continue to be a major issue. The Supreme Court appointments by the next president will likely determine the extent to which federal government and the states are able to protect unborn children. It is laudable that a number of candidates have expressed an interest in lowering the incidence of abortion. However, serious pro-life voters should support only those candidates who have a consistent track record of supporting pro-life legislation. While campaign rhetoric often does not amount to much, this study — and other studies — provide solid evidence that well designed laws are effective at protecting mothers and their unborn children.

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