
Public Hearing

before

ASSEMBLY JUDICIARY COMMITTEE

ASSEMBLY CONCURRENT RESOLUTION No. 2

(Proposes amendment to Constitution regarding parental notification for medical or surgical procedures or treatments to be performed on minor children)

LOCATION: Committee Room 16
State House Annex
Trenton, New Jersey

DATE: October 16, 2000
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman David C. Russo, Chairman
Assemblyman Christopher "Kip" Bateman
Assemblyman Michael Patrick Carroll
Assemblyman Guy F. Talarico
Assemblywoman Linda R. Greenstein
Assemblyman Charles "Ken" Zisa



ALSO PRESENT:

Patricia K. Nagle
Office of Legislative Services
Committee Aide

John D. Rogers
Assembly Majority
Committee Aide

Robbie Miller
Assembly Democratic
Committee Aide

Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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ASSEMBLYMAN DAVID C. RUSSO (Chairman): Okay. We're going to start the public hearing now. If you haven't signed in already, please make sure to sign one of the forms so that we know who's going to speak. This is the public hearing. We're going to have everybody who would like to speak today, certainly, will be able to speak. The reporter is taking everything down. Everything is being transcribed.

Now, when you do come up, please identify yourself for the record, name and address, and spell your last name. We're going to try to keep the testimony to about five minutes, for the simple reason that we'd like everybody to have the opportunity to testify. Also, if you have written documents, you don't have to read them into the record. They will be-- If you give them to the Committee, if you have copies -- if you don't, we'll do that -- we can append those. And those will be appended into the record. That's just as if you read it verbatim. Okay.

The question was, if anybody on the Committee wants to ask questions or dialogue, that's fine. It's all taken down. But if nobody wants to ask a question or whatever, a comment, that's fine, too. Okay.

We have some of the sponsors, right? I'm sorry.

Why don't we call the roll on this to start the hearing.

MS. NAGLE (Committee Aide): Just for purposes of reporting this hearing to the clerk-- In accordance with Rule 19:3 of the New Jersey General Assembly, public hearing on ACR-2 is being held today, State House Annex, October 16, 2000. The following members of the Committee were present:

Assemblyman Zisa.

ASSEMBLYMAN ZISA: Here.

MS. NAGLE: Assemblywoman Greenstein.

ASSEMBLYWOMAN GREENSTEIN: Here.

MS. NAGLE: Assemblyman Talarico is here.

Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Here.

MS. NAGLE: Assemblyman Bateman.

ASSEMBLYMAN BATEMAN: Here.

MS. NAGLE: And Assemblyman Russo.

ASSEMBLYMAN RUSSO: Here.

Okay. We'll first start with the sponsors. I know that Speaker Collins is here. I don't believe Assemblyman Rooney is here today. Senator Cardinale? No. So we'll first start with Speaker Collins.

Speaker Collins.

ASSEMBLY SPEAKER JACK COLLINS: Thank you, Mr. Chairman, members of the Committee. It almost seems like yesterday I was before you on this very issue. I thank you, Mr. Chairman, for scheduling this public hearing -- an opportunity for the citizens of this state to express their views, at least at this stage of a procedure that is very, very important. Not just important because of a particular issue that galvanizes some people, but the issue more so that this is government in action. There are some who have said from the beginning of this discussion and others, when the Constitution is involved, "Well, that is the Constitution. Where can we go from here?"

This Constitution, I believe our third, was ratified in 1947. It's a constitution that guides New Jersey, protecting the rights of its citizens, just as the greatest document in the world today, the United States Constitution, does the same. But in that Constitution are opportunities for the citizens to speak. And I believe, Mr. Chairman and members of the Committee, that what ACR-2 does is gives the citizens a chance to speak.

There are some, particularly those who have dedicated their lives to the study of constitutions, who jealously guard it, saying, "It is the Constitution." It shouldn't be jealously guarded. It is a document that is responsive to the people. And I find it very interesting, Mr. Chairman, that many people who look at a constitution and say, "Oh, it's a living, breathing document," one that must be responsive to the issues of the day, not strictly constructed by those who would not feel what is going on today are the same ones who today say, "Oh, the Supreme Court has spoken on this Constitution." I will point out, though fully understanding that it need not be unanimous, that this Supreme Court did not speak unanimously on a piece of legislation that I will not deny has focused our interest on the Constitution, that of parental notification.

But I also wish to point out, Mr. Chairman and members of the Committee, and very honestly, all those who are listening, what this ACR does is says, the people in this state are going to have an opportunity to assert their will on the interpretation of that 1947 document. That's why we're here. There was an interpretation made by four citizens of New Jersey charged with the responsibility of interpreting the Constitution. They made their decision, and they said, "This is what it means."

Is that what the people want it to mean, the people, the citizens, those in this state who are to be protected by this great document? That's what this is about. And I have heard, from when this was introduced, people from all walks of our society say, "Well, this will mean this. This will mean that." There are some who think it is too inclusive.

Ladies and gentlemen of the Committee, all this does is allow the Legislature to be able to, if it deems it what it wants to do, allows the Legislature to put forth something giving parents equal status as to their fundamental rights. Yes, parents. Is that wrong? Is it wrong that parents in a particular issue, the parental notification bill which the Court struck down, is it wrong for parents to be notified, to be told that their child is going to undergo a surgical or medical procedure? That's what this original bill was about. This is more expansive, yes, because it says parents fundamentally have the right to know, but there's a caveat -- if the Legislature decides, through their process, to pass legislation that will do that.

And let us not be confused. This does not put into law anything. But what it says is, at this time, in my humble judgment, when the family unit is so much under attack, if not directly, subtly, by so many forces in this country, to say the family unit and the heads of that family are to be notified, to be told that before some child is put on an operating table that they're to be told that will happen, well, I'll tell you, I think I know where most citizens feel on that issue -- that it doesn't matter what Jack Collins thinks or even what you think. In this particular case, you have already spoken in your Committee, and you will get, again, a chance on the floor of the Assembly -- I assure you, you will get another chance -- to vote on this and allow the citizens, if you

deem that they should have that right -- the citizens should have that right to make a determination as to how they think this wonderful document should be interpreted when it comes to parents' rights, then you'll vote yes.

So I thank you, Mr. Chairman, first, for posting the ACR, and for the Committee members who evaluated it and made a determination as to how to cast their vote. They did release it from this Committee, and I assure you that I will post that for a vote. But I look forward to the public testimony that will take place today, because it will be part of how all of us go and make our decisions sometime in the future.

With that, I appreciate your kindness allowing me to testify today and look forward to the transcripts that will come from those who testify after me.

Thank you, Mr. Chairman, and members of the Committee.

ASSEMBLYMAN RUSSO: Thank you, Mr. Speaker. Thank you.
(applause)

I'd like to call Richard Collier, Dr. Brind, Dr. Eck, and John Tomicki, those four people first.

And, Linda, a question?

ASSEMBLYWOMAN GREENSTEIN: I wanted to ask the witness--

ASSEMBLYMAN RUSSO: I can't hear you.

ASSEMBLYWOMAN GREENSTEIN: I wanted to ask the Speaker a few questions. Is he still here? He's the only sponsor here today, so--

ASSEMBLYMAN RUSSO: Yeah, I don't think Assemblyman Rooney is here.

ASSEMBLYWOMAN GREENSTEIN: Right.

ASSEMBLYMAN RUSSO: Mr. Collier, why don't you start.

RICHARD F. COLLIER JR., ESQ.: Thank you, Mr. Chairman.

I just wanted to start by saying that the family is the fundamental building block of our society. From time in memorial, parents have had a fundamental right to the care, custody, and control of their children. This is a traditional right, this is an inherent right, and this is a right that has been repeatedly recognized by the United States Supreme Court under our Federal Constitution.

Now, how does this right play out in the context of parents getting notice before their children undergo an abortion? Well, the United States Supreme Court, which is notoriously protective of abortion rights, has held that parental notification statutes are constitutional under the Federal Constitution. And in fact, a large majority of the states have some form of parental notification. What has happened in New Jersey is that four unelected justices of the New Jersey Supreme Court have ripped our state out of the mainstream of constitutional law. These four justices have decided that New Jersey needs a public policy different from that of the Federal Constitution and that of most other states. These four justices have decided that traditional family values should be rejected in favor of a public policy that exalts the right to abortion above the rights of families.

I believe that the citizens of New Jersey believe that the New Jersey Supreme Court, or at least these four justices, got it wrong. The citizens

of New Jersey are outraged by this decision and decisively disagree as to what the public policy of New Jersey must be. Whether they're pro-abortion or pro-life, the citizens of New Jersey are strong supporters of parental rights. They fiercely resent and resist any effort to drive a wedge between parents and their children. The people of New Jersey want to know when strangers are urging their children to undergo any medical or surgical procedure or treatment, especially one like abortion, which is life-threatening and life-changing.

Now, what happens when a court imposes a public policy that is directly contrary to the fundamental values and traditions of our society, while we live in a democracy where it is fundamental that public policy is ultimately determined by the people and not by courts? In fact, Article 1, Paragraph 2 of our State Constitution specifically recognizes that all political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and the people have the right at all times to alter or reform the same, whenever the public good may require it. Article 9 of our Constitution authorizes amendments to the Constitution and sets forth the procedure for adopting amendments.

So, when the people of New Jersey want, as I believe they want now, to restore New Jersey to the mainstream of constitutional law, to the recognition of traditional family values, they are now invoking the highest traditions of our democracy and our State Constitution. They are asking for a public vote on a constitutional amendment to overturn an unsound decision of four activist judges and to establish that parental notification is the public policy of this state. They have been met, and you will hear later today, I'm

sure, they have met with a cacophony of elitist, antidemocratic objections to this constitutional amendment.

Basically, these objections boil down to the following: Don't trust the lowly masses of people in New Jersey to vote on public policy, because our highly-educated and prestigious justices have already chosen what is best for the parents and their children in this state.

Now, I have prepared and already submitted to the Committee extensive written testimony that addresses each of the objections that I have seen of a legal and constitutional nature to ACR-2, and I urge the Committee to go through those -- my responses to those objections in detail at its leisure, because we don't want to hold up either the Committee or the citizens who are sitting behind me anxiously awaiting their turn. But let me give you the technical legal term for what should be done with ACR-2. And that technical term is, this is a no-brainer. Let the voice of the people be heard. Please reject the objections that have been made and vote ACR-2 out so that the voice of the people in New Jersey can be heard on parental notification.

Thank you.

ASSEMBLYMAN RUSSO: Thank you.

JOEL BRIND, Ph.D.: Good morning, Mr. Chairman, members of the Committee. Thank you for the opportunity to speak on this amendment.

ASSEMBLYMAN RUSSO: Identify yourself.

VOICES FROM AUDIENCE: Louder.

DR. BRIND: Thank you for the opportunity to speak on this amendment.

Mr. Chairman, can you hear me now all right?

ASSEMBLYMAN RUSSO: I wasn't the louder. I was the one with your name. Put your name on-- Your name, identify yourself.

DR. BRIND: Yes. I am Professor Joel Brind.

ASSEMBLYMAN RUSSO: How do you spell that last name?

DR. BRIND: That's B-R-I-N-D, professor of Human Biology and Endocrinology at the City University of New York, and Founder and President of the Breast Cancer Prevention Institute in Poughkeepsie, New York, and also first author of a comprehensive review and meta-analysis on the subject of the connection between abortion and breast cancer, which was published in 1996 by the British Medical Association. We documented, at that time, worldwide medical research going back to 1957 linking abortion and breast cancer in 23 studies.

As of today, there are now 27 out of 34 studies worldwide, 13 out of 14 epidemiological studies in the United States alone, that show that women who have abortions suffer an increased risk of breast cancer. As early as 1970, the World Health Organization published a multicenter study, done in seven places around the world, where they established that a woman who has a baby as a teenager is only one-third as likely to get breast cancer than a woman who has her first child in her 30s. Abortion, it was found, and has been found repeatedly since, does not confer this protective effect, so that young women who have aborted pregnancies end up with higher risk of breast cancer than they have--

ASSEMBLYMAN ZISA: Excuse me. Excuse me one second.

DR. BRIND: Yes.

ASSEMBLYMAN ZISA: I would just ask the Chairman--

ASSEMBLYMAN RUSSO: Sure.

ASSEMBLYMAN ZISA: --the public testimony is on whether or not there should be a constitutional amendment which permits the Legislature to pass legislation. What this public hearing today is for is to express an opinion on whether or not there should be a constitutional amendment to permit the Legislature to pass legislation concerning notification to parents involving medical or surgical procedures. Now, I don't know if this testimony is really related to that.

And I would ask the Chairman to try and expedite the hearing, because there are so many speakers, to try and keep the witnesses on the topic, if you could. And that would be more helpful, I think, to us and to the General Assembly as this thing moves down the road.

And while I have the floor, just one other thing. I would also ask, because I know this came up last time, that the speakers try to give us information concerning their views on that constitutional amendment without making either sarcastic or disparaging remarks either about the Supreme Court justices or those who don't believe that this constitutional amendment should be passed. I don't think that that's helpful to us. I think it's more helpful to us if you just give us your views, and those views are related to the matter at hand here today.

ASSEMBLYMAN RUSSO: I would agree. And, you know, really, so everybody has an opportunity to talk, there really shouldn't be applause, and it's not a cheering section, okay, number one. Number two, today is not what we did several weeks ago where we were looking at legislation. So I don't have in front of me anything but names and whether you're in favor or not.

So, to answer Assemblyman Zisa's question, I don't really know what you're going to testify exactly to. And my assumption is, you're going to testify for this public hearing to the parental notification issue. Okay.

I do appreciate, for example, that your testimony, Doctor, with regard to the relationship, or the possible relationship with regard to the issue of breast cancer, but I think Assemblyman Zisa's right, that if you do have a point that is maybe related but not exactly, as we say, "on point"-- If you have the written documentation, believe me, that is being appended, that as if you read each and every word of it into the record. That's what we're doing this for. If you've testified that it's your opinion based on 27 to 34 studies that this and that -- that's fine -- and that's already in the record. And that would go for the people who are in favor or not.

One thing I would also say, just to try to shorten this also with regard to the first witness, which was the Speaker, one thing I was going to say before is this is a parental notification bill. It's notification. It's not a parental consent bill, and this goes for the people who are pro and con, and I don't think we need to hear anything that is not really not on point, because that's how we voted last time. The issue that's going before the public is not a consent bill, it's notification. If you have problems with that, fine, say it and say why, but I don't think we're going to get into the other issues. So I agree with Assemblyman Zisa.

Doctor, I appreciate your testimony. Do you have anything else, very briefly, to add?

DR. BRIND: Yes. I was going to draw the connection rather immediately in that the only study that the National Cancer Institute

specifically funded in order to look for the connection not only found an overall significant connection, but they also found that, for women who had family history, there was an 80 percent increased risk for women who had an abortion before the age of 18. It was more than doubled--

ASSEMBLYMAN RUSSO: Okay.

DR. BRIND: --for women under the age of 18 who also had a family history of breast cancer. And I would conservatively estimate there are thousands of these every year in the State of New Jersey, a thousand teenage girls getting an abortion, perhaps, without telling their parents, with no legal requirement that they tell their parents, who also have family history. In this study, they could not even calculate the risk. It was virtually guaranteed that these women would get breast cancer by the age of 45.

VOICES FROM AUDIENCE: No. No.

DR. BRIND: So the question is, excuse me, how many--

ASSEMBLYMAN RUSSO: Doctor.

DR. BRIND: Do the girls of New Jersey, before the age of 18, have the right to have their parents, perhaps, just let them know that maybe Grandma died before she was even born? Who will ask her about her family history? The courts have obviously waited and said that the parents do not have the right to even know about it, so now it is up to the people of the State of New Jersey.

And I thank you for such time as I've been given.

ASSEMBLYMAN RUSSO: Thank you.

Dr. Eck.

Thank you.

ALIETA ECK, M.D.: Hi. My name is Dr. Alieta Eck. My last name is E-C-K. I am a physician in private practice of internal medicine in Piscataway. I'm fully aware of the importance of informed consent in the practice of medicine. Whenever a procedure is performed, the risks, as well as the benefit, have to be clearly identified so that the patient can make a thoughtful, informed decision as to whether or not to proceed.

A child cannot give informed consent, as she can't be expected to know or remember important pieces of information. Children can't weigh risks to decide what's in their best interest. They want problems solved now, and generally, consider themselves to be medically invincible.

I'd like to tell you, just to bring this home, about a patient I met just last week. She's 38 years old. As I obtained a family history, I found out that her aunt, a cousin, and a sister all developed breast cancer in their early 30s. My antennas went up, so I asked her, knowing about Joel Brind's research, I asked her, have you ever had an abortion? She just looked down and she said, "Yes, I had an abortion. So did my sister." She was sad about the fact that she had the abortion 20 years later, and that's just another issue. But to add to her fears, I had to sadly inform her that her chance of developing breast cancer is now overwhelming.

The striking link between aborting the first child and early breast cancer is becoming more and more clear to people who are willing to look at the evidence. In my practice, I meet a new patient at least once a month who falls into that category. Nothing can be done to prevent breast cancer in these women who've already had the abortion of their first child. We can just strive to detect it early. But my patient and her sister, both has daughters. Can you

imagine the travesty of the prospect of these girls getting abortions without a chance for their mothers to intervene and possibly save their lives? The young girls can't weigh the evidence. They don't know the link between abortion and breast cancer, and they can't imagine how quickly it will be before they're 30 years old. They cannot make an informed consent. The parents have to be notified and have at least one last chance to intervene.

Thank you.

ASSEMBLYMAN RUSSO: Thank you.

ASSEMBLYMAN CARROLL: Mr. Chairman, may I ask a question?

ASSEMBLYMAN RUSSO: Yes.

Questions.

ASSEMBLYMAN CARROLL: This is for Mr. Collier, I suppose, because it's a legal question. What is the genesis of the requirement that a child seek his or her parent's consent before seeking medical care in any situation?

MR. COLLIER: Well, it's been recognized by the common law from -- in memorial, so certainly there are statutory and regulatory provisions as well. I mean, you can't get medical treatment in most instances without the parents knowing about it.

ASSEMBLYMAN CARROLL: Why not?

MR. COLLIER: Precisely because the minor children are at an immature, emotionally unstable stage in their lives. They don't have the knowledge and understanding to be able to assess whatever is told to them.

ASSEMBLYMAN CARROLL: Well, it's true, is it not, that we as a society also prevent minor children from making any other form of contract for the most part? Is that correct?

MR. COLLIER: In most instances, yes.

ASSEMBLYMAN CARROLL: So, for example, if they want to buy a car or they want to buy a record or what have you, they must -- that contract is potentially voidable, is it not?

MR. COLLIER: It is under the common law.

ASSEMBLYMAN CARROLL: And that's based upon the recognition that children are incapable of making such decisions for themselves?

MR. COLLIER: Well, the technical legal term is usually incompetent.

ASSEMBLYMAN CARROLL: Or incapacitated?

MR. COLLIER: Incapacitated, yes.

ASSEMBLYMAN CARROLL: Thank you.

MR. COLLIER: And the interesting thing is, the New Jersey Supreme Court, just in March of this year, held for that very reason that juveniles who are charged with delinquency have a right to parental notification under the same provisions of the New Jersey Constitution that they five months later said that the parents are not entitled to notice under.

ASSEMBLYMAN CARROLL: So that would be the *State vs. Presha* case, unless I'm seriously mistaken.

MR. COLLIER: It would, 163 N. J. 304.

ASSEMBLYMAN CARROLL: You sure?

MR. COLLIER: I'm sure.

ASSEMBLYWOMAN GREENSTEIN: Mr. Chairman?

ASSEMBLYMAN RUSSO: Yes.

ASSEMBLYWOMAN GREENSTEIN: Can I just request that the Chair ask witnesses not to leave their seats until we ask questions, because I wanted to ask some questions of the sponsor and didn't have the opportunity, and we've already just lost another witness. So, if people could just wait for our questions, I would ask the Chair.

ASSEMBLYMAN RUSSO: Well, Linda, I would say this to you. I think you've been here long enough that, I think, we try to be pretty fair about questions, number one. Number two, to be very, very blunt with you, I didn't see your questions with the Speaker, and neither did John Rogers. So I would have certainly-- He's a fairly big man. I would have told him to-- You know, I would have told him to stay. Number two, if you miss this one, you're going two for two. You're not moving quickly enough. Number three, we only have so many chairs here, okay.

ASSEMBLYWOMAN GREENSTEIN: No, I know.

ASSEMBLYMAN RUSSO: My kids used to play musical-- And again, when there's only four seats, if one gets up, one sits down. If you wanted to ask the gentleman-- I mean, do you want to ask Mr. Tomicki a question before he speaks? We can do it that way, if you want, you know.

ASSEMBLYWOMAN GREENSTEIN: No. Actually, I didn't really have a question for the second gentleman. But I'm just asking, generally, if people could wait so if we want to ask questions--

ASSEMBLYMAN RUSSO: Before you leave, take a big breath, okay. That's what I'm going to put on the record. Okay.

ASSEMBLYWOMAN GREENSTEIN: Okay.

ASSEMBLYMAN RUSSO: Now, Mr. Tomicki, very briefly, I know that you're in favor of ACR-2, and I assume, on behalf of the League of American Families, you've submitted written testimony.

JOHN T. TOMICKI: No, we did not.

ASSEMBLYMAN RUSSO: You have not. So, do you want to briefly say something?

MR. TOMICKI: My name is John Tomicki. I'm the Executive Director of the League of American Families. We represent a little over 100,000 households in the State of New Jersey, and we are grateful that the Committee is now moving quickly on this public hearing. There's no doubt that this ACR was promulgated because of response to the *Planned Parenthood vs. Farmer* case. We would like to, as our organization, associate our remarks with that of not only Mr. Collier's, but also, Dr. Brink and Dr. Eck. We are fully supportive of their positions.

It's interesting to note historically that seven judges have looked at this issue. Four said it was unconstitutional, parental notification, and three said it was constitutional, or it should be upheld.

To the question of whether or not a constitutional amendment can be made in such a fashion to amend the Constitution, as to this issue involving parents' fundamental rights, it's very clear. We have a great historical background. It was the infamous Dred Scott decision of the United States Supreme Court wherein the Federal Constitution was amended, by two

amendments, to redress that horror that existed in our society. Here, as Mr. Collier just spoke, it was correct. We have the case citation, and that was his final answer. It is on Page 304, where our Supreme Court stated flatly that parents have a fundamental right, particularly involving their children.

It is clear in a whole number of case laws, both Federal and State, that parents have a fundamental right to the care, custody, education, and raising of their children. And when the courts struck down the parental notification, it brought up the broader issue beyond the issue of terminating an innocent baby's life in a teenager's womb. It is whether or not, now, the public will be allowed to vote their will. And I think those who are very concerned about the public voting should be mindful of the fact that Abraham Lincoln, in his first inaugural address, stated as follows: "The candid citizen must confess that if the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by the decisions of the Supreme Court, then the people will have ceased to be their own rulers."

One of the great things about our system, we not only have checks and balances, but we have the ultimate balance, which is we the people. And the people will be able to come forward and express their position and their support of whether or not parents should have the right to be notified when their teenage children, their unemancipated children, are having any medical or surgical procedure or treatment.

I thank you for the opportunity. I know that other people do want to speak, and I will wait in case Assemblywoman Greenstein would ask a question.

ASSEMBLYMAN RUSSO: Thank you.

Anybody?

ASSEMBLYWOMAN GREENSTEIN: Thank you.

This is one I might have addressed to the sponsor, but I'll actually address it to any one of the three of you, particularly Mr. Collier, because I know that you're a lawyer. I asked this the last time. I didn't feel I got a real answer to it, and in the subsequent readings that I've done, I still don't really see the answer to this. Why was this not framed specifically on the abortion issue to deal with what the Court did? Why was it made broader? I did read some things about the fact that maybe that was too loaded a word to include it in here, and there were fears that that would make it more likely not to be supported, but there's so many negatives to it being made broader.

In fact, there was actually a very good editorial in *The Trenton Times*, which has been supportive of parental notification, that made that distinction and said, "This just goes too far." All the laws where, in fact, minors do have a right to get certain medical procedures done without the parents' consenting -- and there are several, as we know -- could go down the tubes. And what's very important here, just the last point, one of the parents last time said something like, "Will we, at least, have the protection of judicial waiver," as if she thought that were in the amendment. And of course, future legislators could pass a law that didn't have judicial waiver. So there are no protections in here. It really is very wide range, wide reaching, and that's one of my fears.

MR. COLLIER: Yes. I addressed both of those issues, the judicial bypass and why is the terminology the way it is, in my written remarks that I've submitted. I don't know if you want me to belabor them here.

ASSEMBLYWOMAN GREENSTEIN: Could you just very briefly say why that is?

MR. COLLIER: As far as the language goes, the courts use the terms medical or surgical procedure or treatment when dealing with abortion, so we wanted to make sure that we covered abortion within that language. But there is also-- It stands to reason, and we've already heard today that there are other situations, other than abortion, where parental rights should be invoked and should be -- it's important to invoke them. And we don't want to get into the situation where we have to litigate each one of those situations as they arise before a court that has already demonstrated that it may not have the same judgment about that issue as the citizens of New Jersey. So this broader language gives the Legislature flexibility to deal with other medical situations as they arise on a case-by-case basis.

As the Speaker pointed out, the amendment itself doesn't require notice at all. It just authorizes the Legislature to deal with this in the future and simply restores New Jersey back to where the United States Supreme Court has said the rest of the country should be, which is that parental notification is an option that a state can adopt.

Also, the broader language of the statute is necessary, because there is an unfortunate tendency among abortion practitioners to change terminology and to call things what they are not. I came across this in the partial birth abortion case when I was deposing one of the doctors who performs abortions and found out that he had-- When I asked him how many abortions he had performed within a given period of time, he said, "Five." It later turned out that he had also, in addition to those five, had done twenty

medical, or what are called medical, abortions, which are when they use prostaglandins or chemicals. With RU-486 coming on the market, somebody could call that a medical treatment, as opposed to an abortion. And so, in order to make sure that this amendment doesn't have to be amended every time a new procedure comes on the market, we use the broader language.

As far as the judicial bypass, there's a lengthy treatment of that in my written remarks. Basically, it boils down to this is not the amendment. First of all, the United States Supreme Court has never required judicial bypasses for parental notification statutes. The Fourth Circuit recognized that last year. But this Legislature has already addressed judicial bypass, put it in the last bill, and that's a subject that should be debated on a procedure-by-procedure, treatment-by-treatment basis. And in some situations, it may be appropriate and some it may not. This bill gives the people the right to go to their Legislature and make sure that the right thing gets done in any given case.

ASSEMBLYWOMAN GREENSTEIN: I just wanted to ask, is there any concern that-- This is really to Dr. Eck, I guess. If a young woman cannot go to her parents -- could be the best parent in the world, I'm conceding that-- These aren't just abusive families, they could be the best -- and the young woman won't go to her parent. Don't you have a fear that she will not come to you if she knew you had to tell authorities about her abortion? What will make her come to you if she wouldn't go to mom?

DR. ECK: Well, she has to go to somebody if she wants to get an abortion.

ASSEMBLYWOMAN GREENSTEIN: That's right. But she won't go to somebody who will tell. She'll go to somebody underground. She'll go to somebody who knows how to do it off the Internet, which you can find out on the Internet. I'm afraid she won't go to good doctors like you. She won't go to her good parent, and then she won't go to good doctors like you. She'll go underground. She'll get hurt. That's the fear. Honestly, that to me is a commonsense argument that I think of as a parent, and I haven't heard a good answer to that. I haven't heard a good answer to it. I wish you could give me one.

DR. ECK: Well, we have the parental consent for a child to get Tylenol, for a child to her ears pierced. It can't be done without parent consent. I don't think by using those extreme cases where, you know, just in case somebody will go anywhere or might go underground, I don't know if we should use that in order to make a law.

ASSEMBLYWOMAN GREENSTEIN: But I don't think it's extreme. The girl who can't go to her mother-- All the women who testified last time were clearly wonderful and concerned parents. These are not abusive homes. They're good parents. For whatever reason, the girl wouldn't go to them. I know many girls from great families who didn't tell their parents about things that they did. And then, they're not going to want to go to you, an obviously great and concerned doctor, because you're going to tell their parents, if this law is passed, if a law comes out of this.

DR. ECK: But they shouldn't be able to go to some place that is established, such as Planned Parenthood, and just be able to railroad it through, and they don't have to worry about telling parents.

ASSEMBLYWOMAN GREENSTEIN: I'm not here to be a defender of Planned Parenthood, and I suspect they'll testify about what their procedures are, but I think they have a big responsibility, when a girl comes to them, to give her both sides of the issues.

DR. ECK: That's right, because the law protects them not telling the parents. I can just see that happen very easily and, "Don't worry. You don't have to tell your parents, and let's go." I think there needs to be just another chance for that girl to be protected against something that could really harm her in the next 20 years.

ASSEMBLYWOMAN GREENSTEIN: If I knew she'd come to you, I'd agree with you, but I don't believe she'll come to you. That's the problem.

Thank you.

ASSEMBLYMAN RUSSO: Thank you.

MR. COLLIER: Thank you.

ASSEMBLYMAN RUSSO: Okay. We have some children, I was told, and I want to do those right away. Let's see. Is Marie Sica here? Is that the mom or the child? Is Marie Sica here, or did she have to leave? She's here. Okay. And then, is Jackie Heheman here? Okay. Why don't you start? I was told Jackie Heheman and Marie Sica have to leave right away. Why don't you start? And Marie Tasy, do you want to come up right now? And then the next folks, we'll do-- I'll start with Liz Tate, okay, then Scarlet Johnson and Kate Hagen, okay. Go.

M A R I E V. S I C A: Thank you, Mr. Chairman and Committee, for having us today. My name is Marie V. Sica. Do you need the spelling of my name?

ASSEMBLYMAN RUSSO: Yes.

MS. SICA: Yes, it's S-I-C-A. I am a married, 20-year-old mother. Although my child is still young, already my husband and I are aware of what an important but difficult job it is to be supportive, loving parents. As a parent, our job doesn't end after we have provided the basics, which are food, shelter, and water, but it is to provide our child with examples of good virtues, a loving atmosphere where a child can grow into an emotional, physical, spiritual, and psychological stable adult. America's family value of life was what made the United States of America. The values of equality for all beliefs for the people, of the people, and by the people is what made our country a place to live and was a preserved tradition until today.

ASSEMBLYMAN RUSSO: Marie, could you do me a favor?

MS. SICA: Yes.

ASSEMBLYMAN RUSSO: You submitted this to the Committee, right?

MS. SICA: Yes.

ASSEMBLYMAN RUSSO: Okay, which is great, which means it's on the record. Now, do me a favor -- and I'm going to do this for everybody -- could you briefly summarize without reading it. Tell me what that says. And, you know, this is a hard thing sometimes where you think this is a very formal thing, but it isn't. So just tell us.

MS. SICA: Okay. Well, basically, what the Constitutional Amendment ACR-2 is about, is about parental rights. Okay. And without this amendment we will be able to help our children become stable adults.

ASSEMBLYMAN RUSSO: You're in favor of having the question on the ballot is what you're saying to me?

MS. SICA: Yes.

ASSEMBLYMAN RUSSO: You think that parents, and in essence, all the voters should be able to vote on that, because you're in favor of that. Is that what you're saying?

MS. SICA: Yes.

ASSEMBLYMAN RUSSO: Okay. And from your personal experience, is that what you wanted to say, that-- For example, were your parents involved or they weren't involved, or did you want to say something like that?

MS. SICA: Yes. In my personal experience, I was pregnant at the age of 17. The doctor and the nurses that I went to assumed I would have an abortion. And I was aware that I had a choice, and my choice was to keep my child. And they did not respect that choice that I had. I told my parents and we told my boyfriend's parents of what was going on, because we were being poorly treated. And my parents knew it was my choice, but they supported my decision. And I think that is very important for our children, for the protection of their choices and for the right of the parent.

ASSEMBLYMAN RUSSO: Good. Thank you.

And before we take questions, I would say that, for those who are in favor or opposed, give the written testimony. I think it's far more effective

in your own words if you say what you want to say, because the Committee will hear it, and it's much more effective.

Any questions for this young lady? Anybody? Going once, going twice, okay. (no response)

Ms. Heheman. (indicating pronunciation) Is that right, Jackie?

J A C Q U E L Y N H E H E M A N: Yes.

ASSEMBLYMAN RUSSO: Okay.

MS. HEHEMAN: Thank you for having me here today.

ASSEMBLYMAN RUSSO: Is that mike on for her? (referring to PA microphone)

MS. HEHEMAN: Thank you for having me here today. I'm Jacquelyn Heheman, a private citizen who feels very strongly on this issue. Concerning minors, parental notification is not a question, but rather, a must.

I'm 22 years old. I was a teenager just a few years ago. So, therefore, I can easily reminisce on my teenage years. Countless situations come to mind, times when I was looking for support and guidance. Often, the guidance I sought hurt me more than it helped me. All of us, at some point, learns that not everyone is truly out for our best interest. During the most difficult times, it was my parents who supported me the most. Their genuine concern for my own well-being could not possibly be found in any other person throughout my teenage years.

This message really pertains to everyone, but especially us women. We know when we were teenagers, if we remember that, how hard it was and how trying it was. It's not an easy road to travel. We know our own

experiences. Can we confidently leave our young girls in the hands of the world?

How many of us at 12 years old were mature enough to know who to trust? I still am unsure, and that is not a bad thing. Should we teach our children that you can trust anyone? How many of us at 12 knew our own complete medical history? Would we tell our parents we did something behind their backs and were now suffering serious health risks from the procedure? Or for that matter, would we even know that we even had to tell them, being that it wasn't their business in the first place that we had surgery? Would we be able to identify postabortion trauma at 12 and know that we needed help for that? The truth is, these young girls are making decisions that will affect the rest of their lives. Should they not be given as much counsel as possible?

It is absolute lawlessness not to have this passed. Does it make sense to you that a recreational business can be sued if a wave jammer is rented to a minor without parental consent, but a physician who, from a 12-year-old's perspective, is a good, credible physician -- from a 12 year old -- I don't know how they'd be able to decipher that at 12 years old -- I don't know. When I was little, my mom just took me to the doctors.

ASSEMBLYMAN RUSSO: What was that you said they could rent?

MS. HEHEMAN: What?

ASSEMBLYMAN RUSSO: A what? What was that they could rent?

MS. HEHEMAN: A wave jammer.

ASSEMBLYMAN RUSSO: Oh, a jet ski.

MS. HEHEMAN: Yeah. A recreational business can be sued if a wave jammer is rented to a minor without parental consent.

ASSEMBLYMAN RUSSO: Okay. South Jersey, okay, good. Okay. I always learn something. Okay.

MS. HEHEMAN: Okay. Many claim that it is the child's own body. Well, then I ask you, regarding a child's own body, why must she have permission to get her ears pierced or take an aspirin at school?

New Jersey recognized the need to protect minors when they passed the Parental Notification Law in 1999. The majority of those opposed to this law are the abortion clinics and personnel. I question if they feel threatened. By passing this law, they will not have complete control over our children. It is absurd that any industry would even desire such control. This desire to control will allow one industry to rob a parent of their inherent role in their own child's life. This industry could not possibly possess the genuine concern parents have for their own children, nor do they possess the knowledge parents have pertaining to their own children and their lives. It is a parent's right, as well as responsibility, to know what is going on with their own child. I do not believe one industry should be able to take that from them. If a parent is not responsible for their own children, who will be?

ASSEMBLYMAN RUSSO: Thank you.

Any questions? (no response)

Marie.

MARIE TASY: Yes. I'm here on behalf of New Jersey Right to Life, the state's largest pro-life organization, and I wish to thank the Chairman and

members of the Assembly Judiciary Committee for holding a public hearing on this constitutional amendment.

I have addressed in my written statement many of the arguments made by those who oppose parental notification and also the proposed constitutional amendment. And I will, for the sake of brevity, not go into them right now. However, I would like to talk a little bit about the fact that many documented studies do report that teenagers do account for a significant number of abortions in New Jersey. And I have attached an article that shows that New Jersey has the highest teen-abortion ratio in the nation, and that we're the only state whose teen pregnancy rate defy the national and downward trend. These teens are at a much higher risk of suffering many abortion-related complications and reproductive damage following surgical abortion than older women.

A new abortion method which is sure to cause great concern to parents is the approval of RU-486, because the FDA placed no age restrictions on the drug. This means that minors in New Jersey can be given RU-486 without their parents' knowledge. I have attached an August 23, 2000 letter from Searle, who is the manufacturer of the drug Cytotec, known as misoprostol. This is the second component of the RU-486 abortion drug regimen. Their letter was written to health-care practitioners and warns of the unapproved use of the drug in pregnant women for induction of labor and abortion. The Searle letter says it still does not "intend to study or support these issues." Despite this warning from the manufacturer of misoprostol, the FDA approved RU-486 on September 28, 2000.

The U.S. clinical trials reported many complications. Four out of the two thousand women bled so heavily that they required blood transfusions. Eight percent did not experience complete abortion. Nine percent of women bled for more than 30 days. Five percent did not follow up for their third visit to determine whether the abortion was completed. Two-point-nine percent required surgical intervention, and one woman lost half her blood and almost died from loss of blood, but was saved when she was taken to an emergency room and operated on, and I do have the documentation. Okay.

So some of the issues that we need to consider are, 5 percent of women in a controlled environment with clinical trials experience these complications. Can we really expect an adolescent who is not known to comply with medical standards to be diligent about follow-up care or even be able to recognize that the complication exists? We also have to consider the emotional and physical turmoil and isolation that a young girl will experience while she waits at home with the child growing inside her to die and be expelled from her body and then be expected to bring the remains of the baby to clinic, all without her parent's knowledge or help.

The fact that women have suffered significant physical complications and emotional trauma from RU-486, and other methods of abortion, possess a compelling and convincing argument in favor of passing ACR-2.

Thank you.

ASSEMBLYMAN RUSSO: Thank you.

Any questions?

ASSEMBLYWOMAN GREENSTEIN: Mr. Chairman.

ASSEMBLYMAN RUSSO: Yes, Linda.

ASSEMBLYWOMAN GREENSTEIN: I just have one. I just wanted to ask Ms. -- is it Tasy?

MS. TASY: Tasy.

ASSEMBLYWOMAN GREENSTEIN: Tasy. Are you concerned about the question I asked earlier, that a young girl who, for whatever reason, can't tell her parent -- great family and the whole bit -- will then not go to a doctor who she knows will tell her parent?

MS. TASY: Well, I think that the Legislature addressed a solution to this problem when they passed parental notification. And when and if this amendment is adopted, they will then again write the specifics into law, and we have every reason to believe that they would pass the same law with the judicial bypass. I believe the judicial bypass actually extends the protection that is not currently in effect, because the law was challenged. Because that law would require that that abuse be reported to DYFS, and that the information as to where they found this information would not be revealed, and that child would then be taken out of that environment, which is what should happen-- In the State of New Jersey, there's already a law that says anyone who comes in contact with an abused child is supposed to report this to DYFS. This includes a doctor. So if a young girl-- To answer your question, if a young girl goes to a doctor, "I'm abused," or he suspects that she's abused, he is required to report that to DYFS. And I would hope that he would.

ASSEMBLYWOMAN GREENSTEIN: Remember, the example I'm giving is not of an abused child. That's why I prefaced it with what I've

said. This is very important. I'm talking about a child from the finest, most loving family who's not abused like these young women, obviously.

MS. TASY: Well, again, it was addressed in the mature minor judicial bypass provision and also the best interest of the minor judicial bypass provision, and that was not enough. It was still challenged. That was a very broadly written judicial bypass, and it was upheld by many other states. I think New Jersey was probably the only one that struck down a law as broadly written as New Jersey's.

ASSEMBLYWOMAN GREENSTEIN: It is true that in the past we had a judicial bypass. Right now, we don't know if that would happen in a future law. But let's assume you're right. The young woman would still have to have some reason when she goes before the Court. And apparently, from what I've read, there is a very mixed experience nationally as to what happens. In some courts, like I think in Minnesota, most of the girls who go -- and do get a judicial bypass. Other courts, hardly any of the girls get a judicial bypass, and there's no real-- We don't really know how that would work in New Jersey, but what's important is that the girl would have to have a reason. And what if it's one of these young girls from a fine home, who's not abused and really doesn't have a reason. She just doesn't want to tell her parents.

MS. TASY: Well, I think you have to remember, you're relying on the testimony presented during the hearing. That testimony was presented from the abortion industry. That is the same testimony that they use every time a state passes a parental notification law. I hardly think it was objective. It even -- in the decision by the judge, Judge Simon (phonetic spelling) even noted that it's the same evidence that they present in state after state. The

AG's Office, I think, should have presented evidence on the side of the Legislature, which they did not. But clearly, there is evidence that does show that young people have benefited from this. And there are studies also that show, conversely, that teen pregnancy rates and teen abortion rates have gone down.

Also, I think if there are cases like this happening out there, it would be major news. It would be national news. And you can be assured that those who are against this amendment would advertise it all over the place. So I don't see this happening. I think, unfortunately, that these are just some of the images that have been conjured up by people who oppose the law.

ASSEMBLYWOMAN GREENSTEIN: Let me-- I'm really sorry, because I know a lot of people-- But I just want to make sure you responded to what I actually asked. My hypothetical is, great family, loving family, girl loves her parents, and they love her. She wants, for whatever reason, not to tell them, wants to get some procedure done, whether it's an abortion, drug treatment, whatever. She can't tell them, and then she knows there's a law in place where her doctor will tell them. Is she going to go to that doctor?

MS. TASY: Well, I guess the question is why, if they're such great parents and she has such a great relationship, would she object to notify her parents. I've known people, even in my own family, who have experienced a crisis pregnancy and have been unwed. And the initial reaction is scared, being very afraid, even having good parents. But the bottom line is, the law acts as a teacher, and when you know you have to tell your parent, it makes it easier. And when these people tell their parents, of course, the parents are initially disappointed, are upset, but the bottom line is that if they are such great

parents they're going to support that child and they're going to love that child and they're going to do what's right for that child.

And as far as whether you're for or against abortion, this law works for everybody, not just people who are against abortion, because there are people who would find a situation where their daughter was pregnant and would want them to have an abortion. This law would protect the parents and the child by requiring that the parent be involved in the decision so they could check out medical facilities and make sure the facility is reputable. We have had situations in New Jersey where abortionists have lost their license for botching abortions, for using unsanitary instruments. This is why parents need to be involved.

How many young girls even know their own medical history? How many young girls are going to follow up? Especially in the case of RU-486, it requires three-to-five office visits, cramping and bleeding, and all kinds of problems could occur. Can we really expect a minor to be able to handle this trauma without a parent being involved?

ASSEMBLYWOMAN GREENSTEIN: I'd just like to say, I agree with you. I'd like to see all parents know. I just-- I'm thinking of it as a potentially practical problem. Obviously, it's always best that parents know.

Thank you.

ASSEMBLYMAN RUSSO: Thank you.

Nancy Becker, Republican Pro-Choice Coalition; Liz Tait, Concerned Women for America of New Jersey; Scarlet Johnson, Republican Pro-Choice Coalition; and Kate Hagen, Republican Pro-Choice Coalition. If

some of you are from the same groups, you might want to come up at the same time.

Nancy, did you want to speak? (negative response)

SCARLET JOHNSON: It's just going to be me.

ASSEMBLYMAN RUSSO: Okay. But Nancy, we've noted for the record that you're here and, on behalf of the Republican Pro-Choice Coalition, you're opposed to the ACR.

Scarlet, are you going to start?

MS. JOHNSON: Yes. I'm the one who's going to be testifying.

ASSEMBLYMAN RUSSO: Sure. Okay, Scarlet, proceed.

MS. JOHNSON: For the record, my name is Scarlet Johnson. Thank you for letting me be here today. As you have my testimony, I'll keep it brief.

My point is that you cannot mandate communication between a minor and a parent. As the Assemblywoman has said, we'd all like to believe that the parents out there are loving and supportive. But even in those cases where they are loving and supportive, sometimes a minor is not going to go to their parent. So we cannot mandate communication.

My second point is that I'm a Republican, which is why I'm here today, partly as well, besides being pro-choice, and that I think that the Republican Party usually stands for individual liberties, freedom of choice, and individual responsibility. The pro-choice position is in line with those standards.

So thank you very much. You have my testimony.

Please don't mandate communication between a minor and a parent. Thank you.

ASSEMBLYMAN RUSSO: Thank you.

Kate? No.

ELIZABETH TAIT: No, Liz Tait.

ASSEMBLYMAN RUSSO: Liz.

Okay, Kate, do you want to proceed next, then Liz? Is that good?

MS. TAIT: That's fine.

ASSEMBLYMAN RUSSO: Okay.

KATE HAGEN: Yes. I'm speaking on behalf of myself, a concerned citizen. I'm concerned for teenagers who don't have their parents to go to, who don't have the support system to go to to get this.

ASSEMBLYMAN RUSSO: Thank you.

MS. TAIT: Hi. I'm Liz Tait, with Concerned Women for America, and mother of three daughters, and I'm very much in favor of this amendment. And I would like to address Assemblywoman Greenstein's concerns for a moment, too.

For many years, I have volunteered with Friendship Pregnancy Center in Flemington, and our counselors have found exactly what Marie was talking about in the vast majority of cases: girls who come in for a pregnancy test and are shocked, upset, angry, and everything else, when it turns up to be positive. And they many times say the same thing, "My parents are going to kill me. I can't tell my parents. How can I do this?" And our counselors, of course, always can't force them to go to the parents, but do always urge them to go. And in the vast majority of those cases, yes, sometimes the parents are

upset or angry or disappointed -- the whole range of emotions -- when they find out their unmarried daughter is pregnant. But after that, the support and love and concern -- and that they show that daughter whatever her choice is, and helping her make that choice, are overwhelmingly positive and just strengthen the bond between the parents and daughter.

From my viewpoint, from being a parent of four, actually with three daughters-- And my son, too, if he should find that he is in a relationship with a girl and they are pregnant, I hope that they would come to us.

I've heard over and over from parents how upset, how angry they are that our Supreme Court had the audacity to say to the Legislature, "You were wrong. You didn't know what you were talking about, and you're wrong. You passed this bill, the Governor signed it, but you're still wrong. You don't have the right that you thought you did." We have liberal policies in our schools that parents don't agree with that the courts are upholding. We have judges who say, "Yes, if my son or daughter goes out and vandalizes a property, I'm responsible financially to pay for that, and I should be. But I'm not responsible enough to know what is going to happen medically with my child." And that infuriates me. I'm fed up with judicial activists who are on our courts, who tell us parents that we have no rights. I hope that you will give those rights back to us by passing this out to the full Assembly.

Thank you.

ASSEMBLYMAN RUSSO: Thank you.

Any questions?

ASSEMBLYMAN CARROLL: If I may, Mr. Chair?

Michael.

ASSEMBLYMAN CARROLL: Thank you.

Ms. Johnson, you mentioned a minute ago that the Legislature or the government, generally, should not try to mandate communication between parents and their children, is that so?

MS. JOHNSON: That is what I said, correct.

ASSEMBLYMAN CARROLL: Outside the abortion scenario, can you think of any other areas where the Legislature should not mandate communication?

MS. JOHNSON: As I am a single-issue representative, as a Republican Pro-Choice Coalition member, I'm going to stick with my issue and not comment. Thank you.

ASSEMBLYMAN CARROLL: So, in other words, you won't-- If, for example, the Legislature would say to a school, "You must tell parents when their kids aren't showing up," you have no reason to believe that's improper?

MS. JOHNSON: Once again, that's not my interest. I'm just going to stick with my issue and not comment.

Thank you, though.

ASSEMBLYMAN CARROLL: Thank you very much for your polite response. (laughter)

ASSEMBLYMAN RUSSO: I've never been able to do that with you in all these years. That was good. Okay.

ASSEMBLYMAN CARROLL: There are those of us who have integrity. (laughter)

ASSEMBLYMAN RUSSO: Erica Shein is opposed, Elizabeth Greenberg is opposed, Betty Greenberg is opposed. Is Elizabeth and Betty the same person? No. Okay. And Rick Gallagher is opposed.

S U S A N N. W I L S O N: Okay. I don't believe, Assemblyman, you called my name, but I'm Susan Wilson. Thank you very much for allowing me to speak to you today. I am the Executive Coordinator of the Network for Family Life Education, which is a program at Rutgers University School of Social Work. The views that I and my panelists will present this morning in no way reflect those of either the University or the School of Social Work.

Since the amendment today really, at its heart, goes to the needs and rights of adolescents, I have brought with me today three adolescents. One thing I want to make sure that you know, that these are not children. We can call them adolescents, teenagers, or young people, but they are not children. The three young people here today, and whom I'm going to introduce to you, have been part of a project at the Network called the National Teen-to-Teen Sexuality Education Project. It consists of three components: a newsletter, *Sex Etc.*, by teens, for teens, which is read by over 550,000 teens in 50 states; a Web site that attracts 3500 teens every day; and a vehicle for getting better sex education in schools, called *The Roadmap*. The three adolescents have all been involved in these projects.

Erica Shein graduated this June from J. P. Stevens High School in Edison and now attends Princeton University. She used *The Roadmap* in her school in order to persuade adults, on the strength of a survey which she gave to her fellow students -- that they needed a new health education curriculum.

Rick Gallagher, a senior at Bayville High School, is currently a member of the 2001 editorial board of *Sex, Etc.*

Elizabeth Greenberg is a junior at the Lawrenceville School -- very interested in these issues.

What have we learned at the Network for working for the past seven years with many young people like Erica, Rick, and Elizabeth? We have learned that most young people are mature, responsible, good people eager to help their peers lead safe and healthy lives. Most young people can make excellent decisions once they are given the facts which many adults often withhold from them. Most young people care about their health and their rights and do not take them lightly or abuse them. Many young people can talk easily with their parents about sexual issues, but some can't and do not want to. And finally, when adults trust adolescents to make responsible decisions, they rise to the occasion and make them. The words that you will now hear have been written by these teens without any adult intervention or suggestion. I want them to speak to you about the effect that this amendment could have on their right and their health, not through an adult filter, but from their minds and hearts.

Thank you.

ERICA SHEIN: Good morning. My name is Erica Shein. Thank you all for allowing me to speak with you today. I graduated from J. P. Stevens High School this past spring, and I'm now attending Princeton University. Although my June birthday gave me the right to enter the voting booth for the first time this November and I am no longer considered a minor, I am certainly

not very far removed from the time when my rights as a woman and my rights as a citizen were mostly held at the whim of adult policy makers.

I am here today, because one of the first things I was told by my academic advisor when I arrived on campus was something that I wish every would-be State legislator or Court justice could be told. It is one thing to sit in an office, have lengthy discussions in abstruse terms and then create policy that will affect hundreds of thousands of people. It is quite another to truly understand the consequences that these paper-and-pen decisions will have on the blood-and-tears lives of these people.

I am here as a teenager to take you out of your office and out of this room and into the reality that the amendment under discussion will create. I am here to discuss a right that is incredibly vital and incredibly fundamental and one that which I am certainly not prepared to grumble about quietly. I am talking about a teenager's right to control the integrity of his or her own body. And believe me, that timid grumble will turn into emphatic roar if that right is taken away.

The best thing that a parent can do is to raise his or her child as a responsible, independent person, not attempt to control him or her. Parents' rights are not absolute. If a teen is unable to talk to his or her parent about something as enormous as STD and substance abuse treatments or getting an abortion, there is most likely a very valid reason why. If a reluctant minor is told that he or she must notify a parent of a medical procedure, then there's a very good chance that this medical procedure will not take place.

I am sure that the intent of those who support this amendment is not to endanger the health and life of New Jersey teenagers, but I promise you that that is the reality of making a policy such as this one.

Another reality of life is that it's hard for teens to discuss certain things with their parents, no matter how understanding and supportive they may or may not be. In here or in research facilities or in medical journals, we can talk about partial birth abortions, the human papillomavirus, or postcoital contraception, but when it comes down to telling a parent that they need treatment for a sexually transmitted disease or that they need an abortion, no amount of complicated language will make it any easier.

That's where another basic tenet of teenage life comes in. If a teen knows that permission to do something will be hard to come by, he or she will probably either find a way to do it anyway or just not do it at all. If this involves a rated-R movie, the consequences aren't that great, but if a young woman needs to notify her parents before getting an abortion, she may either endanger her own life by getting it unprofessionally or wait too long to get one safely and inexpensively. I am sure that no one in here wishes to see the return of coat hangers and back alleys. None of the young people whose rights are now up for debate have had to live through that, and I am determined to see it stay that way.

I will conclude this morning by giving my own thoughts on improving the situation without resorting to something as extreme and imprudent as amending the Constitution of the State of New Jersey. I ask that you will recognize, as the State has done in the past, the maturity and the responsibility of minors in matters relating to sexuality, reproduction, and

substance abuse treatment. The best possible thing that policy makers could do for the youth of New Jersey is to ensure that each and every one of them receives the most comprehensive sexuality education available. Do not withhold potentially vital information, because some adults find it inappropriate to a classroom setting. What is inappropriate is denying any group of people access to the knowledge necessary for them to be responsible for and take of their own bodies, their own health, and their own lives.

One of the doctors who spoke here before said that children were incompetent. So, you know what, tell us what you know, and then we won't be incompetent any longer.

I have to go back to school now, because I still have at least four more years before I can get out of the classroom and into adulthood and all of its responsibilities. I am sure I'm going to learn a lot about politics and policy and science and technology, but there's one thing I'll never forget. And that is, that it is absolutely intolerable to take away the most personal and most vital right as a human being from an entire group of people simply because of the number of years they have behind them. I hope that this is also something that hasn't been forgotten in the years behind all of you.

Thank you very much.

ASSEMBLYMAN RUSSO: Thank you.

Questions?

Michael.

ASSEMBLYMAN CARROLL: If I may, can we do this one at a time or when we come back at the end? I can do it now.

ASSEMBLYMAN RUSSO: Whatever you want.

ASSEMBLYMAN CARROLL: All right.

You are aware, of course, that parents do have to be consulted, at least in theory, before a child gets into an R-rated movie?

MS. SHEIN: In theory, yes, but of course, there's plenty of kids-- I saw R-rated movies before I was 17.

ASSEMBLYMAN CARROLL: I'm shocked. (laughter)

Next thing you know, you'll be telling me you're sneaking into bars. Quick question then. I guess, if I might so bold as to sum up your testimony as being as follows: The more important a decision is, the less important is parental involvement in it.

MS. SHEIN: I would say that that's probably not what I was trying to get across to you today.

ASSEMBLYMAN CARROLL: So, in other words, it's perfectly okay for parents to be involved in screening their kids from R-rated movies, from tattoos, or whatever, but not things like abortions?

MS. SHEIN: What I was trying to get across is that things that we say in theory are not what we do in practice. Okay.

ASSEMBLYMAN CARROLL: I've got six kids. I know all about that. (laughter)

MS. SHEIN: You probably don't, though. I hate to say it, but you probably don't.

ASSEMBLYMAN CARROLL: And you know something, I was 17 once.

ASSEMBLYMAN RUSSO: I can't believe that. (laughter)
Guy.

ASSEMBLYMAN TALARICO: If I could just make a comment. You know, unfortunately, we do live in a real world. And unfortunately, even as parents, we do understand the consequences, pro and con. And maybe, unfortunately, we've been there as teenagers and youngsters and have gone through it, so I don't know that -- and I appreciate your testimony and the bravery to come here and testify -- but we don't live in an ivory tower. We are not disconnected from the day-to-day realities, and many of us have lived through day-to-day realities that help mold our thinking and our decisions. And I don't think that as a parent -- and I also have six children-- You know, this is such an important issue that it's probably not a correct characterization to say to you we live in an ivory tower or we don't know what really is going on, and therefore, we're making laws that are disconnected. Because, trust me, believe me, we live and feel these issues and are not making ivory-tower decisions as we sit here today.

Thank you.

Ken.

ASSEMBLYMAN ZISA: I just want to thank these speakers who came today. I know that we've gone through this a few times, and mostly we hear from a lot of older folks than yourselves. And I just think it's refreshing to see people who are so young and actually still involved in education and everything to come to their State House and participate in their government. And I just wanted to thank you for doing that and wish you well.

MS. SHEIN: Thank you.

ASSEMBLYWOMAN GREENSTEIN: Mr. Chairman. I actually would like to say one thing.

ASSEMBLYMAN RUSSO: Linda.

ASSEMBLYWOMAN GREENSTEIN: Would you like to be an intern in my office? (laughter) I'm very impressed with your testimony.

ASSEMBLYMAN RUSSO: Are any of the three people, Ms. Wilson-- And I assume, Erica, you're 18?

MS. SHEIN: I just turned 18.

ASSEMBLYMAN RUSSO: Just for interest, because I was reading the statements before, and your statement is excellent, are a lot of them under 18?

ELIZABETH GREENBERG: I'm 16 years old.

ASSEMBLYMAN RUSSO: You're 16.

MS. WILSON: And he's 17.

RICK GALLAGHER: I'm 17.

ASSEMBLYMAN RUSSO: Seventeen.

One of the things I was going to say to you before, and you've made relative points, obviously, is that, whether or not people think they're adults under the law at 18, you are an adult. So it really deals with people below the age of 18.

So who's going to go next?

MS. WILSON: Rick. Rick Gallagher.

MR. GALLAGHER: Hi. Thank you for having me speak today. My name is Rick Gallagher. I'm 17 years old, a high school senior from Bayville, New Jersey, which is in Ocean County. As a teenager, I think that this proposed amendment is -- a bit ridiculous and out of touch with reality. The long-term effects will cause more harm than good. If I, for instance, had

a sexually transmitted disease, I'm not in a comfortable family environment to tell my parents. And honestly, I would probably not do anything about it if my parents were going to be notified when I got this treatment. Is that bad for my health? Yes, absolutely. But I just wouldn't have the esteem or self-confidence to tell my parents. I think it would just be a mess.

So, as a consequence, I am risking my health, but it's really not my fault, it's this out-of-touch law that says parents have to be notified when I receive any medical treatment. Well, I don't think that's fair. I have rights, too, no matter what my age is. And as a young adult, I feel that when it comes to my body, right, this is something that I should have, confidentiality between myself and my doctor, without my parents knowing it.

The solution isn't parent notification, because it just won't work. Not all teens come from perfect families, and forcing communication on a teen's sexual situation with his or her parents can have an adverse effect. Unfortunately, many teens live in dysfunctional family environments where there is little or no support, and parent notification cannot transform these families into stable homes.

I have health this year for the first time in three years, and it's my senior year. We're learning about sexually transmitted diseases, teen pregnancy, contraceptives, drug abuse, etc. My teacher tries so hard to convince us to be abstinent and why not to try drugs and why not to have sex, but the funny thing is that nearly half the class has already had sex, has already tried drugs. Teaching sex education in the later years of high school is way too late. There should be more done in the classroom at an early age on sexuality education, because research does show that better education, health services,

normal parent-to-child discussions, and a sense of hope does, in fact, reduce teen pregnancies. Let's get rid of abstinence-only education. I'm not saying that abstinence is bad, or we shouldn't teach it, but realize that abstinence is only one choice out of many others that a teenager can make. Face reality and understand that many don't choose that path, and who is to say that that's a bad decision.

Thank you.

MS. GREENBERG: Okay. My name is Elizabeth Greenberg, and you can call me a child, you can call me an adolescent, you can call me whatever you please, but I choose to call myself a young woman. I'm 16 years old, and I'm fully capable and confident to make responsible decisions about my own body. My parents, and my mom, who is here today, has always encouraged me to take responsibility for my actions. And if that entails telling her about what I choose to do with my body, or if it does not, that's my right, and I'd like to keep it that way.

Unfortunately, however, I am under 18, and I cannot vote. So I feel that this is my only way to represent myself and my peers, who this amendment would truly be affecting. The people who pass this amendment pass these laws. Most of the people who have spoken here today will not be directly affected by this law. They'll never be affected by this law. I would really like everyone to take into consideration that this affects me and my peers. I am 16, yes, and I am also fully capable to make responsible decisions about myself.

Thank you.

ASSEMBLYMAN RUSSO: Mike.

ASSEMBLYMAN CARROLL: Did you have school today?

MS. GREENBERG: Yes, sir.

ASSEMBLYMAN CARROLL: And when you go back, you're going to have to give a note that says where you were?

MS. GREENBERG: Actually, before I left, I got it cleared at my house. I go to boarding school.

ASSEMBLYMAN CARROLL: Okay. Well, the housemaster takes over in lieu of parents, I guess, right?

MS. GREENBERG: In a manner of speaking, yes.

ASSEMBLYMAN CARROLL: So, in other words, if you had unexcused absences, such as you tried to write a note and say, "Well, I didn't feel like coming to school today," do you think they would tell your housemaster or your parents?

MS. GREENBERG: Well, they would. But again, my feeling on this is that I hope you, yourself, think that this is a valid experience for me, by coming here and speaking to you is important.

ASSEMBLYMAN CARROLL: Absolutely. But if your parents disagreed, for example, and said, "You're not to go to the Legislature," do you think your housemaster should be allowed to take you anyway?

MS. GREENBERG: My mother took me.

ASSEMBLYMAN CARROLL: All right. Well, if your mother had said to you, "No, you can't go," do you think you should be allowed to go anyway?

MS. GREENBERG: Yes, I do. This is something I feel passionately about.

ASSEMBLYMAN CARROLL: So you should be permitted to skip school without your mother's permission?

MS. GREENBERG: Well, I guess I should put it to you this way. In cutting a class, I'm subject to detention on Saturday night. And yes, if I get detention for this, I would fully accept that, because this is something that I believe in. And if my mother disagrees with that, that's okay. I'm able to make my own decisions.

ASSEMBLYMAN CARROLL: So it's easier to get forgiveness than permission?

MS. GREENBERG: I don't really think that's the issue.

ASSEMBLYMAN CARROLL: Well, let me ask you one last question. You said before, you're under 18, should have no vote. Why do you suppose that is so? Well, hold it a minute here. We're 16. We're supposed to be making these decisions for ourselves, not getting consulting from adults.

MS. GREENBERG: This is fine. I'm fine. I'll handle it. I'm fine. I think that I don't have a vote because I'm under 18, I guess. I think I'm not informed enough in certain issues-- Can I finish, please?

ASSEMBLYMAN CARROLL: I'm listening. I didn't say a word.

MS. GREENBERG: However, this is an issue that pertains directly to me. There are other laws and other things that I -- that will not affect me, and that's the thing -- the reason I don't have a vote. However, I feel like I should be represented here, and I don't think that I necessarily am being represented. I've spoken to a bunch of my peers in my house, girls that are 16 and 17 years old. This affects them. This affects all of us.

I think that, in this particular issue, I should be represented. I should have a voice. Now, I'm not claiming that I know everything. I'm not claiming that I should have a vote, and I'm not claiming that I know as much as, perhaps, my parents do. However, on this particular issue, I feel it's my right to be able to make a decision for myself. This is a very personal matter. It's affecting my body. It's not affecting anyone else around me. It's affecting myself, and I think that's the issue at hand here. (applause)

ASSEMBLYMAN RUSSO: Anybody else? (no response)

Thank you.

Okay. Dr. Clark-Hamilton is opposed, American Academy of Pediatrics. Dr. Susan Brill, New Jersey Society for Adolescent Medicine, is opposed. Dr. Solomon Cohen is opposed, Kennebunkport, Maine.

Why don't you start, Dr. Hamilton?

JILL CLARK - HAMILTON, M.D.: I can start.

ASSEMBLYMAN RUSSO: Give your name for the record.

DR. CLARK-HAMILTON: My name is Dr. Jill Clark-Hamilton, that's C-L-A-R-K, hyphen, Hamilton, H-A-M-I-L-T-O-N. I am a board-certified physician in both pediatrics and adolescent medicine, and I've been practicing clinical adolescent medicine for over 10 years. I'm currently the Director of the Pediatric Residency of Atlantic Health System, as well as a member of the Division of Adolescent Medicine. I am a member of numerous state and national organizations that advocate for the health of adolescents. I'm here today officially as the current co-chairperson of the Committee on Adolescence for the New Jersey Chapter of the American Academy of Pediatrics. I'm grateful for your allowing me the opportunity to

address this Committee on a subject with such profound consequences for the health of our children.

My task today is an extremely difficult one. I will do the best that I can to briefly discuss a very difficult area that faces policy makers: establishing rules for minors' consent for medical care. I would like for you to consider the impact of such a broad amendment would have on adolescent health. Legislation mandating parental involvement does not achieve the intended benefit. It does not promote increased family communication, nor does it improve parent-child relationships. It does, however, delay or prevent access to appropriate medical and/or psychological care.

In the best of times, adolescence is a difficult period. These are not the best of times. Over the past four decades, adolescents are the only age group in the United States that has not enjoyed an improved health status. The three leading causes of death of adolescents today are accidents, which the majority of which are associated with alcohol abuse, homicide, and suicide. At younger and younger ages, our young people are being exposed to greater and greater health risks. The major morbidities affecting our young people include alcohol use and abuse, drug use and abuse, tobacco use, sexually transmitted diseases, teenage pregnancy, as well as many others.

As adolescent health providers, we serve not as barriers, but as bridges between parents and their teenagers. Our goal is to foster familial dialogue. Primary prevention begins with working with parents while their children are young. As pediatricians, we try to help parents with anticipatory guidance throughout their children's lives. We encourage parents to discuss numerous topics with them as they get older, including substance abuse,

violence, and sexual activity. We encourage parents to be good role models. At a time, however, when the natural tendency among adolescents is to resist the guidance of parents, teachers, and adults in authority, the consequences for their failure to seek that guidance could not be more crucial.

You have already been told that every major health-related organization in the country is against mandatory parental notification. As pediatricians, we want to do everything we can to encourage minors to seek care. Our concern is that the type of legislation now being proposed will delay or prevent minors from seeking medical care.

It is understandable that parents feel that they should have the responsibility and right to make health-care decisions for their minor children. In an ideal world, all parents and children would talk with each other about the many issues that young people must deal with. Regrettably, this is not the case. Numerous published surveys, scientific studies, and clinical experience have shown that adolescents will either dangerously delay or not seek medical care at all if they are required to have their parents involved. In an ideal world, young people would not drink and drive, smoke, use drugs, have sex, or be exposed to violence on a daily basis. Adolescents already have lower rates of health-care utilization than children or adults. The proposed parental notification requirement would be a further obstacle to adolescents seeking care.

No one is immune to these problems. Every town, county, and state has them. Both male and female adolescents of every race, religious group, ethnic group, and socioeconomic status face these issues. Any parent knows that parenting is the hardest job of your life and that there is absolutely

no training for it. All parents would like to think that someone else's child has these problems, but it is not so. These statistics are real and involve young people we all know and may be related to. They occur in the best of families with the best-intentioned parents.

As a pediatrician, it would be wonderful to have an immunization to give to prevent all of our youth from having these problems, but unfortunately, no such vaccine exists. As health-care providers who serve young people, we agree that parental involvement is desirable, and believe me, we encourage it. It is our strong belief, however, that it is more important for a young person to have access to confidential care than it is to mandate parental notification. If we don't guarantee access to confidential health care, many teenagers will simply not seek the care they need. If they don't seek the care, those of us who provide it will lose a crucial opportunity to strongly encourage them to involve their parents, guardians, and other trusted adults in their decision making.

Beyond that, the failure to seek care can have many grave consequences, some of which you've heard before. A quick example would be a benign chlamydial asymptomatic cervical infection that would spread to pelvic inflammatory disease, which could lead to chronic pelvic pain, infertility, or a subsequent ectopic pregnancy, etc. In addition, the public health risk of sexually transmitted diseases which are not promptly diagnosed is enormous.

I'd like to thank you once again for the opportunity to address this Committee on this difficult subject. For those of us who work with adolescents, part of the enthusiasm for what we do lies in the fact that it is during adolescence that many health behaviors are being established, which

will have a lifelong impact. Our concern is that a broad amendment like the one proposed would dangerously delay or prevent adolescents from seeking needed health care. As pediatricians and as parents, we all want to do the best that we can to enable them to have a bright and healthy future.

Thank you.

ASSEMBLYMAN RUSSO: Thank you.

Dr. Brill, do you have this statement, two pages, that I read?

S U S A N B R I L L, M.D.: Yes.

ASSEMBLYMAN RUSSO: Do me a big favor. Turn it around. Now, tell me what it says. And it's very good. I read it.

DR. BRILL: Thank you.

ASSEMBLYMAN RUSSO: Okay. And it's in the record, so you can't make any mistakes. It's in the record.

DR. BRILL: Okay. You're not going to let me read it then, right?

ASSEMBLYMAN RUSSO: I didn't say that. I just said turn it upside down. Because they said, you know, you're not really fair with the rules. I said, you know, you're absolutely right. I'm not, because I go back and forth sometimes, depending on who reads fast and who doesn't. I'm not to get to everybody, and it's not fair. So--

DR. BRILL: Okay.

ASSEMBLYMAN RUSSO: --I read it. Tell me what it says.

DR. BRILL: First, I want to introduce myself. My name is Dr. Susan Brill, and I'm an adolescent medicine physician. I also work for Atlantic Health System. I've been a clinical adolescent medicine specialist for the last 10 years. I represent the New Jersey Society for Adolescent Medicine.

What I wanted to talk about today and bring to your attention was two clinical case scenarios that I have both personally been involved with. One was a patient that I saw some months ago who was hospitalized with pelvic inflammatory disease, which, for those of you who are not aware--

ASSEMBLYMAN RUSSO: That was the 15-year-old?

DR. BRILL: Yes. For those of you who are not aware, is an infection of the uterus or tubes often secondary to a sexually transmitted disease that has gone untreated. This young woman told me that she went to a party, got a little tipsy, and had sex with someone she didn't know very well, and couple of days later woke up with a vaginal discharge. She was frightened. She was scared, and she didn't want to go to her doctor, because she knew she would have to tell her mother, bring her insurance card, etc. So she just waited. She hoped it would go away, but it didn't. It got worse. It got heavier and started to smell bad, and then she started to have abdominal pain. Finally, she couldn't eat. She started throwing up, and her parents said, "Gee, something's going on. We'd better take her to the emergency room," which they did. And at that point in time, they did diagnose pelvic inflammatory disease.

She was sick enough to require admission to the hospital. I treated her with IV, antibiotics, fluids, etc. She was sick for a few days, but did ultimately improve with the medications we offered. When I got her story, I was so concerned with the fact that she didn't even realize that she could go to a clinic or to a doctor's office and get confidential care. This was not something that she was aware of.

What I'm concerned about, should this amendment pass, is that this would occur more and more -- is that teenagers would sit on their symptoms, not tell their parents, and not have other options.

The other case that I talked about-- Do we have time for that one?

ASSEMBLYMAN RUSSO: Absolutely.

DR. BRILL: The other case that I talked about was, a colleague of mine told me that she recently treated a girl who had undergone a spontaneous abortion or a miscarriage after having been pregnant probably for about two or three months. Her parents had been aware of the pregnancy. She had the miscarriage. She was felt to be well. She was fortunate that she didn't have any complications, and the patient confided to my colleague that she wanted to then begin hormonal birth control. However, her parents were opposed to this and told her she was not to have sex and could not use any birth control. My colleague was able to refer her to a confidential treatment service, where she was able to get birth control without her parents' knowledge of that. She was 16 years old, made that decision, because she knew she didn't want to get pregnant again, and she felt that the best she could do for herself was to prevent it from happening again, because she couldn't feel strongly that she could remain abstinent.

These were two cases that I wanted to bring out today to help you understand that, in adolescent medicine and what we do day in and day out, these are issues that happen all the time. Given that the phrasing of the amendment is -- must have parental notification for any medical or surgical treatment, the broad statement behind this amendment would have huge ramifications for how I practice. I don't want teenagers to be afraid to come

to me. I don't want teenagers to be afraid to talk to me. Every medical organization that I know of, many of which I am a member, supports the statement. I've included statements on the AAP and the Society for Adolescent Medicine, our national organization, to that effect. And I felt strongly enough to take time out of my day to come here and tell you this today, because I feel that this would gravely endanger the health and the lives of teenagers. It would make our jobs that much harder, and I feel strongly that I want to put this forth today.

Thank you.

ASSEMBLYMAN RUSSO: Thank you for coming, Dr. Brill.

Now, questions for Dr. Brill from anybody? (no response)

Thank you.

Dr. Solomon, I believe.

SOLOMON J. COHEN, M.D.: Cohen.

ASSEMBLYMAN RUSSO: Solomon Cohen.

DR. COHEN: I'm Dr. Solomon Cohen--

ASSEMBLYMAN RUSSO: Could you turn that on, please?
(referring to PA microphone)

DR. COHEN: Is that working?

ASSEMBLYMAN RUSSO: Have you got the red light?

DR. COHEN: Yes. I'm a retired pediatrician. I now live in Kennebunkport, Maine, but I practiced for 42 years in Westfield, New Jersey. I just wanted to tell you a few of my experiences during the years that I was in practice.

First, in many delicate situations with teenagers, I was able to convince them to notify their parents where they opposed notification originally. In many situations, they asked me if I would be present when they notified their parents, and I could act as a catalyst for this. And what worked actually is, I asked the parents to come into my office. The teenager is there. The teenager felt protected and was able to notify the parents with my presence and my protection, and I could kind of diffuse it. So I'm a great believer in parental notification, but I do think that physicians most often can do it if they're not under the gun, not under pressure.

The second point I would make is that, in treating many of these adolescents, they asked me if I would promise not to tell, and I said yes. This is confidential information that's between the two of us. I will treat you, and I will not tell your parents. I hope eventually you will, and I will help you to do it, but I will not tell them.

The interesting thing that happens in these situations, and this has not been mentioned, is you see teenagers who come in for an office visit. I would treat them, and I would send the parents a bill. The parents would call up and say, "What's this bill for?" And I said, I can't tell you what this bill is for, because I promised not to tell. You have to trust me. And almost every one of these bills was paid. Parents either knew intuitively that I was doing the right thing or else they didn't want to know what was going on. The treatment was carried through. The teenagers did well. And I think that some trust in the medical community, in terms of doing the right thing, is where we're at.

That's all I have to say for the moment, and I would be happy to answer questions.

ASSEMBLYMAN RUSSO: Thank you, Doctor.

Questions for the Doctor? (no response)

Thank you very much.

Okay. We have Grayson Barber. Is Grayson Barber here?

(affirmative response from audience) Okay. Susan Boyce. Susan is opposed.

Grayson is opposed, and Betty-- Didn't Betty Greenberg come up before?

This is the mother, Betty?

UNIDENTIFIED SPEAKER FROM AUDIENCE: (indiscernible)

ASSEMBLYMAN RUSSO: She left with her daughter. Oh, okay, we'll note that. How about Nancy Mazzone from Randolph. And Nancy is opposed. Nancy, are you here? Okay. Again, state your names for the record, spell your last names. It's about 12:45, and we're doing pretty well, but I would just say to you -- this is just my own little personal theory so that we try to not make it too formal where you get too nervous where this is not something everybody does every day -- but I would say this to you. If the written testimony-- If you've submitted it already -- and if you haven't, we'll make copies for you -- it's in the record. So why would you read it? Say something else, you know, give us another example. I know I kidded around with one of the doctors, I think Dr. Brill, and she looked petrified, but she went through two pages of testimony and outlined everything perfectly. Because if you wrote it, you know it, and we have it.

Okay. Who would like to go first? I shouldn't do it, okay.

Nancy. How about Nancy, would you like to go first? Thank you.

NANCY D. MAZZONE: Thank you. My name is Nancy Mazzone.

VOICES FROM AUDIENCE: Louder.

ASSEMBLYMAN RUSSO: Red light there, Nancy. (referring to PA microphone)

MS. MAZZONE: Okay.

ASSEMBLYMAN RUSSO: Good.

MS. MAZZONE: My name is Nancy Mazzone. My last name is spelled M-A-Z-Z-O-N-E, a nice Italian name. I live in Randolph, New Jersey. I am the mother of two adult children, a boy and a girl. I want to go on record that I oppose this constitutional amendment. I would like to use my time to read the story of a woman who lives in Assemblyman Rooney's district and is very concerned about this proposed amendment. She submitted her story explaining that she did not feel safe using her real name or testifying in this public hearing. She writes:

"I come before you now as an individual, a lifelong New Jersey resident, and a resident of District 39. I implore you to vote against ACR-2, which is before you today and which requires parental or guardian notification for surgical procedures, abortions, for minor children. Although all of my children are now legal adults, when they were minors, I strongly believe that parental notification requirements for minors was wrong.

In 1964, when I was 16 years old, I was raped. Today this would be called a date rape, as it was someone I knew, and I said repeatedly, no. However, date rape was not a recognized term at that time, and I was confused, scared, and I blamed myself. I also told no one. I grew up in an abusive home, both verbally and physically abusive. There was no way I could turn to my parents for help or support. It would have been considered my fault, and I would have been treated as a bad girl. I kept it all inside and was

eventually hospitalized with mono and a spastic colon. No one ever asked, and I wasn't going to tell anyone what was bothering me so much that I became so nervous, edgy, and sick.

Two months later, I had still not gotten my period and was convinced that I was pregnant. I had no one to talk to and nowhere to turn. I did not have the type of family where I could tell them what had happened and what my fears were now. I felt guilty, ashamed, and alone, but most of all, I now felt desperate.

It was at that time that I seriously considered suicide. I was spending the summer at Cornell University, taking makeup courses for the ones I was forced to drop due to my extended hospitalization during the school year. I remember standing on a high bridge on the campus and thinking that my only way out of this dilemma would be to jump. This was before *Roe vs. Wade*, and I didn't see that I had any options open to me. Getting help from my parents was simply not an option.

After several weeks of contemplating suicide, I eventually found out that I was not pregnant. I never told anyone about either the rape or the suspected pregnancy until 1997 -- 33 years after it had happened.

As my case clearly demonstrates, there are often circumstances where a teenager cannot, for her own safety and well-being, go to a parent or guardian for permission before seeking medical help for an unwanted pregnancy. Once again, I beg you not to pass this legislation, as it will create what could be fatal results in some cases."

I want to thank you for allowing me to read this to you. I sincerely appreciate your attention in this very serious matter.

Thank you.

ASSEMBLYMAN RUSSO: Thank you.

GRAYSON BARBER: My name is Grayson Barber. My first name is Grayson, G-R-A-Y-S-O-N. My last name is Barber, B-A-R-B-E-R. I'm here to testify as a parent. I have a little girl named Elizabeth, who is perfect in every way. And when she becomes a teenager, I hope that she will come to me when challenges arise in her life. But if she needs to go to somebody else, I want her to be able to do that with no strings attached.

The vivid example that I can bring from my family is alcoholism. There's a lot of alcoholism in my family. There's reason to believe that there's a genetic predisposition to alcoholism. There's currently a social stigma associated with it that may continue to exist when Elizabeth is a teenager. And it's also a disease of denial. I really hope that in the event, God forbid, Elizabeth should develop the disease that she can come and talk to me about it. But if for any reason she feels she can't, I want her to be able to get confidential help from professionals with no strings attached.

I will feel the same way if she hesitates to talk to me about birth control. A lot of girls become sexually active in their teens. And much as I can hardly bear to think about my little girl in such terms, that doesn't change the reality. I would really prefer that she should have confidential access to contraceptives rather than risk becoming pregnant.

One thing that I would mention that's not in my written testimony, but I think is an illustration that Assemblywoman Greenstein might appreciate, is I have a friend who did have an unwanted pregnancy when she was a teenager. And at the time she discovered she was pregnant, her father

had just had a heart attack. She was from a good family. You know, she was from sort of the model wonderful family, but she genuinely believed that if she revealed her pregnancy to her parents that her father would die. Now, she may have been wrong. You know, I don't know. But fortunately, she was able to get the medical care that she needed and in her own mind spare her parents.

Now, I want Elizabeth, my daughter, to grow up in a family that will support her no matter what. But I do know teenagers who have sought alcohol treatment in opposition to their parents' wishes. I see that all kinds of people have children, including people who don't seem to have their children's best interests at heart. And I believe that all of these children should have the best medical care available even if they face insurmountable difficulties from their parents.

I would urge you to vote no on the proposed amendment.

ASSEMBLYMAN RUSSO: Thank you.

SUSAN BOYCE: My name is Susan Boyce, B-O-Y-C-E, and I live in Rumson, New Jersey. I'm the mother of four children, three daughters and one son. I appreciate the opportunity to be here today. I think my husband and I are pretty typical of New Jersey families. We love our children dearly. We teach them our values. We take them to church, where our values are also reflected. We work very hard to teach them right from wrong. And we certainly do hope that if something -- one of our children were ever to be in need of medical attention and abortion or counseling for alcohol or drug abuse that they would come to us. But I know for sure, because I remember being a teenager, that I can't guarantee or legislate that this is going to happen.

The potential risk of missing treatment is so great and so devastating for the lives of these children, adolescents, that I think we need to be pragmatic. We need our government to make decisions that are based upon not simply principles, but also the pragmatic concerns. And what the pragmatic concern here is that children will be harmed if they cannot get access get to medical treatment in a timely manner. And by passing this amendment, we will prevent them from getting that treatment.

Thank you.

ASSEMBLYMAN RUSSO: Thank you.

Any questions? (no response)

Thank you.

Sarai, it looks like Zitter, and she is opposed. Scott Gentile is in favor. Scott, you here? Okay. And Barbara Kleinhans is in favor. Is that you Barbara? Okay. Do we have written testimony from all of you? Good. Okay. Who would like to start? Barbara, you want to start? Sure. Why don't you just synopsise your testimony, Barbara. We know it's in the record, and Barbara--

BARBARA E. KLEINHANS: I have one page.

ASSEMBLYMAN RUSSO: --is it K-L-E-I-N-H-A-N-S?

MS. KLEINHANS: Yes.

ASSEMBLYMAN RUSSO: Barbara E. Kleinhans. Okay, 16 Lakeview Avenue -- is that Kingston? I can't read it. I'm sorry.

MS. KLEINHANS: Kingston, New Jersey--

ASSEMBLYMAN RUSSO: Kingston, New Jersey.

MS. KLEINHANS: --08528.

ASSEMBLYMAN RUSSO: Okay.

MS. KLEINHANS: This is regarding the constitutional amendment for parental notification of medical and/or surgical procedures performed on minors. This statement is to urge that the Judicial (*sic*) Committee consider a constitutional amendment for a mandate that parents or guardians of minor children be notified before a child undergoes any medical or surgical procedure, especially induced abortion.

A major factor in favor of passing the above law would be the release of statistics which showed that teenage abortions are down in states having parental notification laws. It also seems apparent that, in a country with so much divorce and/or separation, the noncustodial parent should be made aware of any medical or surgical procedure being planned for his or her child.

We respectfully request information regarding the progress of the above constitutional amendment. Thank you. And I am a past recording secretary of New Jersey Right to Life Committee.

ASSEMBLYMAN RUSSO: Thank you, Barbara.

Is it Sarai?

SARAI G. ZITTER: Sarai.

ASSEMBLYMAN RUSSO: Sarai. Okay.

MS. ZITTER: Sarai Zitter, Z-I-T-T-E-R.

ASSEMBLYMAN RUSSO: Okay. And you're at 5 Stiring Circle--

MS. ZITTER: Stiring Circle.

ASSEMBLYMAN RUSSO: --in Monroe Township.

MS. ZITTER: Correct.

ASSEMBLYMAN RUSSO: And you are opposed?

MS. ZITTER: I am opposed to this, correct.

ASSEMBLYMAN RUSSO: Okay.

MS. ZITTER: I'm here wearing quite a number of hats. I'm a New Jersey licensed clinical social worker and a family therapist with 45 years of professional experience. I was a school social worker in Livingston for 11 years. I'm a volunteer at Planned Parenthood, where I help women work through the difficult decision of child-rearing, adoption, or abortion. And perhaps most importantly, I am the mother of daughters, and a grandmother.

When I studied civics more than 60 years ago, I learned that the purpose of the Constitution was not only to protect minorities against the tyranny of the majority, but also to protect our basic individual rights from the passions of the moment. Judicial review gives another layer of protection. This proposed amendment would subvert those goals, and that frightens me.

When we talk of parents' rights, most of us are thinking of our own loving families. If our children are in trouble, have problems, we are sure they can come to us for advice and help. But even in loving homes, children are often too embarrassed or ashamed to come to their parents. And what about those who have been abused, those whose parents would beat them, whose families would abandon them? An amendment such as this, rather than giving parents greater control of adolescents, would cause many young people to avoid doctors, omit medical care not only for pregnancies, but for sexually transmitted diseases, drug dependence, and alcoholism as well, and that frightens me.

As a society, there are things we can control and things we cannot. We cannot legislate emotional support from parents any more than we can legislate trust from children. This amendment would not only serve to notify parents of an imminent abortion -- the actual purpose of the whole thing -- but would hinder young people from obtaining contraceptives as well. Numerous studies have shown that the rate of adolescent intercourse in this country is roughly the same as in other industrialized Western countries. However, their rates of pregnancy, birth, and abortion among teenagers is many times lower than ours. The difference lies in their sex education, medical privacy, and contraceptive availability. The fear that such availability would cause increased adolescent sexuality has been proven unfounded. Quite the opposite is the case. But this amendment could curtail or destroy even the limited services now available to our youth, and that frightens me.

Parental rights are certainly of vital importance. As a parent, I support them. As a social worker, I see them as one of the vital components of family interaction. But minors also have rights. And it is incumbent upon us to protect those rights just as it is to protect those of any voiceless, unenfranchised minority. We need a reasonable perspective here. I have heard the argument that parents must give permission for a school nurse to give young people an aspirin or for a teenage girl to get her ears pierced, but an aspirin or a pierced ear is not life-threatening -- avoiding treatment for an STD or going to an unlicensed butcher for an abortion is.

Legalizing abortions did not send the rate of abortions soaring, as many feared. It simply made them safe. Sex education has not raised the rate of teenage sexuality. In fact, that rate has been declining in recent years. An

amendment such as this puts that progress at serious risk, and that frightens me.

There is a delicate balance of rights and obligations in any family. Much of my professional life has involved establishing and defending that balance. As children grow into adolescence, their responsibilities increase, and so does the area in which they must make decisions. If we give the Legislature the right to strip minors of the basic constitutional protections which are currently in place, we limit the State's ability to protect underage youth from parental abuse, and that really terrifies me.

To summarize, New Jersey has wisely established the rights of minors to obtain and consent to medical care on their own behalf. This has resulted in care for many conditions, which if untreated, could lead to tragedy. This amendment would undermine these rights by denying to the judiciary its historic place in preserving them. To call a spade a spade, this is a thinly-disguised attack on existing abortion rights which, in its breadth and vagueness, would lead to enormous suffering among teenagers without accomplishing any discernible good.

I urge you to vote it down.

ASSEMBLYMAN RUSSO: Thank you.

Before we go to the next person, I wanted to ask the folks who are here, which is probably my fault, so I apologize to you, how many people think we're going to vote on this Committee today on this? Anybody? (show of hands from audience) Because from the gist of some of the statements, and I've been reading them all-- This is a public hearing. We're not voting. We voted on this Committee several weeks ago. This is a public hearing for any

proposed constitutional amendment. After the public hearing, then it may go to the full House for a vote, and then it goes to the Senate, if that happens. Okay. It would be a ballot question, not this November, but possibly next November, which means the entire legislative process would have to be done by, roughly, August 1, 2, or 3, or some day like that, of 2001. So again, I thought your point was good, because a few other people said, "Is there going to be a vote today?" No. There's not going to be a vote, because we did that. This is sort of technical, but I just want to mention that to you.

Any questions for the first two speakers? (no response) No.

Okay. Scott Gentile, is it G-E-N-T-I-L-E? You're from Somerville. Scott, you are in favor?

SCOTT LOUIS GENTILE II: Yes.

ASSEMBLYMAN RUSSO: I read this statement -- it's excellent also. When I say excellent, meaning excellently done-- You have four footnotes, which I wish I could do them that well in the old days.

MS. ZITTER: You could when you were in school.

ASSEMBLYMAN RUSSO: And I underlined this-- I want you to synopsise this very briefly. But you stated very well the two sides. You've quoted Liz Volz of NOW-NJ saying, "Leave our bodies and our Constitution alone," which is one position. And you say, I say, leave parental rights alone.

MR. GENTILE: Very much, yes.

ASSEMBLYMAN RUSSO: And that's the two sides of the issue, very well stated. And I would say to you, if you want to add anything else to that-- Obviously, you've stated it very eloquently here.

MR. GENTILE: Well, if I may make a few other points. I know you don't want to hear my entire speech again or read my entire paper.

ASSEMBLYMAN RUSSO: Sure. But do the two other points.

MR. GENTILE: But I will go through some key points.

First of all, I thought we could use a bit of uplifting here, as I know we are all tired. And I thought I'd do that by sharing with you something which echoed in the back of my mind while listening to some of the more arrogant teenagers who came up here. And I do respect them very much. I respect them for their courage to come up here. I know it took a great deal for me to come up here -- who came up here and said such things such as, "I know enough about myself and my body to make my own decisions without my parents' knowledge or guidance." And I just wanted to share with you what was constantly echoing in my mind, what my mother would have said to me if I made a statement like that. And that is, "How much you have to learn."
(applause)

I know that I get arrogant sometimes, too. As teenagers, we sometimes think we know everything. But I try to bring myself down to earth sometimes and realize that I do definitely still need my parents' guidance. And I think that's what is very important in here, and those are the main ideas of my speech.

ASSEMBLYMAN RUSSO: Scott, how old are you, 16?

MR. GENTILE: Sixteen.

ASSEMBLYMAN RUSSO: And you go to which high school?

MR. GENTILE: Immaculata High School.

ASSEMBLYMAN RUSSO: Which is where?

MR. GENTILE: In Somerville.

ASSEMBLYMAN RUSSO: In Somerville. Okay.

MR. GENTILE: And that leads me to some of the main ideas of my speech. I'll just go through them very briefly, as I know we're all tired at this point.

One, I feel my being here today is very important, because certain vocal organizations have misrepresented the ideals, the beliefs of the majority of our state's teenagers. And I think that we need to correct them and also address the contradiction that this has brought up.

I already addressed the main idea of my speech. And that is, I know that when I have a problem, I can go to my parents. And in them, I will always find caring, understanding, and wisdom. And this is very important, because psychologists tell us that it is very important when someone has something inside them that they are embarrassed about, that it's very difficult for them that they confess it, that they confide in someone. And for a teenager, who better than that individual's parents. I think that common sense tells us that it is absolutely -- no one, no one at all can do the job of one's parents, because no one understands the child nearly as well as a child's parents.

Furthermore, when a teenager is presented by an unexpected pregnancy, her reaction is most certainly, in most cases, one of fear. She's afraid to tell others of what has happened, and she's afraid of what their reactions will be. Thus, she may decide to avoid her parents, who are the best possible people she can go to. But the parents are the ones who will offer her true support, guidance, and love. And the reason, I think, it's very important

that she go to someone, once again, especially her parents, is that if she decides to make an impulsive decision, because she feels that she cannot go to anyone else because she is afraid, these results can be dire. And again, this is documented very much in my report.

But some effects of this, of girls having abortions without the proper guidance and support, have been things such as nightmares, intimacy problems, sleeping disorders, self-mutilation, and even suicidal thoughts. And these things have been documented. And my main point here is that this is the result, this depression, these suicides, these are the results of girls making these decisions without the proper support.

And again, as you said, Mr. Chairman, Elizabeth Volz did say, "Leave our bodies and our Constitution alone." But I do definitely say leave our parental rights alone. These things have existed for hundreds of years -- thousands, some would say. Let us keep them intact, please.

And also, it is our State's responsibility to protect the bodies and minds of our people, especially our delicate youth. This is precisely what this amendment and this law intend to do. And I say that our Constitution prevents our State from protecting our youth in this way. It is our responsibility to alter it so that we can offer this protection to our youth.

So, in closing, I would just like to reemphasize the fact that it is very important that if a teenager is seeking or rather considering something as life-changing, one could say, as an abortion, it is very important that she seek the proper guidance. And I think that is very important that in doing so she go to her parents. She may not think it's the best at the time, and that's understandable. That fear is always there. But whether she knows it or not,

her parents are absolutely the two best people in the world she can go to. So I say pass this amendment, pass this law for the parents who so greatly love their children, and pass it for the young people who so greatly need to find their support, guidance, and love.

And if I could make one other brief comment in relation to what seems to be Assemblywoman Greenstein's favorite question, which has been brought up by some other people, you worry, it seems, about what will happen to girls who, because they know their parents will be notified, will not wish to seek proper treatment. And that's a very valid concern, I think, but my point is this. Right now and in our past, many, many girls have been hurt, because they have done these things without the proper guidance and the proper support. And the point is that nothing is going to solve all of our problems. That is why we have amendments to our Constitution. It's constantly changing to fit our needs and becoming better and better. It will never be perfect, but we always work to improve it. And that's why I say not this law, nothing can satisfy every circumstance, every situation. And I think what you brought up is one specific situation. One could create hundreds of such specific situations. But what this law will do, and what this amendment is necessary in order to pass this law, is protect many, many of our teenagers, of our youth, who don't know where to turn. So, as you say, some of them may be hurt if this law is passed, but I say that many, many more will be hurt if it's not passed.

Thank you. (applause)

ASSEMBLYMAN RUSSO: Got a question.

ASSEMBLYWOMAN GREENSTEIN: Scott, you did make a very articulate statement. I appreciate your addressing my question, which I asked over and over mostly because I'm not clear on the answer. I think you answered it best of anybody by saying it may be one of the parts of this that there is not a good answer to. The interesting thing is that, from the statistics I've been shown, most of these girls you're referring to do already go to their parents. I think that's what's crucial here. It's almost like we're starting from a different point here. Most people, without this amendment right now, are going to their parents. Whether it's believed or not from what I understand in Planned Parenthood, groups like that, they are given a balanced view. I don't think only one side is pushed.

And I'll let the people who are experts on that testify. But I think that girls are given the opportunity to see the different options. I don't think there's just a push to have abortions. I think they are told about the options of keeping the baby, and they're also told about and encouraged, as you heard from some of these doctors today, to tell the parents. So clearly there already is in the medical establishment a strong push for the girls to tell their parents, to push them along. And apparently, the numbers show that most of them already do.

So I guess it is this group that you're calling a small group -- and I'm not sure how small it really is, I don't think either of us know -- but the concern that I have is that group, the group who, for whatever reason, just don't want to tell mom and dad, and therefore, won't go for safe medical help, and then they get unsafe treatment. I'm afraid that they will be hurt, and I'm

afraid it may not be a very tiny group. It may be many more than we want to accept.

Again, many of these things already happened without such a law. It isn't like we're trying to say we don't want parents to know. In fact, all of us here would say we're in support of the idea of parents knowing. That's absolutely true. None of us up here don't want parents to know. We think that's the direction. We think that's the philosophy. I want to make that very clear. There's no attempt to do away with that. We want that. It's just a matter, perhaps, of the path. I'm just not sure that something like this will make that group of girls who won't go to mom and dad go to mom and dad. That's my concern.

MR. GENTILE: Well, I worry about them also. I think it's wonderful when these girls will go to their parents of their own accord. I think that shows a great deal of maturity. But it's the ones that won't, as you said, you worry about, that I worry about also. And the reason I think this will help them is the fact that children sometimes -- and I am a child, I will admit that -- we're naive. We don't know who our real friends are. We cannot decipher what the truth is. And some people would fight against that, and again, I would say that's arrogance to a certain degree. But it's true, we just don't know. We need the proper guidance. Certain people, again it depends on the circumstance, and I cannot make a general statement on this, but it's very possible that certain people will misguide them -- false friends, doctors who may be looking out for who knows whatever their own personal motives are -- and that's why I think it's very important that they do be encouraged to go to

the parents, because I think that no one will be as unbiased and as loving and as guiding as the parents would be.

ASSEMBLYWOMAN GREENSTEIN: I think you're also very articulate, and you're also welcomed to intern in my office. (laughter)

MR. GENTILE: Thank you very much.

ASSEMBLYMAN RUSSO: Thank you.

Okay. Joan McLaughlin, who's in favor. Joan, are you here? Susan Waldman is opposed. Susan, are you here? Okay. Gary Rowe, and if you're not here I apologize. It says he is at the Department of History, Dickinson Hall, Princeton University. That's R-O-W-E. If he's not here, he said-- Is he here? Okay. Then he's late for his new meeting in Princeton, but he's still opposed. I was trying to put that on the record for you, but anyway. Okay. We have three. We have Judge Haines.

And again, I would ask you, number one, submit your written testimony. If you have not, give it to us, we'll make the copies for you. Try to be brief, because-- Don't read the statements. And after 23 witnesses, it's difficult to be different, but try to add something different. If not, as far as the record goes, state your name, say that you're here and that you're opposed or whatever. Okay. How about Joan? Is Joan here? Joan, why don't you start?

J O A N M c L A U G H L I N: My name is Joan McLaughlin. I am a citizen and a resident of Moorestown, New Jersey, and I thank you for allowing me the opportunity to express my views concerning ACR-2. I will summarize my written statement, which you have.

I believe it is incumbent upon this New Jersey Legislature to act decisively to restore the proper balance of powers between the equal branches

of government. New Jersey's duly-elected lawmakers have the responsibility to enact measures to safeguard the right of parents to rear and counsel their children. The New Jersey Legislature had overwhelming public support for the parental notification law enacted. There was nothing unprecedented or unusual about New Jersey's law ensuring that common sense would be followed. What was extreme was the action of our Supreme Court in overturning the will of the electorate.

I ask the members of this Committee to hear the people and act on their behalf to protect children who cannot be expected to provide their own medical histories, as others have testified before me. I would like to add this one point, because I don't think it's been brought up before. Just last month, the New Jersey Senate Education Committee, without controversy, unanimously approved a bill to prevent school districts from surveying students on questions about sex or drug use without written permission from parents. If parental consent is considered appropriate before minors can answer questions on a survey form, merely notifying parents must surely be the minimum required for matters involving health and safety of their minor children. It is time for this legislative body to defend its legitimate authority by reining in the Supreme Court's abuse of power with a constitutional amendment.

Thank you.

ASSEMBLYMAN RUSSO: Thank you.

Questions? (no response)

Susan, you disagree with that, I bet.

S U S A N J. W A L D M A N: Yes.

ASSEMBLYMAN RUSSO: I thought you did.

MS. WALDMAN: Do I have to push something to make this go on? (referring to PA microphone)

ASSEMBLYMAN RUSSO: It says here, at the end, it says, let's see-- You don't want us to vote for it?

MS. WALDMAN: Right.

ASSEMBLYMAN RUSSO: Okay.

MS. WALDMAN: Okay. First, my name is Susan Waldman, W-A-L-D-M-A-N. I'm from Randolph Township in Morris County. Thank you for this opportunity to testify. I want to say that I am not in what has been referred to as the abortion industry. So, I think it's false to say that everyone that is against this is in the abortion industry. Now, I also wanted to make a point that's not in my written testimony about parental rights and in talking about how we have parental rights for a thousand years. One of the problems with parental rights is that parents used to send their little children out to work, and that's why we passed child labor laws. So parental rights aren't necessarily always correct. Now my testimony, which is brief.

On Monday, September 25, 2000, I attended a hearing of the Assembly Judiciary Committee, in Trenton, regarding an amendment to the State Constitution, ACR-2. This amendment is designed to override the State's Supreme Court's decision that New Jersey's Parental Notification for Abortion Act is unconstitutional. The legislators sponsoring this constitutional amendment admitted that this was their goal.

Not satisfied with endangering teenage girls who seek to have an abortion, this proposed constitutional amendment has the potential to

endanger all teens who may seek treatment for any number of health-related conditions, conditions which currently do not require parental notification.

I listened to medical professionals who treat adolescents and spoke about the danger that parental notification poses to public health when teens won't get the treatment they need, because the first thing they ask when they call is, "Do I have to tell my parents?" This is their main concern. Right now, the answer is no. If the answer were yes, it could mean that a sexually transmitted disease that could lead to sterility, or even death, would go untreated and could be passed on to others. Drug and alcohol counseling would be avoided for the same reason.

Constitutional scholars testify that this is bad legislation, especially because it takes away rights currently existing in our State Constitution. They lauded our State Constitution, as it now stands, as one of the best in the country. This proposed amendment was called a blunderbuss which would set a precedent against our tripartite form of government. They said it would trivialize our Constitution and would amend our State Bill of Rights.

The legislators who are sponsoring this amendment are so blinded by their antichoice position that they obviously do not care about the teenagers themselves or about the public health.

I actually heard Assemblyman John Rooney say that, "Before *Roe v. Wade*, there was no abortion." This sounds like deep denial to me. Dr. Rosenfeld of the American Academy of Pediatrics said that the Academy is against all parental notification legislation. These are the doctors who treat our young people and know the dangers of this type of legislation.

Parental notification is a feel-good concept. The public must keep in mind that you cannot legislate happy families. Despite the compelling testimony against this constitutional amendment, it was ultimately voted out of Committee and will now go before the Assembly. I only hope that the members of the Assembly remember that they pledged to uphold the Constitution, not destroy it.

Thank you very much for letting me testify.

ASSEMBLYMAN RUSSO: Thank you.

GARY ROWE, ESQ.: Thank you.

My name is Gary Rowe, R-O-W-E. I feel a little bit like Bill Murray in the movie *Groundhog Day*, seeing you all again, but I enjoyed the movie, so I hope you enjoy the repeat.

I am one of those people who is a constitutional historian, though lacking the blessing of the Speaker. I do devote my life to studying the Constitution. And what I'm interested in today is not parental notification, per se. What I'm concerned about, rather, is the integrity of New Jersey's Constitution and its Bill of Rights.

My chief example, exhibit, witness, whatever you want to call it, is James Madison, who confronted a proposal in 1787 and 1788 that bears a striking resemblance to the one we're considering with this issue. That was whether a constitution should be revised whenever it was thought that one branch of government had misconstrued it.

Now, at first blush, as the Speaker suggested today in a similar argument, it was said that since all power stems from the people, why not have

the people directly reconsider constitutional questions that are not decided to the liking of the other two branches of government.

But Madison had a response to this. He was a shrewd student of political psychology, and he found this populist reasoning specious, as well as simplistic. He believed that it misapprehended the vital role that constitutions and bills of rights ought to play in our society. He wrote, "Frequent appeals to the people would, in great measure, deprive the government of that veneration, which time bestows on everything, and without which, perhaps, the wisest and freest governments would not possess the requisite stability."

To put the constitution's core provisions up for grabs periodically, Madison thought, would be disruptive and unsettling and would undermine the staying power that a constitution has and the respect it has earned in a society. It was consequently much better, in Madison's view, to save the amendment process for, and I'm quoting again -- it's what we historians do -- "Great and extraordinary occasions."

Now, Madison was one very smart guy. He was not your ordinary thinker. And his reasoning, which he elaborated in *The Federalist Papers* and throughout his life, suggests that we should be especially weary of constitutional amendments when we wish to correct what we believe to be a single erroneous interpretation of the constitution.

In our system of government, constitutional amendments, particularly of a provision of the Bill of Rights, should be reserved for matters of fundamental importance and broad applicability, such as who constitutes a part of the political community or what rights grandly conceived citizens possess.

Amending constitutions to correct particular court decisions threatens, I think, to trivialize the constitutional enterprise, rendering government institutions, as well as our rights, “mutable and novel,” to use Madison’s phrase, while at the same time lightening the constitution’s weightiness in public opinion.

When it is subject to endless revision, a constitution, I think, begins to acquire a patchwork quality, becoming all too easily a collection of specifics, rather than a framework for guiding political deliberation.

What is at stake here, then, is not the validity of a particular court decision. There is much more involved. It is, rather, the way we wish to treat the New Jersey Constitution. Do we wish it to be a collection of fundamental principles that have cleanly structured government and outlined the rights we possess, or do we want it to be a catalog of particular issues that have excited people from time to time? Do we want to set in motion the process of turning the Constitution into a string of ever-changing superstatutes in which the rights we possess are constantly up for grabs, and more frighteningly, I think, in which political battles are fought at the constitutional level, as opposed to at the level of ordinary politics?

The later course, I think, imperils the distinction between ordinary and fundamental law, which was a key achievement of the revolutionary generation. And these concerns have a special salience, as I’ve suggested, because we’re dealing with a provision of the State Bill of Rights.

I have several other concerns that I will not raise that are in my written testimony, but let me add that while it is tempting to view this issue as a narrow one, a discrete, particular issue, I think there’s something larger at

stake. It's as much about our commitment to the integrity of bills of rights and to a meaningful State constitution as anything else.

Madison himself recognized that bills of rights were nothing. They were just parchment barriers incapable of protecting rights against a majority determined to impinge upon them. The long-term security of bills of rights, he suggested, depended upon the reverence they were given, as well as the willingness of majorities to forebear for the good of the whole enterprise, even, and indeed, especially when they feel particularly passionate about an issue.

Now, I know the symbolic force of the Bill of Rights might not appear, at first blush, to be a very weighty consideration against this amendment, given how strongly some of you will disagree with this particular Court decision.

But remember that, in the long run, people will disagree, and people will be unhappy with court decisions. Today, parental notification, tomorrow, property rights? Who knows? Think hard before you forego the tradition of self-restraint and open the door to constitutional maneuvering in every such circumstance. To raise the stakes here on this issue might, just might, have the effect of changing, subtly but distinctly, the character of the constitutional system.

It is clear that you have the raw power to pass this amendment. There is no dispute about that. You can put the Constitution in flux anytime you like. What I'm telling you is, it's a power you should use only with the greatest trepidation and with the greatest deliberation. This is not your ordinary bond issue.

Thank you. I'd be happy to answer any questions.

ASSEMBLYMAN RUSSO: Thank you.

Any questions?

Michael.

ASSEMBLYMAN CARROLL: If I may, Mr. Chairman.

I can't help but notice the button on the woman that sits to your left there. And I can't help but think that maybe the last word on that is misplaced.

What concerns me greatly is what happens if it's a court that's putting the Constitution in flux? What happens if it's the court that's ignoring the text and the history of the document itself?

I happen to have in my hands the copy of the New Jersey Constitution. And I must confess, I find nothing in our Bill of Rights -- I think it's 23 provisions -- that even closely speaks to this issue -- that suggests that this body is somehow deprived of the authority to reinforce parental rights.

Perhaps you could cure my ignorance on that subject and point out to me where it is.

MR. ROWE: Of course I can try to do that, Assemblyman.

First of all, I'm not-- I want to be very clear. I'm not denying that you have the power to pass this amendment. What I'm talking about is the wisdom and the possible unintended consequences of doing so. If you choose to do so, you're opening up the Constitution, you're opening up a provision of the Bill of Rights, which is your prerogative, but to do so might lessen the veneration, the sense of rights which people feel. I'm talking about--

ASSEMBLYMAN CARROLL: Let's stop right there.

MR. ROWE: Okay.

ASSEMBLYMAN CARROLL: If it's the court that's opening up the Constitution to that lack of veneration by its arrogant misconstruction of same, then what do we do about that as a body when recognizing, as the Speaker said, recognizing, as our Constitution says, and recognizing, as I assume you will agree, that all rights flow from the people and not from the Court.

MR. ROWE: Of course.

ASSEMBLYMAN CARROLL: Then if the people adopt the Constitution, limiting what they're capable of doing -- I mean, given that self-government, of course, is one of our most important rights -- what happens when a court ignores that?

MR. ROWE: Right.

Assemblyman, let me-- The short answer to your question, I think, requires me to quote a distinguished scholar who once said, "You can't always get what you want." (laughter) What I mean by that is, you're not going to be -- he was before my time, but I heard it a-- You're not always going to get the kinds of court decisions you want. And to some extent, you just have to live with that, because--

ASSEMBLYMAN CARROLL: Oh, yeah?

MR. ROWE: --because-- You should want to live with that, because-- In this case, it's an issue you disagree with. In the next case, people over there might disagree with it. And you're--

ASSEMBLYMAN CARROLL: You'll get to it.

MR. ROWE: --creating a flux that--

ASSEMBLYMAN CARROLL: Let's stop right there. Who created this flux? The fact of the matter is that, at the end of the day, if you're a court and you've been endowed by the Governor and the Senate with a black robe, you have the right to pass upon a constitutional provision. But isn't it incumbent upon you to ground that decision in the text and the history of the document itself rather than pluck it out of the air and say, "Well, this is the policy that I think I like today?"

We have a court that, over the course of the last 20 or 30 years, has asserted the right to tax, asserted the right to zone, and now asserted the right to govern parental relationships.

Now, last I looked, the people entrusted their elective representatives with the right to make policy, not courts. And again, I would like to come back again. As I recollect--

As I said, there are 23 specific provisions to the New Jersey Bill of Rights, and by the way, we've amended the Constitution, I think, 57 times -- or 53 times in the last 50 years.

MR. ROWE: But the Bill of Rights only once.

ASSEMBLYMAN CARROLL: But I'm looking here. It says, 22 times-- We have 22 provisions to the Bill of Rights: That's Article 1, Sections 1-22. Would you please cite me any one of those paragraphs which even remotely suggests that this body is somehow deprived of the right to make policy on the subject of parental rights?

MR. ROWE: I understand your challenge.

ASSEMBLYMAN CARROLL: Well, it's an easy answer, isn't it? I mean, there's got to be one thing in there that says that.

MR. ROWE: Two points.

First of all, the question is -- the overall question is, what kind of constitution do you want, a New Jersey Constitution which has been amended, I think, 70-something times since 1948 and only once in the area of the Bill of Rights, or the California Constitution, which is amended, I don't know, 12 times every November? It's a question as to what kind of constitution you want.

Second, as to the constitutional interpretation issue that you raised, the provision section-- Article 1, Section 1 of the Constitution, the free and independent clause, does not particularly mention parental notification or not allowing parental notification. But constitutions are written in grand generalities. The people are saying--

ASSEMBLYMAN CARROLL: Why?

MR. ROWE: Why, because it's not a municipal code.

ASSEMBLYMAN CARROLL: True, but is that a broad-based warrant to a person who, again, happens to have been endowed with a black robe -- to impose his or her views upon an unwilling populous, because the language was written broadly?

MR. ROWE: I have a short answer and a long answer to that.

I think the short answer is, you have the wrong constitutional amendment, if that's what you believe. The correct-- The way to go about it would be to repeal the Bill of Rights and put in a provision saying that this is a majoritarian government. What the Legislature says, goes.

ASSEMBLYMAN CARROLL: Well, isn't that the default? I mean, the fact of the matter is-- The default is that majorities win in democracies, right?

MR. ROWE: No, sir. This is-- In a direct democracy, yes. But our constitutional government is not a direct democracy. It's designed to filter and collect the will of the people, but not to allow it to create policy directly on a one-to-one basis.

ASSEMBLYMAN CARROLL: My point is that the Constitution forbids this body from acting in certain areas, correct?

MR. ROWE: Sure.

ASSEMBLYMAN CARROLL: The point of the Bill of Rights is to say there are certain places where majorities may not go, correct?

MR. ROWE: Yes.

ASSEMBLYMAN CARROLL: In the absence of a section of the Bill of Rights which says a majority may not go to a particular destination, the majority is entitled to go there. Is that correct?

MR. ROWE: Not entirely, because the Bill of Rights--

ASSEMBLYMAN CARROLL: So there's a limit on self-government that does not appear on the face of this Constitution?

MR. ROWE: No, sir. What I mean is, the Bill of Rights is written in generalities, such that it's as if the people are saying, in advance, before they know what particular pieces of legislation are going to be proposed, "We want these restraints on what future majorities might do, because we don't know who's ox is going to be gored. It could be mine today, it could be yours

tomorrow. Therefore, we're going to impose these restraints, in glittering generalities ex ante, so that there are limits on majority government"--

ASSEMBLYMAN CARROLL: All right, well let's--

MR. ROWE: --and that's what constitutionalism is about.

ASSEMBLYMAN CARROLL: Let's look at those generalities. Section B of Paragraph 2 talks about the power of recall. That's pretty specific. Section 3 talks about the inestimable privilege of worshiping almighty God. That's pretty specific. Section 4 says, no permission to establish one religious sect over any others, very specific. At the end of the day, it seems that our framers--

And in 1947, when you recollect-- I think Judge Haines may have actually been alive at that point. (laughter) It was before my time. But as I recollect, the leading lights of the New Jersey Bar met down there. I think Vanderbilt was the Chair. I think Nathan Jacobs was down there. And they were very specific about certain -- the rights they wanted to deprive majority government of dealing with. Somehow, this managed to slip through the cracks.

And I want to know, by what right does a court tell this body that it may not reach this question? And if you can't answer that question by reference to a specific constitutional amendment, with a history and a text that tends to support your view, then all we've got is a court telling us it disagrees with our action, and it does not have that right. (applause)

MR. ROWE: Do you want an answer to that, or--

ASSEMBLYMAN CARROLL: Yes.

MR. ROWE: --was that rhetorical?

Okay. Two answers, I think. The first one is, be that as it may, this is still a single Court decision. And we should be careful about amending the Constitution when we're dealing with a single Court decision.

Consider the case of Dred Scott. That was, of course, overturned. It was wrong. It was overturned by the 13th, 14th, and 15th amendments. But they did more than just create a superstatute repealing an old decision. They totally restructured the nature of citizen relations in the republic.

ASSEMBLYMAN CARROLL: There was a minor intervening event.

MR. ROWE: There was a serious intervening event. And the 13th, 14th, and 15th amendments were serious, serious revisions of the original understanding of the Constitution. This is something much smaller. This is overturning a particular Court decision. And what I'm suggesting is, it may not be worth the constitutional turmoil that you will inevitably create.

ASSEMBLYMAN CARROLL: So my last--

MR. ROWE: Second, to answer your question--

ASSEMBLYMAN CARROLL: I thought we got to the answer. Good.

MR. ROWE: No, I'm going to answer that.

Article 1, Section 1, talks about people being free and independent. It's written, enjoying life, liberty, and property. It's written in very large phrases, which suggests that the framers of this Constitution had particular -- had broad ends in mind that are not reducible to a bill of specifics of the kind that you're looking for. Had they wanted specifics, they would have said no auto shall be towed for parking on the wrong side of the street or

something like that, but they didn't. They passed-- They enacted a very general clause.

I'm not here to defend the Supreme Court. I'm here to talk, rather, about the -- why I think it's inadvisable to amend the Constitution, because you don't like what they did today.

ASSEMBLYMAN CARROLL: In this way.

So, in other words, you would be in favor of a broader-based decision that said, for example, the Supreme Court shall always interpret the Constitution in light of the intention of the people who wrote it?

MR. ROWE: There's a difference, I think, between interpreting a constitution, which is a judicial function, and determining what provisions shall be in a constitution, which is a legislative function.

ASSEMBLYMAN RUSSO: You realize-- We're going to end this. You realize they threw one out here, don't you?

MR. ROWE: They threw--

ASSEMBLYMAN RUSSO: I mean, this is not the first Constitution, you know. I mean, forget about amending it. They threw one out. I mean, I listened to this--

MR. ROWE: They threw two out.

ASSEMBLYMAN RUSSO: Yeah, I mean--

ASSEMBLYMAN CARROLL: Well, yeah, 18--

ASSEMBLYMAN RUSSO: I mean, they've had conventions and thrown the entire-- And they thought the first Constitution was a good idea. Believe me, they wouldn't have done it.

Then they threw it out. They did another one. They threw the whole Constitution out. You can certainly amend things. I mean, that was--

MR. ROWE: Of course you can.

ASSEMBLYMAN RUSSO: That was the idea when they did this. In 1947, the idea, when they did this, was to make the Governor very strong, as opposed to very weak; make the judiciary very strong, as opposed to very weak; and have the right to have constitutional amendments.

You can argue all the time that anytime anybody, whether liberal, conservative, wants to amend anything, it's wrong, but that wasn't the purpose of what this was. I mean, that's why they threw the whole Constitution out and did this. It's been 50-something years, and they haven't had a constitutional convention.

I've chaired other committees, and believe me, we had that come before me, too, where they wanted to have a whole constitutional convention.

ASSEMBLYMAN CARROLL: They did. They had one in 1966.

ASSEMBLYMAN RUSSO: Did they? That's right.

ASSEMBLYMAN CARROLL: It's '76, wasn't it?

ASSEMBLYMAN RUSSO: No, '66.

ASSEMBLYMAN CARROLL: It was on the income tax -- on the one man, one vote, as I believe.

ASSEMBLYMAN RUSSO: Okay, but I mean--

ASSEMBLYMAN CARROLL: We'll continue this later, Professor, I enjoy it.

ASSEMBLYMAN RUSSO: I'm just saying, when you say it's going to be turmoil-- I mean, we've had, even in this decade, one or two, and

the people could vote on it. Is that turmoil? There haven't even been close votes.

MR. ROWE: Okay, let's do two things.

Let's distinguish between a state constitution, which is much more specific than the Federal Constitution, necessarily.

ASSEMBLYMAN RUSSO: Which is what this is. Yeah.

MR. ROWE: Yes, I know.

And between the technical provisions of the State Constitution and of the State's Bill of Rights, that's what I'm concerned about here. If you wanted to amend a mechanical provision of the Constitution, I wouldn't be here. I'd be at my meeting in Princeton. But you want to--

The concern is with the Bill of Rights. I'm concerned with rights being stable, constantly.

ASSEMBLYMAN RUSSO: How about the death penalty? Don't you think-- I mean, I would think that's a very serious issue.

MR. ROWE: It is.

ASSEMBLYMAN RUSSO: I mean, if that's not life and death, I don't know what is. And they've dealt with that in the last 10 years.

MR. ROWE: That is the one example of what has been done to the Bill of Rights since 1947. That's the first opening in the door. This would be the second opening in the door.

I'm afraid that if you do this again with this amendment, then-- I don't like the Supreme Court's decision, or someone on this side doesn't like the Supreme Court's decision in a property rights case -- a takings case. They're going to propose an amendment saying the courts shall not do this.

If someone doesn't like it in another case, everything will be thrown to the people.

ASSEMBLYMAN RUSSO: And if it ended up back in the ballot-- I mean, you may have a philosophical problem with that, but I don't. Even if you do it-- If it's such a bad idea, the public will vote it down, and if they don't, they don't. It's their Constitution. It's our Constitution. It's not the Legislature's, it's not the Governor's, and it's not the Court's. It's the people's. And if they think it's a lousy idea, they'll vote it down, and they have sometimes. But the process is so difficult, you generally don't get really crazy ideas going on the ballot, which is why when you see, usually, the issues that go on, you generally see huge votes in favor. But that doesn't mean it couldn't be voted down.

MR. ROWE: Of course, it can be voted down, and of course, it is ultimately put to a referendum of the people. But what I want to emphasize is that your vote in the Legislature is just as important and just as essential to any amendment being ratified as the people's ratification. You're not a giant buck-passing machine. It's your obligation to consider it as seriously as the people do.

My concern is that, with the Bill of Rights, I don't think direct democracy is the appropriate way to go. I think Madison's advice cautions against it because of the sense of veneration for a bill of rights that the people, the government, whatever you want to call it, should seek to endow -- should seek to create.

ASSEMBLYMAN RUSSO: And on the other hand, they didn't let anybody vote except people who were men who owned land.

Now, under your theory--

MR. ROWE: I'm not--

ASSEMBLYMAN RUSSO: --that's so venerated that they were so smart that they knew what they were doing. You'd have nobody voting.

MR. ROWE: The founders--

ASSEMBLYMAN RUSSO: They didn't let women vote in this country until 70 years ago. You didn't elect U.S. Senators in this country until 80-- The legislature elected U.S. Senators. Now, I guess, that was a horrible idea for 180 years, and then it became a great idea. I don't know. But I'm just saying, times change, the public has a right to vote.

You may not agree. You may say there's turmoil. I don't agree with you. I've lived through a lot more turmoil than this, I'll tell you. But you're entitled to your-- I only butted in because this is not exactly on the point. I mean, I may agree with you or not agree with you on the particular issue, but you're talking constitutionally. I just don't agree with everything you're saying.

MR. ROWE: With all respect, Mr. Chairman, I understand that you don't agree, and that's fine. But I do think it not only is not not on the point, but it is the point, whether we want to amend constitutions and bills of rights frequently or not frequently. That's the issue. And if you--

ASSEMBLYMAN RUSSO: Well, what do you consider frequently, five times in 50 years?

MR. ROWE: I consider--

ASSEMBLYMAN RUSSO: I don't know what you consider -- but I don't, you may.

MR. ROWE: Just to answer your earlier point--

ASSEMBLYMAN RUSSO: Well, that's the answer.

MR. ROWE: Madison was-- The founders were slaveholders. They had a very narrow franchise. They did a lot of things that we should not -- obviously, clearly should not follow. But occasionally they had a little bit of wisdom. And that's all I'm suggesting that you take to heart in considering this amendment.

I'm not saying you have to do it because they were the founders, I'm simply saying that they were smart people, and they had some good ideas. And this was one of them.

That's all.

ASSEMBLYMAN RUSSO: They certainly had some good ideas, but not every one of them.

ASSEMBLYMAN TALARICO: Mr. Chairman.

It's difficult to try to come up with rational statements, because this is such an emotional issue.

MR. ROWE: Precisely.

ASSEMBLYMAN TALARICO: But I don't think there is any issue that is more important and more fundamental than a parent's right to the care, custody of their children. And the Supreme Court has infringed upon that, forcing us into the position that we're now in.

So, when you're talking about let's not trivialize this, let's not respond, because it could be any issue -- you got a parking ticket-- This is a core fundamental right that has to go through this process in order to reassert it, because the Supreme Court has interfered with it.

So I agree with you. It shouldn't be a trivial matter, but this is not a trivial matter. And the Supreme Court has forced it by taking it away from parents. And I mean, this whole thing is incredible to me. This whole debate is incredible, because it boils down to, does a parent have that right or not. And I absolutely believe, and passionately believe, that they do.

And it's not a municipal matter. It is a serious, fundamental issue, and--

MR. ROWE: Do you want a response, or do you want to let that--

ASSEMBLYMAN TALARICO: No, I think that it was just a statement.

MR. ROWE: Okay.

ASSEMBLYMAN TALARICO: Thank you.

ASSEMBLYWOMAN GREENSTEIN: Mr. Chairman.

ASSEMBLYMAN RUSSO: Linda.

ASSEMBLYWOMAN GREENSTEIN: I'd like to ask Mr. Rowe this. I asked it last time. It was another one that I didn't really get an answer on. I asked it to other people.

It seems to me that you always want to do the least obtrusive thing, if you can. I mean, if you can accomplish something, and you don't have to amend the Constitution, that might be the way to go. Well, as I read the Court's decision on this, it seemed so simple I couldn't believe it. And that's why I've been looking for someone else who's read it.

Have you, recently?

MR. ROWE: I've read it, yes.

ASSEMBLYWOMAN GREENSTEIN: It seems to me all the court was saying is that there was an equal protection problem. That was the constitutional issue. And they were saying because of this statute, 9:17A-1, which says, the consent of the parents of an unmarried, pregnant minor shall not be necessary in order to authorize hospital, medical, and surgical care related to the pregnancy or child, because that's on the books -- that the parental notification statute where if a child did not want to keep the baby, that the parent had to be informed -- that those two were in conflict.

So, it would seem to me that if you were to change this first law that I read, then you might not have a conflict. It seems to me the Legislature might then be able to pass a parental notification law and wouldn't have an equal protection problem. But yet, I don't feel like anybody's suggesting that. We're immediately jumping to alter the Constitution, which I consider to be a major step, especially the Bill of Rights. This might be another way to solve it.

Why are people not-- I mean, I know it's not a guaranteed way to do it, but there are no guarantees.

MR. ROWE: Let me see if I can answer this.

I'm always a little bit leery of going beyond my constitutional history box, but with that in mind I would say first, if you can fix the problem without amending the Constitution, I think that would be a better, safer thing to do. It wouldn't violate some of the reasons that I offered against amending a constitution earlier.

I wouldn't want to tell the Assembly what kinds of hearings to hold, but maybe it would want to have hearings as to -- with constitutional

scholars as to what kinds of statutory fixes would work and what kinds wouldn't and try to draft a precise one that would do the job.

As I read the opinion, there were two different rationales. One involved the equal protection -- both involving equal protection, one touching on the issue you mentioned. And it's conceivable, though not guaranteed, that such a fix would work by getting rid of the disparate treatment between the two classes that were identified.

There was also some fundamental rights language that might not work. I mean, the fundamental rights language suggests that such an equal protection fix wouldn't work, which, holding the Court adhere to most seriously, is a good question. I think it's one that should be asked. I don't think there can be a concrete answer to your question, but I would say you certainly should try -- you should try to pursue that avenue before you go into the business of amending the Constitution and the Bill of Rights.

ASSEMBLYWOMAN GREENSTEIN: I just wanted to say that I thought that that fundamental rights argument in there seemed to be superseded by the equal rights argument. They did mention it, but then it didn't seem to be the basis on which the case was decided. And they also said, at the end, we're not going into any kind of due process argument, either.

MR. ROWE: Right.

ASSEMBLYWOMAN GREENSTEIN: So it seemed to me to be an unusually simple decision, and maybe one that we could remedy if we wanted to without going into a constitutional amendment.

Thank you.

ASSEMBLYMAN ZISA: I just want to, first of all, thank Mr. Rowe for missing his meeting.

If you could just wait one second.

MR. ROWE: Oh, I'm sorry, Assemblyman.

ASSEMBLYMAN ZISA: I think your testimony today was very important. And I know that speakers on both sides of the issue make very persuasive arguments concerning parental notification, but really, we're talking about amending the Constitution. And you, as a constitutional expert, have spent all of your time on that. And I appreciate that very much, because that is really the heart of the matter for this hearing.

When we had voted for the parental notification law, obviously, the other arguments, I felt, were more pertinent, but your's is very important. I do want to address some of the things that were said while you were speaking -- either to you or asked of you.

I hear over and over from my colleagues on the Committee that the Supreme Court has put us in this position. And they've done that in some words, either by plucking a decision out of the air or by overturning parents' rights. And I want to remind everybody that what any judge does is interpret the law and interpret the Constitution. And that's what those judges did.

Now, coming from a background of criminal justice, I can tell you that, over the years as a police officer, I haven't been particularly thrilled with many of the decisions that have come out in that area. But never once have I introduced legislation on any particular decision to try to overturn that decision by amending the Constitution, because the Constitution, and I certainly can't say it as well as Mr. Rowe -- but the Constitution is there to

afford a level of rights to everyone, no matter how the majority feels about any one issue.

Now, if we were to try to pass a constitutional amendment to say that right-handed people have more rights than left-handed people, we might be able to do that, because there are more right-handed people. And if we're going to reduce every issue to majority rule in this country, then we're going to live in a different country than the one I enjoy, which is the freest and greatest nation in the history of the world.

VOICES FROM AUDIENCE: Here, here.

ASSEMBLYMAN ZISA: So I don't believe that because we disagree with one single decision that a court makes, no matter how strongly we feel about it, that that gives us the right at any time to try to push through a constitutional amendment to reverse that decision.

And I think that, in arguing this particular issue today, we need to respect the Constitution. And I personally took exception to the way it was presented to Mr. Rowe, who is doing nothing more than giving us an expert opinion on what it all means to us. And I appreciate that very, very much. And I do want to at least remind everybody that that equal protection principle that we find in our Constitution is something more than a loophole, as has also been described by other Assembly people who have testified here. It's something very important that we should think about that affects much more than a single parental notification law. It affects the very being of us as a society and our freedoms here in New Jersey. And we need to move very carefully and deliberately when we decide that we're going to tinker with our Constitution because of one decision.

Thank you, Mr. Chairman. (applause)

ASSEMBLYMAN RUSSO: Judge Haines.

M A R T I N L. H A I N E S: I'm Martin Haines. I'm a retired Assignment Judge from Burlington County. And I appear in opposition to this proposal.

My opposition is based on two approaches. One is constitutional; one is pragmatic.

As to the Constitution, it ought to be recognized that the Supreme Court, and the decision that has propelled this decision, advanced a very significant role of the Constitution. That is to say it protected a minority from the tyranny of the majority. The minority, in this case, at least in terms of power, being children, the majority being the parents. If this amendment is passed, that proposition will be reversed.

Second, I'm concerned about precedent. And I suppose this echoes what Mr. Rowe had to say more eloquently than I'm about to say it. If whenever a sensitive issue arises, that has come to the attention of our Supreme Court, which renders a decision which the Legislature or some legislators do not like, there is then to be the introduction of an amendment to reverse the Court. We have then turned our legal system around considerably, because it will be the Legislature that is the interpreter of the Constitution as a matter of law instead of the Court, which has been, for a very long time, the interpreter.

I would point out that under the 1776 Constitution that we had, the governor and legislative counsel had that rule. The judiciary was a very minor facet of that first Constitution.

Come 1844, when the new Constitution-- The arrangement that gave power to the governor and the Legislature was rejected. And that rejection was, in effect, repeated in our 1947 Constitution.

I think it is not merely idle speculation to suggest that this amendment, if adopted, sets a precedent. We should bear in mind that this is the third occasion on which the Legislature has responded to a Supreme Court decision that it didn't like by introducing an amendment to the Constitution. The first one involved capital punishment; the second, which is on its way, involves Megan's Law; and the third one is the one before us today. So I think this problem of interpretation is very much with us, that is the power to interpret.

And finally, my objection is pragmatic. I think the amendment is counterproductive. In the first place, as has been recognized here today, and is also noted in the Supreme Court's opinion, most parents do receive notice, so that the amendment is quite unnecessary, with respect to those parents.

As to the other parents who have not been able to establish a trusting and supportive relationship with their children, one that produces the confidences that we're talking about today-- As to those parents, there ought to be a lot of encouragement for them to establish that relationship. This amendment not only will make that encouragement unattractive, let's say -- it certainly won't happen, and it won't happen because it's unnecessary -- so that the amendment confers a right -- the right of parental notice to the least undeserving group involved.

It does not give the children a right. And as you have heard from many witnesses today, it causes many problems for children. It does interfere, in the case of doctors, with their medical discretion.

And finally, to repeat, it concerns not only the interests of the undeserved--

So, for all of these reasons, I feel the amendment is unfortunate, and I oppose it.

ASSEMBLYMAN RUSSO: Thank you.

JUDGE HAINES: And I did file a statement with you, of course.

ASSEMBLYMAN RUSSO: Michael.

ASSEMBLYMAN CARROLL: The Constitution, as I understand it, that we live under, was adopted in 1947. And in that time, the Supreme Court has handed down probably 20,000 opinions.

JUDGE HAINES: It's a little high.

ASSEMBLYMAN CARROLL: Well, you know, you figure 100, 150, 200 a year. There's a lot of opinions that have been handed down over the course of that period of time. And this body has apparently seen fit, on only three occasions, to recommend to the people that the Constitution be changed, because we believe that the Court got it wrong.

That, you believe, is an unreasonable record?

JUDGE HAINES: My problem is that I see an acceleration of this process. We now have, confronting the people, or almost confronting them, two such amendments. That makes three all together since 1947.

ASSEMBLYMAN CARROLL: Actually, three since 1992, I believe, is the last time we did -- 40 years without one.

There's two possibilities, Judge, and you correct me if you think I'm wrong, and I'm sure you will. One possibility is that this body is incorrect, that the Constitution should remain the way the court said it should exist, and that the people were incorrect in acceding to the constitutional interpretation that this body suggested, or, in the alternative, that the Court got it wrong in the first place and that the people are only reclaiming what is rightfully theirs.

JUDGE HAINES: Well, first of all, you have absolutely the right to do what you're doing. I don't quarrel with that. I only suggest strongly that when you exercise your right to amend the Constitution or at least to start the process, that you must exercise a considerable amount of sensitivity and discretion so that we get down to two things, I think.

One, whether you really believe that the Supreme Court, in making this decision, did so as sort of a knee-jerk reaction or without good reason or what have you -- because I believe that the Court reasoned very carefully and had considerable substance behind its conclusion.

Second, I think whether you exercise your discretion depends on the issue. And I do not think this issue, particularly because of my views about its counterproductive aspects, is sufficiently significant to warrant the amendment.

ASSEMBLYMAN CARROLL: Let me ask two last questions.

First of all, just assuming for the moment that the people we represent disagree with you, that on the whole-- I mean, if you look at polls to the extent -- if you trust them, we routinely had 70 or 80 percent of the population -- supports the view that there should be some parental notification laws. What is the population to do in the absence of I and R, or something

along those lines, in the face of a court decision which they believe to be fundamentally incorrect?

JUDGE HAINES: Well, you sit in a position that is, as it were, insulation between people and the courts. And I think the people expect you, as their representative, to do not merely what happens to be support for a passionate view of the day, but rather, to consider all of the sort of things that you're hearing here today, whether or not you believe that you're representing the majority of people -- and to decide whether, in fact, this issue is so serious that it requires your intervention.

ASSEMBLYMAN CARROLL: Let me ask you one last question on the merits, because I don't think I got a clear answer on the previous question.

You said that-- You've read Farmer.

JUDGE HAINES: Oh, sure.

ASSEMBLYMAN CARROLL: Upon what grounds do you believe the Court got it right? What history or text in the Constitution do you cite to that suggests that the people who wrote the Constitution in 1947 intended to proscribe legislative action in this area?

JUDGE HAINES: Well, of course, no one-- Let's say no layperson reading our Constitution would find many of the provisions in the Bill of Rights in it in precise language. Quite the contrary. It's pretty hard to pull some of the rights out of the language. It has not only been developed legally over the years so that we do have the Bill of Rights-- And I do not suggest to you for a moment that there's anything in the Constitution that says

precisely that the Court may do what it did, nor anything in the Constitution, certainly, that says you may not do what you're doing. I agree with all that.

ASSEMBLYMAN CARROLL: Well, at the end of the day then, don't you end up in a situation where the only check upon the unbridled discretion of a court to do what it feels like doing is precisely this sort of action?

JUDGE HAINES: I still rely upon my suggestion of discretion -- that you are checked, if you want to put it that way -- put a check that should operate only with the greatest discretion, particularly when it comes to the Bill of Rights.

ASSEMBLYMAN CARROLL: Thank you, Judge. I appreciate your time.

ASSEMBLYMAN RUSSO: Ken.

ASSEMBLYMAN ZISA: I think it's interesting how things can be described, depending on which side of the fence you're on at any particular point in time.

My colleague pointed out that, since 1947, there were thousands and thousands of court cases, and the Legislature has only had to take this type of action three times. From my side of it, I look at it as in the first 45 years, this Legislature decided that there were no court decisions that they disliked so intensely that they were willing to amend the Constitution to address them.

ASSEMBLYMAN CARROLL: On Bill of Rights grounds.

ASSEMBLYMAN ZISA: On those, yes. On those. Thank you.

In the last eight years, all of a sudden, three times -- two of which, now, are recent, we've decided that we could do that. That also, I can't help

but notice, coincides with a change in control of the Legislature in January of 1992. So perhaps it's not so much that these unbridled, uncontrolled justices are acting so irresponsibly, as it is that, perhaps, political parties have a difference of opinion in relation to safeguarding what we believe to be certain established principles in our State Constitution. That may be the difference that we're seeing in the last few years.

And I for one will again say that before we act individually on a Supreme Court decision, and before we view them as people who are out of control, because they are not elected like we are, that we should move very carefully and very cautiously, and perhaps more deliberatively than we're doing up until this point.

Thank you.

JUDGE HAINES: Thank you.

ASSEMBLYMAN CARROLL: Don't look at me; I'm not the Chair.

JUDGE HAINES: Anything further?

MS. NAGLE: He gave me the next three names to call.

Would Patricia--

ASSEMBLYMAN TALARICO: Thank you, Judge.

MS. NAGLE: Thank you, Judge.

ASSEMBLYMAN CARROLL: Thank you, your honor.

JUDGE HAINES: Thank you.

MS. NAGLE: Patricia Staley, Fay Sortore, please pardon my pronunciation, and Audrey Van Der Horn. And then he has next Janine Pettit and Jacqueline McKeon, if you want to be ready.

ASSEMBLYMAN ZISA: Thank you, chairlady.

MS. NAGLE: Yeah, no problem.

He has written testimony from Patricia Staley and Janine Pettit.

AUDREY M. VAN DER HORN: My name is Audrey Van Der Horn. For the spelling, V-A-N D-E-R H-O-R-N.

VOICES FROM AUDIENCE: Louder.

MS. VAN DER HORN: Hello, is that better?

Yes, my name is Audrey Van Der Horn. I'm from Ewing, New Jersey. My last name is spelled V-A-N D-E-R H-O-R-N. I'm a concerned parent here in the State of New Jersey. I'm a mother of four children.

When my oldest daughter was playing sports in school and was hurt, the school could do nothing for her other than tend to her immediate care and maybe give her some ice. We had to go to the school to take care of her and make those decisions.

When my youngest son, who is 17-years-old and multiply handicapped, last year in public school had his eyes burned from chlorine, the school nurse couldn't administer anything for him. They gave us a quick call and said, "Please come with eyedrops. We can't even do that for him." We had to go to him at school and put in the eyedrops, because the nurse was not allowed to do that.

It's at the height of ridiculousness that parents are being forced to give up their rights as parents. When God gave us life, he placed us in families. And at the appropriate time, we go out on our own.

I have a friend who, in the early '70s, found herself as an unwed mom. Instead of going off and running away or having an abortion, she went

to her parents, and they supported her. She was given good medical care, and as a family, they decided that that child -- that little girl would go into an adoptive situation. And the good thing about that today-- Yes, my friend misses that child, who's probably in her 30s now -- early 30s, but she was preserved -- her health was preserved, because she had a difficult pregnancy and needed cesarean section. She was able to go on from that situation to marry and have two perfectly wonderful children. And another little girl, who is in her 30s, is still alive today, because that child was free to go to her parents, and they supported her.

So please do what you can to help us support our children here in New Jersey. (applause)

FAY S. SORTORE: My name is Fay Sortore, S-O-R-T-O-R-E. I'm from Allentown, New Jersey. That's a mailing address. And I'm a Hamilton Township resident. And I'm a mother of four and in favor of a constitutional amendment providing parental notification for medical or surgical procedures, such as an abortion.

I've been here before, and I'll say once again, I'd be a fool to believe that our daughter would never find herself in this situation as a pregnant teenager. And all the time and effort and love and all nurturing my husband and I've given can be overridden by an impetuous act. I know she might feel as if she let us down and even turn to someone else for help as she struggles with this shame.

And it enrages me to think that in her moment of loneliness and vulnerability that someone could perform a surgical procedure such as abortion

on her body without my knowledge. How dare the Court try to drive a wedge between my daughter and myself.

In the case of a pregnant teen, the responsibility they have exhibited in putting themselves in this situation is evidence of their need for parental advice and perspective. Minors should not be allowed to make life-altering -- life and death decision on the basis of the panic that they feel for the moment, and the medical profession and State law should not facilitate that.

Those opposed to this resolution speak about the serious nature of this issue, and it should not be compared to pierced ears and tattooing or aspirin in school. And I agree, this is not trivial. The very fact that the law would not allow my daughter to get her hair frosted without my permission, and yet she can have a dangerous surgery performed on her body without my consent or knowledge, defies logic. I need to be notified if my daughter is pregnant and contemplating an abortion. It is patently obvious.

So let the voters of New Jersey have a chance to say that they agree.

Thank you. (applause)

PATRICIA ANN STALEY: My name is Patricia Staley, and I'm a resident of Hamilton Township, Mercer County.

I'm a mother of three children, two daughters and a son, and I appreciate the opportunity to give my opinion, because as a parent, I'm in the trenches today of parenting. And I mean trenches, as that's where parents are as we are forced to operate in today's culture wars, which I feel that I have been in and saw a good deal of today in these hearings.

I believe, in its decision to rule against Parental Notification Act that was passed by our representatives in the Legislature and signed by Governor Whitman, the New Jersey Supreme Court has shown a judicial willfulness to defy the authority of parents over their minor children. This transfer of authority is suspect in my mind, as it only applies in one scenario, that of our minor daughters seeking an abortion.

It would be preposterous to imagine our 12-year-old daughter calling our trusted pediatrician with a list of symptoms indicating tonsillitis and directing him to perform a tonsillectomy on her the next day without our knowledge. However, the justices of the Supreme Court -- it is reasonable to them to allow this same child of ours to have a surgical abortion, performed on her by a doctor who knows nothing about her, without her parents' knowledge.

I fully understand the Court, in its ideology, seeks to protect abortion on demand. However, the justices are not appointed as philosophers; they are seated to interpret contemporary laws according to our State and Federal Constitutions. In this case, there is nothing in the New Jersey Constitution prohibiting parental involvement and consultation in the medical decisions of our minor children.

Remarkably, this Court has overstepped its bounds in attempting to redistribute parental rights concerning our children, as these rights do not originate from the State, but, as most New Jersey citizens agree, parental authority originates from the author of life himself.

It is imperative to constitutionally recognize the right of parents to be notified any time a minor child is to receive medical or surgical attention. At this time in our history when families most need support and protection of

our rights, this amendment of the New Jersey Constitution will be enthusiastically endorsed by the very source of our government, that being the people.

I thank each member of this Committee for respectfully listening to the comments and opinions brought forward today by those who value the unique role of parents in their child's life.

Thank you. (applause)

ASSEMBLYMAN RUSSO: State your name, please.

A U D R E Y S. B U R N S: My name is Audrey Burns, and I live in Oaklyn, New Jersey.

I wear the Becky Bell bracelet to remind me of the importance of safe abortions for teenage girls afraid to tell parents that they are pregnant.

My daughter, 27 at the time, went along with me to the November 12, 1989 Mobilize for Women's Lives rally in Washington, D.C. I remember feeling shocked when she exclaimed vehemently, "You would not have approved of my having an abortion."

I suddenly realized that I had never discussed the issue with her when she was a teenager. She must have assumed that I agreed with other members of the church we attended, who had expressed their disapproval of abortion. She didn't know that I disagreed with that opinion based on my personal experiences with stillbirths involving the Rh factor.

Instead of passing laws which will frighten teenagers like Becky Bell into unsafe back-alley abortions, parents need to assure their children, boys and girls, that their love is unconditional so teenagers won't be afraid to

come to them when they are in trouble. Unwanted pregnancies aren't the only causes of teenage and young adult suicide.

Thank you for allowing me to give my testimony.

ASSEMBLYMAN RUSSO: Thank you.

Who didn't speak here, ladies?

MR. ROGERS (Assembly Majority): They all spoke.

ASSEMBLYMAN RUSSO: They all spoke. Okay. Very good.

Any questions? (no response)

Thank you.

Is Janine Pettit here? (affirmative response)

Janine, come on up.

Jacqueline McKeon.

Is Sue Phelan here? Susan Phelan? (no response)

Is Ana Abbracciamento here, from Robbinsville? Ana? (no response) I guess Ana's not here.

Just for the record, Ana Abbracciamento, A-B-B-R-A-C-C-I-A-M-E-N-T-O from Robbinsville, New Jersey, and she is in favor of the ACR. I was just trying to read her note here. She had two cards here. I'm sorry. She says, "Will be mailing testimony at a later time." So when we get the testimony, we will append that.

Okay, so let's see who we have here.

We have Janine, Jacqueline, and Susan.

Okay, how about Sue.

We'll start with you.

S U S A N P H E L A N: You have my testimony.

My name is Susan Phelan.

ASSEMBLYMAN RUSSO: You're in favor, right?

MS. PHELAN: I'm in favor of it.

I have two young daughters. And in my testimony, I've written about how I sat with my daughter Mallory when she had her ears pierced and how she wanted me. The first person she came to when she cried was me, her mother.

You've also asked for additional comments. And in listening today to some of the testimony that's gone on, I can tell you firsthand that a procedure as invasive as an abortion is not something that a 16-year-old is capable of making a decision about or is -- can-- They're not mature enough.

I've also heard Assemblywoman Greenstein talk about the counseling that would be provided. People who know your children for an hour do not know them enough to counsel them.

I can tell you firsthand that, in a lot of cases, counseling is not provided in an abortion clinic. I know this firsthand, because I myself have had an abortion. It is not something that I am proud of. I was a young woman -- a young adult. And when I went into the abortion clinic, I was asked my name. I was asked to sign a piece of paper and pay money. No one counseled me on options. No one told me about any kind of choice that was available. I was told to go sit in a waiting room. From there, I was taken to where the procedure was to happen. There was one nurse who was slightly sympathetic and told me, as I lay there crying, it will be over soon.

After that, there was no counseling provided. I was taken to a room to sit until which time they deemed that I was there long enough and could go home.

Parents need to be involved in these decisions. They need to know what's going on with their children.

Counselors in abortion clinics, in my experience, were nonexistent. And somebody who knows my child for five -- ten -- an hour, who sees my child maybe a few hours a week or a few times a year, is not in a position to counsel my child on her body and the ramifications of that, because as the one 16-year-old girl sat up here and said, it's a decision that only affects her body. Incorrect. There are ramifications, psychological and emotional, that take place after an abortion happens. There are other people in your lives that are there when you go through the postabortion trauma. It is not something that is just a hearsay. It is real.

And we need to protect our children. Parents need to be there to guide their children through these important and difficult decisions. We can't be left out of the loop.

Thank you. (applause)

ASSEMBLYMAN RUSSO: Thank you.

Janine?

JANINE PETTIT: Yes.

ASSEMBLYMAN RUSSO: Okay, Janine, and you're from Hamilton?

MS. PETTIT: Yes.

My name is Janine Pettit, P-E-T-T-I-T. I live in Hamilton, New Jersey.

ASSEMBLYMAN RUSSO: Right.

MS. PETTIT: The first thing I'd like to comment on is what one of the 15-year-olds said -- oh, I believe it was the pediatrician who said -- describing the case that she took care of herself. When the pediatrician was speaking, she was describing a case of a 15-year-old who came to her and had such severe inflammatory disease that she required to be hospitalized. This child left-- She was afraid to tell her parents, and she let her symptoms go untreated out of fear of telling her parents. This, to me, indicates that really immature attitude toward your health and your body.

These same arguments have been given here today that these teens are old enough, mature enough, yet the young man who sat with the first group of children said that he would, if he discovered he had a sexually transmitted disease, not have it treated for fear of telling his parents. He's mature enough to-- He's trying to tell us he's mature enough to take care of these things -- make these decisions himself, and in the same tone, he's telling us that he would let this disease go untreated. So I think that speaks for itself.

I'd like to tell you something here. I came here as a citizen, and I want to begin by saying that I'm not part of any lobby group. I am not a member of any organization, and I'm not paid to support the ideology of any particular sect or special interest in which I may have a political or financial stake.

When I first became aware--

ASSEMBLYMAN RUSSO: Janine, do you want to do me a favor?

This two pages, small typed -- I read it, but--

MS. PETTIT: Mr. Russo--

ASSEMBLYMAN RUSSO: Could you summarize it?

MS. PETTIT: As an act of mercy, I'm going to read it, because my husband will come and testify that I don't know how to keep it brief, so it's best for me to just read what I have prepared. These are my summarized thoughts, and I've waited about five hours to give them to you.

Thank you.

ASSEMBLYMAN RUSSO: Okay.

MS. PETTIT: When I first became aware of the efforts being made to make it illegal for anyone to perform an abortion on a minor child without a parent's knowledge, I have to confess my incredible naivety. I had no idea that anyone had the legal authority to make such decisions in my minor child's life.

Much has been said of the legal inability of a school district to administer an aspirin while they are in full authority to provide the counseling and resources necessary to help a minor child obtain an abortion without her parents' permission or knowledge. I believe this disparity is continually repeated, because it is so incredulous. It is as though, if repeated often enough, someone might recognize the absurdity and act to correct it.

Common sense would dictate that it only stands to reason that a government that would legislate the administration of aspirin and ear piercing would also protect a minor from making irrevocable decisions without the counsel of her parents.

I started to ask myself, why is it illegal for a minor to get a tattoo? Why is it illegal for a minor to pierce her ears without her parents' permission? Is it because these acts are irreversible? Is it because a parent is still legally responsible for a minor child? The larger question I began to ponder, though, was this: Who would be opposed to parental notification, and why? What possible reason would anyone have for wanting the right to operate on a minor child without her parents' knowledge? Who would want legal authority for such an action, and why?

I wasn't surprised to learn that the abortion industry lobby was behind this action. Feeling threatened by what they perceive as recent gains by pro-life organizations, they are grasping at any action that will keep their foothold strong. What I cannot understand is why they think they can cross into the territory of parental rights. It is an audacious move, even by pro-choice standards.

What I also cannot understand is why this lunacy is even taken seriously. These are people that are politically, and sometimes even financially, vested in the business of abortion. Abortion is what they do for a living. They provide abortions. They promote abortions. They work at abortion clinics. They lobby for abortion rights. They are in the business of abortion. Even employees of not-for-profit abortion providers such as Planned Parenthood are salaried employees whose jobs depend on the number of clients they maintain. Even not-for-profit organizations have quotas to meet. I think a frightened high school student who is afraid to tell her parents something she knows will hurt and disappoint them is what they call, in the marketing business world, an easy sale.

If the tobacco companies started lobbying for the right to sell cigarettes to our minors, we would be appalled. Cigarettes are so dangerous to the health of children that the Surgeon General has provided a warning on every package. It read, "Warning: Cigarette smoking may be hazardous to your health." Because cigarette smoking may be hazardous to the health of minors, the sale of tobacco products is banned to them. We know that, like cigarettes, abortions may be hazardous to your health. Despite the dangers, the industry lobbies for the rights to sell their product to our minors without our knowledge or consent and without a label that reads, "Warning: Abortions may be hazardous to your health."

As citizens of the United States, we have the right to raise our children in whatever manner we choose. It is the right our forefathers fought for. As inconceivable as it may seem, we have the right to teach our children to hate, if we desire. While others may disapprove, they do not have an overriding right to intercede because they think they have a better plan for our child.

Where does this end? Will the alcohol lobby now solicit the courts for their rights to sell alcohol to our minor children? Will tobacco companies request the right to sell cigarettes to minors? The people opposed to parental notification are those providing the service of abortion. They are the salesmen of a heinous product, and they have overstepped their bounds. The organizations here that oppose parental notification are opposed on the grounds that some children have parents that would react so strongly to the news that their daughter is pregnant that it imposes an unfair burden on the

child. They believe that this is more than any frightened teenager should have to endure. They are here seeking legislation by exception.

The key word is exception. If we were to follow this line of thinking, organized sports, nationwide, would have to be canceled because of zealous parents who are an actual danger to their children, their coaches, and other spectators. We can all recall, with horror, the story in the news last year of the father who killed another father at a youth hockey game in Massachusetts because of some perceived infraction on the ice. Should youth hockey now be canceled nationwide?

While I don't know many parents who would receive the news that their teenage daughter is pregnant well, the majority of parents will move forward and develop a plan for their family and child, based on the set of values they hold in their homes.

These organizations are asking for a seat at our dinner tables. They are inserting themselves into our families' lives, and they do not belong there. (applause)

JACQUELINE McKEON: My name is Jacqueline McKeon, M-c-K-E-O-N. I'm a Hamilton Township resident, and I'm here as a mom who is in support of the parental notification.

I'm a mom of three children. And each time, I chose to have my children. And I love them and care for them.

It seems as though the issue, in terms of abortion, always comes down to so-called pro-choice, pro-life. It seems that those who claim to be pro-choice constantly tell us it's the right of a woman to do whatever she wants to with her own body, but now they want to tell us, now that we choose to make

the choice to be a parent, that the government has to tell us what to do as parents. And I resent that.

I find it appalling that we, as a society, spend so much time, very passionately it seems, too, to keep guns out of the hands of kids, yet we're going to put our kids in the hands of abortionists at a much readily speed if we pass this thing without allowing parents to have any say in the matter.

It's fundamentally the right of parents to choose what's best and right for their kids. Just as we assist our children every day in daily living skills and choosing right from wrong, I think that we should be a part of helping them face a real situation. That's a pregnancy.

Lastly, I just don't understand how it is that parents are now being blamed, and often fined, when their children are regularly truant from school, and yet they can't be notified when their daughter is contemplating having an abortion. Something's wrong with that picture. And that's pretty much all I have to say.

ASSEMBLYMAN TALARICO: Thank you very much.

Stefanie Brychcy, who is opposed to the ACR, Ellen Zaltzberg, who is opposed, and Jenna Sheinfeld, who is also opposed, why don't you come forward.

Stefanie, you got there first, so why don't you start. Why don't you just state and spell your name for the record?

STEFANIE BRYCHCY: My name is Stefanie Brychcy, S-T-E-F-A-N-I-E B-R-Y-C-H-C-Y. I'm a third-year student at Rutgers University.

I've pretty much been sitting here since 10:30, and I've heard, over and over, people ask: Who would be wanting to interfere with the parents' right to know what's going on with their daughter?

And in a theoretical utopia, no one would want to. I certainly would support it if every single family could communicate openly about any sort of health issue. The fact of the matter is that not every family is that open.

The story I wanted to share is something very emotional for me. This is probably the second time I've ever told it in my life. It happened to a very close friend of mine who became pregnant during her freshman year of high school.

I R E N E G O L D M A N: Why are you not listening to her?

ASSEMBLYMAN TALARICO: Go ahead, continue.

MS. GOLDMAN: Why are you not paying attention to the speakers?

ASSEMBLYMAN TALARICO: Ma'am, this is for public testimony. As you can see, a lot of the other Assemblymen have already left. The purpose of this session is to introduce these statements into a public document and a public record on this. So, if we are attending to other issues or looking at other statements throughout the day, the purpose of this is for public record. So it's not necessarily, as you can see, because the other legislators have left--

MS. GOLDMAN: I have noticed -- if you'll excuse me -- and I'm going to be leaving soon, but I have noticed that when speakers against the issue are speaking, there's a great deal of conversation on the Republican side

of the issue. And when speakers for the issue are speaking, there's a great deal of attention being paid. These three persons have waited for a very long time to speak. They deserve the attention of the people to whom they are speaking.

VOICES FROM AUDIENCE: Here, here. (applause)

ASSEMBLYMAN TALARICO: Thank you.

Stefanie, continue, please.

MS. BRYCHCY: Like I said, I'm trying to put a face on the issue. And the fact of the matter is, this isn't a black or white issue, nothing is specifically right or specifically wrong in this issue.

But some people cannot go to their parents, just cannot. I had a very close friend, like I said, who became pregnant our freshman year of high school. That was in 1995. And I remember holding her as she told me between sobs that she didn't know if it was her boyfriend or her father who was the father of her baby.

She denied her pregnancy at first, even to herself. She tried hiding, tried going on diets, doing stuff like that. But eventually her waistline began expanding, and she had to accept the truth. And I eventually convinced her to tell her mother about her pregnancy. As it turned out, her mother had known about the abuse all along and blamed her daughter. Her mother beat her unconscious that night.

When my friend woke up the next day, her bags were packed and sitting next to the door. That night her parents threw their 14-year-old daughter out of their house. But because we lived in a state that demanded parental notification, nothing could be done. She couldn't even get checked out to make sure the baby was okay. Her parents would not give that to her.

We watched her slowly decline. The former straight A student that we loved-- Her GPA just plummeted into Ds and Fs. She worked three jobs trying to save up money, but eventually she realized that she couldn't -- she didn't think she could do, and she tried to take matters in her own hands. And the ominous coat hangers and back-alley abortions that everybody gasps and rolls their eyes at -- they happened.

Luckily, nothing happened to the baby. We found her in time. The baby was perfectly fine, but she lost her ability to have any more children ever. Because of that, she decided to keep her baby boy, continued working the three jobs, going to high school full-time.

She paid for a babysitter, she paid for her own food. All her parents would provide her with was a house over -- just shelter, because they had been pressured into taking her back into the house.

She tried to keep her son out of his grandfather's reach. Unfortunately, she wasn't able to.

At the age of 16, she left. She dropped out of school and lost contact with everyone who had tried to help her.

Parental notification seems to be a very good idea in theory, but in reality you can't force somebody to tell their parents when they've gone through a trauma like this.

Yes, this may be an exception, but for every exception-- If this act passes, every inhumane thing that happens to them falls directly on the shoulders of the people who passed the act -- of the voters, of the legislators, of the courts that didn't stop it. And I would feel horrible if that ever happened to another girl again.

Thank you.

ASSEMBLYMAN TALARICO: Thank you.

Jenna.

JENNA SHEINFELD: My name is Jenna Sheinfeld, and I'm here today--

Actually, the formal testimony that I submitted is from the New Jersey Chapter of the Society for Public Health Education. And I'm not going to read it over, because you have it in the record.

But I'm speaking here today from the public health perspective, which has been not heard that much today. And I really want to give that to you, because I think that hopefully that can lend a little bit of perspective onto an issue that definitely galvanizes people and gets people very passionate -- raises their passion, raises their ire.

And in listening to all the testimony today about people speaking about this act, really what they focused on is the notion of parental notification in relation to abortions. And I agree with the scholars and the people who've been up here today, that this amendment was proposed, in part, due to a knee-jerk reaction to a law that was passed that people weren't happy with.

So I'd like to step away from talking about abortion for a minute just to talk about the public health ramifications of parental notification, because I think that that, actually, is -- has a lot to do with what we're discussing.

One of the things that public health is working towards is eliminating health disparities and increasing access. I'm sure you're all familiar with the Federal document *Healthy People 2010*. And one of the overall goals

of that document is to increase -- is to eliminate health disparities. By passing a law that would require parental notification, we are going in completely the opposite direction, because an entire group of our citizens, those under 18, would be subject to these health disparities, because they would not have access not just to abortion services, but to STI testing and treatment, sexually transmitted infection testing and treatment, to mental health treatment, to alcohol and drug abuse treatment, to *HIV* counseling and testing. And all of these things have severe repercussions on the public health community.

I work, right now, as a health educator, and I see this in a lot of the young people that I work with. I mean, these are very, very real issues that they're facing. From the public health perspective, not only does this have financial costs, in terms of when diseases are left untreated they cost a lot more, when unwanted pregnancies go on longer, the cost is greater, but it also puts the individual at risk for further life-threatening illnesses, as well as any potential partners that they might have.

So, really, you need to take a look at it from that angle. And I think, also, access is just paramount. In the public health world, increasing access to care is really -- is one of the top 10 indicators, as I mentioned, in that document.

I know everybody's waited a long time, and there's a lot more to hear.

I guess the final thing that I would like to say -- well, actually, I probably have a couple more things to say -- is that somebody mentioned earlier that really the only people who are opposing this amendment are those who, and I believe what the quote was, "provide the service of abortion." I

don't provide the service of abortion. I'm concerned with public health. Public health has a long history of working to protect its citizens. And I just want to go on the record as saying that.

I also think that you cannot legislate and/or mandate communication between parents. In the risk of saying something that might be too sweeping, I think that we can all agree, every single one of us in this room, those who favor and those who oppose this amendment, that what we're going for, our ultimate goal, is better health of our young people so that they can grow into healthy adults.

I think that an amendment that mandates parental notification goes astray of that, because as you just so eloquently and movingly heard, there are times when that is just not possible.

And I guess that will be how I will end. And just with a strong urge-- The Society for Public Health Education that I represent endorses the position -- the testimony that I gave you. We represent health educators from across the state in every voting district. And I just wanted to propose that.

And thank you again for your time.

ASSEMBLYMAN TALARICO: Thank you.

Ellen Zaltzberg.

ELLEN ZALTZBERG: Good afternoon.

My name is Ellen Zaltzberg, and I'm speaking here today as a registered nurse and a community health educator and currently working at Rutgers State University in New Jersey. And I'm speaking from a vantage point of having worked in the field of public health for more than 25 years.

I've spent a lot of my professional life as an educator working with young people and their families. I've worked in situations -- in nursing situations and in health education situations where young people have not had the opportunity to practice talking to their parents. And I've been able to work with young people so that they feel more confident that they can, in fact, go and talk to their parents.

I'm very opposed to this amendment for all the reasons in particular that Jenna and Stefanie just highlighted. I'm opposed to this amendment, because I believe, very strongly, that a whole group of people in this state will be denied their basic human rights.

And I want to say, very strongly, as an older person, and now in an older generation, that young people have rights, that they have intelligence, and that they need to have the control over their bodily integrity. And I say that with great empathy for the many parents in the room who've spoken of their role as parents and their desire to talk with young people.

Of course, I think that that's the most important thing that can happen. And I think that we can all agree that that's the most important. However, there are times when parents do not understand. There are times when parents might, in fact, understand, but young people are afraid to go to them.

I want to speak to some of the young people who might be afraid to talk to their parents openly, and therefore might not have access to testing -- counseling and testing for sexually transmitted infections, including *HIV*, which, of course, is a major, major problem for all of us here in New Jersey, as well as globally -- certainly, in terms of unplanned pregnancy. And another

group that I don't think has been mentioned today, but lesbian and gay young people, who often don't find a safe place in their homes, at least not initially -- often need the support of somebody else who could help work with parents to talk about their particular health concerns and situations.

I want to really reiterate that what we're really talking about is making sure that young people have access to comprehensive sexuality education, that they know about options. We are very clearly stating that it's important that people have all the information. And I want to be clear that we're not saying that people should be talked into anything. We're not talking about taking rights away from parents, we're talking about including young people in the decisions that directly impact their lives by giving them all of the information that they need to make informed decisions, decisions that they will have to live with for the rest of their lives.

I'd like to complete my particular testimony, and this is my personal testimony, by saying that public health does require access to information and services. Young people must have our respect, and they must be afforded their rights.

I also was supposed to speak, as Jenna had spoken, for the New Jersey Society for Public Health Education. I submitted the testimony of the New Jersey Public Health Association. I could read the document, or I know that you have it there. It's a strong statement documenting the factors from a public health standpoint in opposition to amend this amendment and the impact that it would have on young people across the state.

ASSEMBLYMAN TALARICO: Okay, thank you very much.

Thank you.

Dorothy Dunfee, Joyce Kurzweil, Ciro Scalera.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Excuse me, Dorothy Dunfee had to leave.

MS. GOLDMAN: Could I take her place, since I have to leave?

ASSEMBLYMAN TALARICO: Okay, what's your name?

MS. GOLDMAN: My name is Irene Goldman.

ASSEMBLYMAN TALARICO: Did you sign up to testify?

MS. GOLDMAN: I did.

ASSEMBLYMAN TALARICO: Irene, do you want to go first?

MS. GOLDMAN: My name is Irene Goldman, G-O-L-D-M-A-N, from Ewing.

ASSEMBLYMAN TALARICO: Do you have written testimony?

MS. GOLDMAN: I'll supply it later. I didn't bring it with me. And I'll be brief.

My name is Irene Goldman. I'm from Ewing Township. And I would like to comment -- thank the Committee for hearing us and say that what I was saying from the audience before, since I was not on the record, I would like to be on the record now.

I commented on the fact that when persons were speaking, and with due respect to the members who are here -- that when persons were speaking, it seemed to me that a great lack of attention was paid to the testimony as it was presented. And most especially, I noted from the right side of the forum that there was a lot of conversation between the Chairman and the Vice Chairman (*sic*) during the times of the presentations, a lack of attention that I felt offended the persons who were giving testimony. I don't

mind if you don't pay attention to me, but those people really had a lot of important and interesting things to say. And I thought they were compelling testimonies.

I'm the first generation of my family in this country. I'm one of four daughters. My parents lived through a great deal in Europe, and they celebrate the 60th anniversary of their arrival here in the United States of America on October 13. They've been married for 64 years.

We were raised, as daughters, to respect and admire the American Constitution and all that it represents and to treat it with gentle care and affection and respect and at a distance -- that it will serve all of the people for and against any given issue.

And so I speak to you against this decision, because it seems capricious and in response -- as someone else said, in a knee-jerk response to a very volatile issue that concerns everybody in this country.

I had written a letter to the editor addressing Mr. Collins. And I'm sorry that he's not here. And I did want to comment to Mr. Carroll, who is absent, that I was offended by his attack and his manner in the way he addressed persons who spoke here, particularly the younger persons who were speaking earlier this day. He was argumentative and out of order and was personalizing his commentary, and I'd like you to convey that to him for me.

I'm outraged about the attempt to amend the New Jersey State Constitution to require parental notification at the expense of all of our children, of all young people. The New Jersey Supreme Court showed great wisdom in ruling that, "A minor's right to control her reproductive decisions is among the most fundamental of the rights she possesses. They understood

that the majority of teenagers already involve their parents in reproductive decisions. And those teens that don't have very good reasons not to--

What about those young women who would be abused and beaten? What about those young women that would be forced out onto the street? What about those young women who have been victims of incest? This is not an abridgement of parental rights. The fact is that the Court recognized that parental notification is unnecessary at best and a grave danger to vulnerable teens at worst. They acted to protect those that most need our help. To second-guess the Supreme Court, knowingly putting young women in danger for the sake of a political agenda, is nothing short of immoral.

I ask you to leave this bill not go for any kind of vote. I don't know what your next step is, but I'm against it. And I hope that in your next opportunity you also, given the testimony before you, will see that as your position.

And I thank you very much. Thank you for staying.

ASSEMBLYMAN TALARICO: I don't think there will be any questions from the panel here, so I think you can go.

MS. GOLDMAN: I don't think so, either.

ASSEMBLYMAN TALARICO: *Ciro Scalera.*

Do you have written testimony?

C I R O A. S C A L E R A: Assemblyman, I do not.

My name is *Ciro Scalera*. I'm the Executive Director of the Association for Children of New Jersey. And I'm here today to speak in opposition to ACR-2.

Our organization has never, and will never, take a position on the issue of abortion or many of the issues that are being debated here today. I come to you, having heard the discussion, pretty much in support of the position taken by Judge Haines. I believe strongly that our Constitution should not be amended to deal with the issue at hand and the one being discussed today. And I also believe very strongly, based on my 23 years of experience as a child advocate in this state, that this bill is not going to pragmatically address the issues that people so fervently have been arguing on both sides of the table.

I would like to make three observations, because you asked us to not speak off of a script, even though I didn't bring testimony, and just give you some observations about this that concern--

My first one is that this bill is discriminatory. It would strip away young people of their rights. And it worries me about who might be next. It worries me as to what rights might be next. And I raise that as a concern. Certainly, I think, very subtly, in between the lines, that was an issue raised by the judge.

The second issue is that, in my experience, and I've been involved in the legislative process for about 23 years as an advocate for children, very strongly held, ideological positions usually make bad public policy.

VOICES FROM AUDIENCE: Here, here.

MR. SCALERA: The ideology that drives today, that may be fueled by polling or other data behind it on one side or the other, very often will, in the end, not serve the majority of citizens, but in the end, it may serve more harm than good.

The third observation that I would make is that I sense, sitting here for four or five hours today, a lot of anger and frustration over what may be judicial overstepping of bounds. And again, I would submit that we have a process involving both Judiciary Committees of the Legislature for the appointment, the review, the tenure of judges. There is a process to deal with these issues. And again, the issue of a specific concern, right now -- and we ought to tread very carefully -- and I just raise, at this public hearing, the question of being very careful about the issues you will choose to address to a constitutional amendment.

My last kind of observation and comment is that, as a State advocate for children, we have seen, at the Association for Children of New Jersey, many of the issues that you've heard various speakers bring to you today. I don't need to sit here before you to cite the child abuse and neglect statistics, the high incidences of sexual abuse in our state, the thousands of children that live in foster care, group homes, residential placements, the thousands of children that are runaway, homeless youth in our state through the network of several shelters in our state. We have many parents who do not fit anyone's conception or idea of an ideal parent, not even a halfway ideal parent.

And I would just urge you, as you give consideration to this, as each of you decide in the future whether to vote for this, that you remember that there are many children for whom there are no parents or for whom the State has had to intervene to remove from their families, because the parents were not fit to be their parents.

My last point is that we publish a report called the *Kids Count Report* in this state. We document lots of data on what's happening to children and families in this state. I would point out to you that in some communities in our state, and you just heard from a panel of public health officials, we are indeed in a public health crisis with regard to a variety of issues, from AIDS to sexually transmitted diseases and others.

Again I think the counsel of Judge Haines about the pragmatism of the capability of you being able to address what are very serious public health issues, what are very serious intrafamilial issues, through a constitutional amendment, in my judgement, are very limited.

Thank you.

ASSEMBLYMAN TALARICO: Thank you.

I just want to read Ellen Samuel's name into the record. She had to leave.

ELLEN SAMUEL: No, no, no, I'm right here.

ASSEMBLYMAN TALARICO: Okay.

Just wait, I'm sorry.

MS. SAMUEL: I think it was Rabbi Cohen who had to leave.

I'd like to read just one paragraph of Rabbi Cohen's when the time comes.

ASSEMBLYMAN TALARICO: Ellen, why don't you come forward, since I did call your name. I guess you were out of the room. I'm sorry.

Joyce, why don't you begin your testimony. I'm sorry for the interruption.

JOYCE KURZWEIL: That's quite all right.

My name is Joyce Kurzweil, and it's spelled, K-U-R-Z-W-E-I-L. I'm the Executive Vice President of Planned Parenthood of Southern New Jersey. And I am here as a resident of the State of New Jersey, as a parent, and of course, as a health-care administrator.

I am joined today by a few of my colleagues here from the southern New Jersey area, who will also present testimony, and by our many supporters who are here in the audience and who have been waiting here for a long time listening to the various testimony.

The resolution's interpretive statement tells the tale for us all. It states, this constitutional amendment would provide that the Legislature may require that a parent or legal guardian receive notice before his or her minor or incompetent child undergoes any medical or surgical procedure or treatment, irrespective of any right or interest that is otherwise provided in the Constitution.

I thought it important to read this interpretive statement again, because so very often I'm hearing the comments go again and again to the abortion issue. And in fact, this amendment reaches beyond just abortion.

As the Executive Vice President of Planned Parenthood of Southern New Jersey, of course I would be opposed to this amendment even if it was limited to abortion services. But tragically, as I stated before, the amendment goes beyond abortion. The amendment would impact on all teens, both male and female, who would receive services for sexually transmitted disease, drug and alcohol abuse, and other problems.

As a mother, I hope that my husband and I have developed an open relationship with our sons. I trust that they know that we are there for them during the good times and bad times, and that their love for us is returned in full measure. I also know that there will be times when they will feel that they cannot and will not share every aspect of their lives with us. It is at those times we hope that they will remember the lessons we imparted about decision making and being responsible for one's choices.

Our sons are adults and are beyond the reach of this amendment, but if they were minors, I would not want the New Jersey Legislature to be involved in my family's business. Americans want the government to stay out of their private lives. An amendment to the Constitution will not make a teen talk to her parent. An amendment to the Constitution will not heal dysfunctional families. This amendment will harm teens. It will drive teens away from medical care provided by adults who will discuss the importance of parental involvement and encourage a teen to seek his or her parents' support and guidance.

And finally, as a resident and taxpayer, I feel that the Legislature should refrain from amending the Constitution to advance a political agenda. The cold, hard fact of the matter is that the New Jersey Supreme Court's decision overturning parental notification for minors seeking abortion services did not go down well in certain quarters. This is why we are here today. What we have here is an attempt to circumvent the system of checks and balances that are the very foundation of the democratic process. I think that we can do better than this.

ASSEMBLYMAN TALARICO: Ellen, you were going to read a section from Rabbi Cohen's-- Rabbi Cohen has left?

MS. SAMUEL: He has left. I would just like to read one paragraph, because I think it's so important. The rest of his testimony, you do have.

ASSEMBLYMAN TALARICO: We have it in record.

If I could just reiterate for the people who are to follow, this is entered into the public record. You don't have to read it to get into the public record. It will just help accelerate this if you just summarize the point. And this, again, will be recorded for future purposes.

Thank you.

MS. SAMUEL: Thank you for the opportunity.

This is from Rabbi Daniel Cohen.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Your mike.

ASSEMBLYMAN TALARICO: Red is on. (referring to PA microphone)

MS. SAMUEL: It's on now.

Thank you.

This is from Rabbi Daniel M. Cohen. He is the senior Rabbi at Temple Sharey Tefilo-Israel in South Orange, New Jersey. And I chose to read this paragraph, because it says something a little different than what has been said here today.

He has talked earlier in the testimony in opposition to this constitutional amendment and said it's-- And I quote, "One of the most powerful and insightful ethical teachings founding the Judeo-Christian

tradition is the statement from the Book of Leviticus 19:14 ‘Do not place a stumbling block before the blind.’”

He goes on to say, “In my religious tradition, we read this ethical mandate both literally and metaphorically. The literal meaning is obvious. The metaphorical meaning may be less obvious, but I believe it can be understood in this way. When someone has a weakness, be it blindness, a drug addiction, a mental illness, a sexually transmitted disease, any weakness at all, we are morally and spiritually forbidden to take any action that will hinder them in gaining help. Therefore, if a teen is struggling with an issue of sexual identity, any legislation that prevents them from seeking counsel is wrong. If a teen suspects that she may have a drug or alcohol problem, any law that would limit their access to help is immoral. And if a teen needs counseling for a mental illness, anything that stands in the way of reaching out for help is unconscionable.”

His testimony basically says that we should not restrict access for teens on difficult issues.

Thank you for allowing me to do this.

ASSEMBLYMAN TALARICO: Thank you.

MS. SAMUEL: May I speak for myself, or do you want me to wait?

ASSEMBLYMAN TALARICO: You have to wait. No, go ahead.

MS. SAMUEL: Go for it, okay.

Is the mike still on? I’m very hoarse. I apologize.

My name is Ellen Samuel. I live in Westfield, and I’m speaking in opposition to the constitutional amendment.

I've spent all of my professional life working in the area of women's health, but I do not come here to speak to you as a professional. I come here as a mother of two girls, stepmother to two adult boys -- adult girls, I should say, also, and grandmother of three. I come here as a proud resident of New Jersey. I come here as a breast cancer survivor. And I come, lastly, as a concerned citizen. I have four very brief points to make.

As a mother, all my four children are very different. As a mother of two grown girls, 36 and 38, I have one child, as many of you do, who tells me even more than I might ever wish to know, and I don't think having parental notification would have ever stopped her from talking to me.

I have another daughter, age 38. I think that parental notification, or any hint of involvement, would have kept her from away from any help that she needed at any time in her life, not because we did not have a wonderful relationship, but because she would never want me to feel any disappointment in her. This legislation would have been very bad for her life.

I speak to you as a breast cancer survivor, because-- And the reason I'm hoarse, by the way, is because I spent the last three days raising money for breast cancer -- walking from Bear Mountain back to New York. I come to you in that capacity only to refute, from a layperson's point of view, some of the issues that were raised earlier in testimony. The younger a woman has a child, the lower her chances of breast cancer. The later she has her first child, the more increased her risk of breast cancer. Abortion has no place.

I have never had an abortion. I had my children in my early 20s. Certainly, we all know New Jersey has one of the highest rates of breast cancer

in the country. I think that to raise that issue is totally fallacious. Yes, it's supported, but as we know, statistics can be read in a variety of ways.

I come to you as someone who believes that the State -- a proud citizen of the state, because the State had the wisdom, 40 years ago, to declare a pregnant woman an emancipated minor. She's emancipated by virtue of the pregnancy. She can receive any treatment by virtue of the pregnancy, whether it be prenatal health or abortion, whether it be the decision to have cesarean, or decision to treat sexually transmitted diseases. I won't go on with that.

And lastly, I come to you with the feeling that what we're all talking about is more than the abortion issue. And I think the amendment is crafted to mean much more than that. And what I would say is, as parents-- I think I can safely say that none of us, on either side of this issue, want our children to engage in any sexual activity at too young an age, whatever that age may be, without giving the act sufficient thought, without us, as parents, having had the opportunity to give them our guidance.

Therefore, if, in the esteemed opinion of the Legislature, the idea of parental notification is so important, I would propose that this amendment is inappropriate, and that what we need is a law that mandates parental notification of the first sexual encounter.

Thank you for your time. I appreciate that.

ASSEMBLYMAN TALARICO: Thank you.

Next up is Len Deo from New Jersey Family Policy Council, in favor. Susan Rohrbach, no organization.

Susan, are you here?

UNIDENTIFIED SPEAKER FROM AUDIENCE: She left.

ASSEMBLYMAN TALARICO: She left.

Okay, Len Deo, are you here? Why don't you come forward.

I'm trying to group it.

Marie Carter, are you here? Why don't you come forward.

Joan Fasanello.

And we have room for one more, and I'll put in favor together.

Dr. Rein.

Mr. Deo, if you want to just spell your name and--

LEN DEO: My name is Len Deo, that's L-E-N, last name is D-E-O.

I'm the Executive Director of the New Jersey Family Policy Council, and I'm here today representing our constituent families here in New Jersey.

We have submitted written testimony.

I will just briefly state that we are in favor of ACR-2. We feel the issue that's most important is that the home derives its preeminence as the seat of family life. Any State interest concerning a minor's care and nurture and well-being are secondary to the parents' interest.

To the -- break down or in any other way impair the great principles that protect the sanctity of the family would be to destroy the very foundation upon which our society is built.

We have a deeper question to pose. Where does a parent's rights end and a minor's rights begin? And right now, the law says 18 years old -- in most cases a child is emancipated.

Many of the statistics that have been mentioned today speak to the issues of broken families, dysfunctional families. We have a problem, because government, all too often, has extended its power into our families.

On this issue, we believe that the amendment is proper, and we support it in the state.

ASSEMBLYMAN TALARICO: Thank you, Mr. Deo.

Marie Carter.

Red button. (referring to PA microphone)

M A R I E P. C A R T E R: Good afternoon.

My name is Marie Carter, and I appreciate you listening to me. I was here when the amendment was on the floor and gave you my testimony at that time, so I'm not going to go through it again.

Life is not easy, and when we enter into certain activities, consequences result that we may not be able to handle. The consequences are often uncomfortable and tough to face, especially emotionally. Teenagers have been known to involve themselves in activities in which they were not prepared to handle the consequences, for instance, sex.

Assemblywoman Greenstein, girls who come from nice families and who choose not to tell their families because it makes them uncomfortable - It's not easy. They are scared. The world is crashing down on them. They don't have to tell their parents in the State of New Jersey. That's why my daughter's school guidance counselor sent her here. We're from Pennsylvania. And my daughter's school guidance counselor is one of those nice guys that you're supposed to be able to go refer to. We had just moved into the area, as you may recall.

He gave her no other view. He only gave her one view, and that was to go across the state lines so that she did not have to face the discomfort of telling her parents or anyone else. Unfortunately, it was not an easy way out. It was not consequence-free.

She was seen by a safe and legal clinic, but how much did they care? The doctor never spoke to her before the procedure. He did not speak to her until after she came out of anesthesia when, by the way, she was nauseous and vomiting.

They couldn't give her her own clothes when she left the building. Another woman who was in her mid-20s was so distraught that she took the wrong clothes. They happened to be my daughter's. So the clinic, the people who care, the safe and legal group, sent her out in the hospital scrubs to drive back to Pennsylvania on a Friday evening during rush hour in the pouring rain, through Philadelphia. She was allowed to leave with a minor. Since she had gone under anesthesia, she was not supposed to leave on her own. She had to have somebody accompany her. So she left in the care of a minor.

Was this clinic out for the best interest of this girl?

No one ever mentioned to her the increased breast cancer rate that she could have. That is a relative issue to this. It's all about the health and welfare of our children.

It is the parent who has to pick up the pieces after the group who handled the problem is finished.

The Constitution is to protect the people. That's what Speaker Collins said this morning. Parents are supposed to protect our children.

Having laws which omit the parent, especially in serious, life-altering procedures, is not protecting the people.

And that's going to be the end of my statement. You've heard it all. I'm not going to add any more to it.

Thank you.

ASSEMBLYMAN TALARICO: Okay, thank you. I appreciate it.

Joan.

Push the red button. (referring to PA microphone)

J O A N F A S A N E L L O: I have some written statements here from myself and my husband that I'll leave with you. And so, I won't repeat here.

I'm trying to think of what I personally can add that hasn't been expressed.

Something came up when the last set of speakers were here to testify, and that was about the risk of things like breast cancer. I think that as a parent, that's precisely why I'm here. Of course, it's the issues of STDs and pregnancy in teens that come up repeatedly, because those are exactly the surgical treatments, medical treatment, that have the highest risks. That's why parents come out. And that's exactly why I'm here.

I have three daughters and one son. I've waited all day for this opportunity to speak to you, because I'm concerned about their health.

Now, what particularly can I add, other than being a caring parent? Well, I live in Hunterdon County, in Bloomsbury. We're on the edge of Warren County. Most of the services we receive are from Warren County.

There there is a doctor -- an abortionist, who operates. His name is Steven Brigham. I read frequently about him in the paper in my area. He's

lost his license in other states for malpractice. In some places he surrendered his license because of his malpractice.

He just recently returned from prison, where he was held for tax evasion resulting from some Medicaid fraud -- a little bit of an unsavory character, let's say.

If my daughter was to become pregnant as a teenager -- my oldest is a teen -- where would she go? Well, if we open the Yellow Pages in our local phone book and all the areas around, he's the only doctor listed under abortion.

The words won't be safe and painless there, because you can't advertise that after some decisions resulting from malpractice in New Jersey. So he can't use the words safe and painless, but perhaps my daughter wouldn't notice that. What she might notice is, very clearly, he uses, in his ads, the words no parental notification needed. Why? Well, how many grown women are going to go to this man after they've checked his record. Is this a safe choice? Obviously, not.

His only statistics prove that he is not a safe medical choice. But a young girl without the benefit of her parents' wisdom -- maybe not the ability to check into a doctor's record -- look for second opinion and so on -- will go to him. In fact, that's why he's there, right on the boarder of Pennsylvania, because he knows how to keep that business going. He's preying on these young women who do not know the difficulties that he's been involved in in the past. And I'm sure there's going to be a lot to read in the future.

This is terrifying as a parent. It's very frightening. It's very frightening as a woman. We see-- There are studies that prove -- the National

Cancer Institute -- a Doctor named Dr. Joel Brind, who's come out with some very interesting papers on the increased risk of breast cancer--

Abortion is the only easy avoidable cause of breast cancer. Women need to know these things before they make their choices. Does a young woman know? I don't know. I do know, for myself, I was, and I'd like to say, I used to be a very proud and intelligent teenager. However, I've grown a little bit in wisdom from that time.

So we did see some other teens here today, and I'm sure they were all very intelligent and they feel fully able to make responsible choices. I did, too. However, you know, that hindsight thing-- When I look back, I know I didn't know it all. And I definitely know I would not have known how to research the competency of the doctor. I probably would have just pulled out those Yellow Pages.

So that's exactly why I'm afraid. And that's the only thing that I think that I personally can add that you haven't heard already. (applause)

ASSEMBLYMAN TALARICO: Thank you very much.

Dr. Rein.

Red button. (referring to PA microphone)

S E R I A H R E I N D.C.: I'm trying to get a red. (referring to PA microphone)

The name is Dr. Seriah Rein. I am the State Director of New Jersey's Concerned Women for America. We are the largest of grassroots women's public policy organization -- 650,000 women.

It's been a very interesting afternoon, as I've listened to the comments addressed here. I would like to comment on a few remarks that I've

heard. And I would like to ditto the remarks made about these intelligent young people, but they are young people. They are adolescents, who still don't have all the information they need to make responsible decisions.

I've spoken to a number of young people the last 15 years, as I've been an activist in this work. I've spent tremendous amounts of hours with young people. I started an AIDS ministry 10 years ago. I can't tell you the number of young people that I've had in my arms who have died of AIDS who have had complications due to sexually promiscuity.

What I think our young people do not know today is that the New Jersey law has no requirement for inspection of abortion clinics, per se. And a lot of public policy people do not realize that. Neither does New Jersey law require an abortionist and OB/GYN. He doesn't even have to be an OB/GYN. He can only have an MD and be a podiatrist. And by law, in New Jersey, he's allowed to do an abortion. How many are aware of that? I'm sure these young people are not.

I heard some of our young people here today say that if they had an STD, they felt that they were mature enough to make the responsible decision. And they might have it taken care of.

Well, many STDs show absolutely no symptoms. That is why cervical cancer is one of the major killers of our young women. By the time they realize that have human papillomavirus, it's too late. And that's a tragic fact, and our young people need to be aware of that.

Some of these intelligent young people, and they are intelligent, that is not a patronizing remark-- They are simply young people. They talked again about bringing we adults into the reality of how life really was. I wonder

how many of them have seen the reality of how many young women are now sterile for life, who thought they knew better than their parents and did not go to their parents for one reason or another. The reality of chlamydia, the reality of human papillomavirus-- The study at Rutgers had indicated that we have over 60 percent of our sophomores infected with HPV alone. And by the way, most of the time there's one sexually transmitted disease, there's frequently a concomitant second STD.

Sterility is a fact that has brought such painful consequences, and it hits home on a regular basis in the work that I do.

I serve on the Governor's Adolescent Pregnancy Council and on the Governor's AIDS Advisory Council. And so many of these things are mentioned. I was surprised, however, to learn that abortion statistics are not even collected by the State of New Jersey. So we really don't know of all the consequences out there and how many we're really doing at this point in time.

You would think that a resolution to require that a parent shall receive notice before a medical or surgical procedure is carried out on the minor child would appear to be so logical -- that no legal framework would even be necessary to protect minor children. But such is not the case in New Jersey, as evidenced by the recent number of bills put forward recently to protect minors, children, if you will. We are not addressing individuals in their 20s, but children.

Ironically, though passed by this Legislature, which does represent, as a body, the will of people of the State of New Jersey, a number of these bills were rendered void by the decision of judges's interpretation of what law

allows. We have entered unchartered waters, where judges have become legislators instead of interpreters of law.

Our system of checks and balances and retained a constitutional republic is being tampered with. When the interpretation of a few appointed, and I would add unelected, lawyers in a strategic position, a judgeship, can trump the will of the people -- and the wisdom of many elected lawyers and other elected Assemblymen and Senators representing this great state, we must step back and reflect upon the human cost of such folly.

The hard work of this Legislature, on behalf of protecting our most vulnerable, our children, has been thwarted repeatedly.

As the New Jersey State Director, the consequences of removing parents from the first line of defense in protecting their own children has been demonstrated to be painfully clear.

While this resolution addresses both male and female underage minors, I want to focus on the minor girl for just a moment. Too many underage girls, in our experience at the Crisis Pregnancy Center that I serve on, in our state have been brought for surgical procedures by an older man, a boyfriend, or even a wayward relative, who never have the best interest of the minor at heart, but rather his own selfish sexual gratification.

To get rid of the evidence of their crime, these men swear these young girls to secrecy under threat of dire consequences. Then, capitalizing on their shame and their fear, they escort these young girls to an abortionist with no knowledge on the part of the girl's unsuspecting parent.

Sadly, documented testimonies have made it known that the abortionist does not strive to ascertain the nature of the circumstances under

which the minor has become impregnated and brought in for this abortion, nor is there a thorough case history given. And so, with the evidence removed, and no records of his culpability, he is free to impregnate the young and the vulnerable again and again.

In addition, it is interesting to note that there are no consequences for these sexual predators, but these young women undergo a surgical procedure that is rated by insurance companies as a Class 1 procedure, up there with the most dangerous procedures.

I bring to your attention here, *Lime 5*, and it's simply a compilation of the deaths and medical complications in just the legal, safe abortion clinics. This is a matter of public record and can be accessed by any of you on the panel.

ASSEMBLYMAN TALARICO: Excuse me, Doctor, you're holding up a book. Can you just, for the record--

DR. REIN: It's called *Lime 5* by Mark Crutcher, C-R-U-T-C-H-E-R. And it is only the reported medical statistics in legal abortion clinics. And it's a matter of public record.

Now, to compound this inordinate risk to the minor child is the strong evidence now available--

VOICES FROM AUDIENCE: Can't hear you.

DR. REIN: My light went off, sorry. (referring to PA microphone)

As I was saying, anyone could verify this. And to compound the inordinate risk to the minor child is the strong evidence now available to show the clear connection -- and we must repeat it again -- the very clear connection

between breast cancer and this surgical procedure carried out on women who have never previously carried a child to term.

I believe we can all in this room agree that the chance of a young minor girl having a history of previously carrying a child to full term, prior to receiving the abortion, is infinitesimally small. Therefore, the girl child is at a far greater risk of developing breast cancer.

And as an adjunct professor of anatomy and physiology, the delicate balance of the inner workings of a human organism, especially during DNA and RNA replication, is much respected.

Ask yourselves this: Where does the high estrogen level go upon an abrupt interruption into this delicate phase of tissue development -- that period when the breast is reconfiguring itself to become a functional nursing unit for the expected child? Is it any wonder then that there is a 300 percent increase in breast cancer among women today?

Dr. Joel Brind--

ASSEMBLYMAN TALARICO: Doctor, excuse me. I'm sorry.

Can I-- I hate to do this, but can I just pull you back into a little bit more-- I'm overriding you until I'm done here. Just try to tightening it back up into-- I mean, I don't mean to cut you off, but there's still probably around another 30 people that need to go, so--

DR. REIN: All right.

ASSEMBLYMAN TALARICO: So we've got a long way to go.

DR. REIN: Okay.

Thank you for bearing with me.

Do I have to activate this? (referring to PA microphone)

ASSEMBLYMAN TALARICO: Yes, hit it again, please.

DR. REIN: May I?

ASSEMBLYMAN TALARICO: Yes.

DR. REIN: This resolution is clean and clear. It would leave little room for fuzzy interpretations. The young minor child would have in place the first line of defense around her person, her parents -- her parents who know her case history and know her better than anyone else, the parents that have raised her from 12 to 18 years. If parents need to be consulted before all the procedures we discussed today, then why not something so compelling as a surgical and medical procedure as an abortion. Young girls will continue to be at high risk, physically and emotionally, until they have the protection of their parents codified in law.

This is your opportunity to do something noble and good.

Concerned Women for America asks you to make this resolution a living reality.

Thank you.

ASSEMBLYMAN TALARICO: Thank you, Doctor.

Just-- There are eight people who have indicated that they're representing Planned Parenthood.

Do you all want to testify together?

PHYLLIS KINSLER: Actually, I think most of my colleagues have had to leave, and I would be happy to speak.

ASSEMBLYMAN TALARICO: Okay, let me read off the names.

David Archie Jr., Marci Berger.

MS. KINSLER: She's testifying at another hearing to help avoid the need for additional abortions.

ASSEMBLYMAN TALARICO: Okay.

Darrah Johnson.

VOICES FROM AUDIENCE: Darrah Johnson left.

ASSEMBLYMAN TALARICO: She's gone.

Okay. Elana Dobrowolski.

Magdalene Constan, are you here? (affirmative response)

Okay, why don't you come up.

Hazel Staats. (affirmative response) You're here, Hazel. Do you want to testify or no? (affirmative response)

MS. KINSLER: Not all of these people are representing Planned Parenthood, but we are happy to hear from them, if you'd like them to go first. I'm Phyllis Kinsler.

ASSEMBLYMAN TALARICO: I'm sorry, but they all wrote down Planned Parenthood.

You're not representing Planned Parenthood?

UNIDENTIFIED SPEAKER FROM AUDIENCE: From southern New Jersey. It's a different--

ASSEMBLYMAN TALARICO: Just so I understand, are you all representing Planned Parenthood?

HAZEL STAATS - WESTOVER: I was called by somebody from Planned Parenthood, but I'm a clergy.

ASSEMBLYMAN TALARICO: Okay.

Elana. Okay.

ELANA DOBROWOLSKI: My name is Elana Dobrowolski, D-O-B-R-O-W-O-L-S-K-I. Thank you for hearing my testimony this afternoon.

As a 26-year-old New Jersey resident, I have serious concerns about this amendment. I feel that the proposed amendment could result in dangerous consequences for the young people of New Jersey. Both their physical and emotional well-being would be compromised.

While family planning agencies encourage parental involvement and advocate for young people to access family supports, minors must be assured confidentiality and privacy when seeking services. In fact, most adolescents indicated that they would not seek the assistance of family planning clinics if they did not have this assurance. Furthermore, minors report that if parental involvement were required, they would delay or forego necessary treatment for STDs, *HIV*, pregnancy, mental health, and substance abuse issues. Without effective treatment for STDs, teens may suffer the long-term effects of sterility, liver disease, and cancer. Without the early diagnosis of *HIV*, they may delay treatment that can prolong and improve their quality of life.

Whether adolescents decide to terminate a pregnancy or carry it to term, early medical treatment is vital to their physical well-being. This amendment would inhibit young people's ability to access the services needed to ensure their health and safety.

Providing adolescents with abstinence education and access to effective contraception is essential to prevent unwanted pregnancies. Since 78 percent of teenage pregnancies are unintended, preventing unwanted pregnancies is the most obvious way to prevent abortions among teenagers.

Each year, through the services they provide, New Jersey family planning agencies prevent more than 8000 unintended teen pregnancies. In doing so, they prevent more than 3000 abortions among teenagers. Providing minors with comprehensive sexuality education and services is essential to sustaining them as autonomous, responsible young adults.

While society has made gains in acknowledging that it is politically incorrect and unconstitutional to discriminate against people on the basis of culture, religion, gender, and sexual orientation, prejudice still exists regarding adolescents. They are immediately judged for their often unconventional clothing, hairstyles, and music. They are frowned upon for their attempt at forming an identity and individuating from their parents. Even teens from the healthiest and most supportive families will experience this normal developmental process. They should not be punished for it, nor deprived of their rights. My work with minors has proven that they are often responsible and respectful. They do search for the right thing to do and are capable of making decisions that will affect their lives.

The proposed amendment will deprive minors of their fundamental rights under the New Jersey Constitution. The proposed amendment will deny teenagers of the very education and guidance they are seeking and thwart their attempts at being responsible members of society. We did hear from a lot of the teenagers today who felt comfortable in that they could go to their parents, and I applaud those families for being supportive and nonjudgmental of their children. Unfortunately, you can't be egocentric in looking at the issue. You have to understand that people come from different

backgrounds, that they come from different family situations, and you can't judge it from our standpoint. Thank you.

ASSEMBLYMAN TALARICO: Thank you.

Do you want to go? Push the red button. (referring to PA microphone)

MS. STAATS-WESTOVER: This one?

ASSEMBLYMAN TALARICO: No, the red button.

MS. STAATS-WESTOVER: Okay.

ASSEMBLYMAN TALARICO: Just state your name.

MS. STAATS-WESTOVER: Okay. I'm Hazel Staats-Westover. I'm a chaplain at Princeton University, and I want to speak against ACR No. 2.

I've been working for almost 40 years in this area of caring for young people in trouble. I know these problems cannot be helped or controlled by this kind of legislation, and we need to ask the question: What are we trying to do? Are we trying to punish these young people -- these young teens? These are unintended pregnancies and diseases, and the young people will not go where they do not have confidentiality.

And those of us that are educated in caring for people in crisis can help or refer to those -- when it's necessary, to those that we know have been trained and developed healthy and wholesome attitudes emotionally, physically, and spiritually.

We don't take care of these problems with this kind of legislation. And the energy that we have spent here, just today, could have much more been profitable if it were spent on education and teaching the young people,

helping them understand that they have learning and ability to take care of themselves, with the help of those that are trained.

We are interested in the quality of life, and that's where we need to put our energy.

ASSEMBLYMAN TALARICO: Thank you.

Just push the red button. (referring to PA microphone) State your name.

DAVID B. ARCHIE JR.: My name is David Archie. I'm here with Planned Parenthood. I had a statement. Most of the views that I have, have been expressed today, so I'd like to bring along something that I don't think has been touched, and that's the fact that today's society -- they're always saying that the youths are more mature and they're older than they've ever been. I've noticed that alone, just sitting in the back and having kids tell me I need to quiet down. You hear what I'm saying.

These kids do have the ability to make these decisions on their own. I deal with that on a one-on-one basis, just about every day. And just like people have said before, not every different background is going to allow them to come to their parents with information like, "I'm pregnant," or "I have an STD" without being criticized or scrutinized by their own parents. And those parents may even want to make those decisions for them.

That's why this amendment is unconstitutional, I can say in my thoughts, because for you to take away a child's ability to make a decision for themselves, a decision that's going to affect them for the entire life that they have to forego, being their education, their social status, how they're looked upon by their peers, and I just can't see it that way.

ASSEMBLYMAN TALARICO: Thank you.

State your name -- spell your name.

MAGDALENE CONSTAN: Is this the mike that's on? (referring to recording microphone)

ASSEMBLYMAN TALARICO: No, the other one. Just push the red button.

MS. CONSTAN: Okay, okay. I'm Maggie Constan. I'm the Public Affairs Director for Metropolitan New Jersey -- Planned Parenthood of Metropolitan New Jersey. And I was here to read a statement by Delores Tyson, but you all have copies. There is one part of that statement, which I want to reiterate, and that is, "If parents do not have a trusting and close relationship with their teenaged children, no legislation or amendment to the Constitution can alter that fact."

And I have to agree with the judge who was talking about his opposition to the amendment on the basis that it is counterproductive. Planned Parenthood counselors spend an inordinate amount of time counseling young people, and we know that the parent, of course, is who we want involved. And that's what we spend a great deal of effort on.

And I truly resent being called an abortion industry. In our particular affiliate, we don't even do abortions. We do, however, feel it's very important that a woman have the ability to decide for herself what happens to a pregnancy and whether she wants to become a mother.

We are not on any side of that issue. We do not push abortions. We do not push adoptions. We do not push becoming mothers. We try to get the women to make that decision for themselves. And I believe so strongly in

this that I would work for nothing. I don't work there to make money, and I resent that implication.

The other important thing, I think, is that it is sad to see a Legislature trying to amend a constitution because they don't like the decision of the courts. They are lawmakers. We have a system here, and when the courts interpret the Constitution in a certain way, that's where the judgment rests. And if lawmakers can't accept that, it seems to me that there is a question there about how they view the law and the whole lawmaking process.

I'm not a constitutional lawyer, but I think that you ought to get the advice of constitutional lawyers. Messing with our Constitution because some legislators don't like a decision is certainly not the way to go.

ASSEMBLYMAN TALARICO: Thank you.

Okay. Any questions? (no response)

I'm going to switch back to those in favor, and then go back to those opposed. Barbara McGlone, Neil Sullivan, Alda Atkinson.

UNIDENTIFIED SPEAKER FROM AUDIENCE: She had to leave.

ASSEMBLYMAN TALARICO: Okay, Alda is in favor of it. Were you down to -- did you submit something? Okay.

Bob Kellow, are you here Bob? (no response) No? Bob is in favor. Severino DiCocco? Am I not pronouncing it right? No? Phyllis Burns, is that you? Come forward, please. Do you want to testify?

PHYLLIS BURNS: Yes.

ASSEMBLYMAN TALARICO: Come on forward.

Mary Rose Burns.

Barbara McGlone, would you come up? Is she not here? Okay, she is in favor.

Neil Sullivan, you're here?

NEIL SULLIVAN: Yes.

ASSEMBLYMAN TALARICO: Okay. Thank you. Push the red button. (referring to PA microphone) Neil, why don't you start.

MR. SULLIVAN: Okay, how's that?

ASSEMBLYMAN TALARICO: Good.

MR. SULLIVAN: Good, thank you. My name is Neil Sullivan. I live in Glen Rock, New Jersey. I won't spell the last name.

Just a couple of comments before I make a few comments about some comments made here. One is, I would like to -- there was a criticism of the Committee by one person, and I would like to compliment the Committee. Particularly, I would like to compliment Guy Talarico and Assemblyman Carroll and everybody on this Committee for their fairness today in letting everybody speak. I mention this only because of that criticism.

The other one I would like to comment on is the reading of the testimony of Rabbi Cohen. I found that particularly audacious. The mention of Judeo-Christian was mentioned, and being a Christian, I respond because of that. Rabbi Cohen, basically he was saying that if you support this amendment you're immoral, that somehow those people who support this amendment are standing in the way of children who are trying to get help. That's totally the opposite.

This amendment-- I consider it immoral to block a parent from fulfilling the obligation of that parent to help and protect a child. So I think -- I just want that in the record.

As I said before, I come from Glen Rock, New Jersey. I'm a parent of three children. I'm a taxpayer. And in some ways I feel like I'm in a movie. There was a movie with Woody Allen a number of years ago called *Coma*. And Woody Allen goes into a coma for, I don't know, 50 or 100 years. He wakes up and he says, "What's going on?" People are smoking cigarettes, eating more meat. Everything is turned upside down.

Well, I feel like I'm in a coma. The fact that we're having this hearing today makes me feel like I'm in the movie. What are we talking about here? The basic right of a parent to know what's going on on a procedure -- medical procedure for their child.

As I testified here a few weeks ago, that's a right that's so basic it does not have to be explained. And the fact that we're meeting on that is outrageous. Now, up until today, I thought we were meeting here because we have the most activist, abusive supreme court in the country, a court that only three months ago decided against the Boy Scouts, six to zero. Within three months, that was overturned by the U.S. Supreme Court. That's just one illustration of how extreme they are.

But not until today did I realize it's not only the Supreme Court of New Jersey that is undermining the communications between parent and child, it is many organizations, as I've heard today, in the State of New Jersey. There's a lot of problems. I think part of the problem is because that communication is being undermined.

The assumption is kids will do something, so therefore, everybody goes along with it. We used to have a standard in this country. We used to have something that we strived for. It wasn't the lowest common denominator.

Just a comment -- just a -- the Court. Getting back to the Court for a second. The Court basically undermined the power of the parents. I ask you, who feeds -- who feeds their children? I'm a parent, okay. Who feeds -- you're parents -- who feeds them? Who feeds their kids? Who shelters their kids? Who counsels their kids? Who protects their kids? It's not the Court of New Jersey. It's parents. Parents are doing that. There's a lot asked of parents, and they do it.

Parental rights have been thrown around today like, "Eh, parental rights." That's what parental rights is about. You all know it. And to say it like it's some sort of subversive thing? It's undermining the Constitution? Come on, what are we talking about here?

There was testimony by a young lady -- I think she was 16 -- and she talked about the right to have an abortion. Well, her parents are responsible if something goes wrong with that abortion. What if something goes wrong, and she needs medical help? Who does the State look to to pay for that medical help? Who does the State look to for responsibility for that help?

So a court that undermines the very nature of parental responsibility, then asks the parent to be responsible for that act? You can figure that logic; I can't. Maybe George Orwell can. I can't.

So that, to me, is the kind of logic that we're using here, that that young 16-year-old girl -- and she was, you know, very nice, I'm sure. She's probably a very nice girl. I have nothing against her personally.

And let's get back to this constitutional thing. You don't have to be a constitutional scholar. You could have studied grammar school history to realize the amendment process was part of the Constitution to deal with abusive courts and to ultimately allow the people to speak. And this issue, besides being one of parental rights, is allowing the people to choose, not the courts.

And the people have spoken. They've spoken through the representatives who overwhelmingly passed this legislation. A governor, who herself supports abortion, supported this legislation, because of the basic right that we're talking about.

So let democracy rule here. Let the people decide. Let the people choose. Thank you.

ASSEMBLYMAN TALARICO: Thank you.

Mrs. Burns?

MS. P. BURNS: Good afternoon. My name is Phyllis Burns, and many of the points that will be submitted in the remarks that I will mail in have been discussed here in detail, so I'm only going to mention three concepts that I don't feel have been brought out sufficiently.

So the first one is that underlying all of this debate and underlying the assumptions of the opponents of this ACR-2, this presumption against parents and against families. And it just strikes me as so strange that parents are considered to be dangerous and that family -- you know, the concept of

family is that they're dysfunctional and that we have to protect children from their parents. And I think that because we have exceptions to these definitions, sometimes, that doesn't mean that you change the definition of the concept. I mean, family and parent mean good, positive, loving things.

So I think that it's a mistake to allow ourselves to have this presumption against the concept of parents and families.

I think that our children do perceive an atmosphere that does come from the media, but also from the government, that says, "Hey, kids, you don't have to pay attention to your parents if you don't want you. We'll help you get away with it. You don't have to tell them. You can keep doing what you're doing." And they perceive that, and that itself is a wedge that itself causes some of the strains in families who are trying very hard to direct their children in a positive way.

I think, also, another thing that belies the debates of the opponents of this bill are that, you know, all of their examples refer to parents who are discouraging their children from -- you know, most of the examples were about parents who were discouraging their children from engaging in premarital sex. And so, you know, you have to think why is it that most parents are trying to discourage this, because it leads to lots of baggage later on. It leads to lots of self-destructive behavior. I think we have to look deeper.

I mean, imagine a world where there is no parental involvement in children's medical decisions. So imagine a world where a child does procure an abortion or is treated for STDs. So now I need to ask the question, what

happens next? Do these kids live happily ever after? Or do they return to these behaviors stronger and more determined to do them?

Now, if children are misled by some arrogant health professionals to believe that they can be easily treated for STDs, aren't they going to just go at it with much more vigor and enthusiasm, and thereby subject themselves to many further dangerous diseases that are not treatable. You know, there are many STDs that are not treatable at all.

So why are we pretending that a child's access to be treated for STD is some kind of solution to their life, and that is going to help them in their life?

So, added to that, I just would like to say that -- I would like to concur with Mr. Sullivan, that it is very unjust to require parents to be financially responsible for decisions that their children make and also that handicap the parents from influencing that child, from communicating with that child. I think the government should really be very careful about driving a wedge between parents and children. They should be supporting this family relationship. Thank you.

ASSEMBLYMAN TALARICO: Thank you.

MARY ROSE BURNS: First, I would like to applaud Mr. Sullivan and Mrs. Burns, who, you've probably surmised, is my mother. And I'd also like to thank you for letting us be here and letting us speak.

ASSEMBLYMAN TALARICO: Did you state your name?

MS. M. BURNS: Oh, yes.

ASSEMBLYMAN TALARICO: I'm sorry, you did?

MS. M. BURNS: Mary Rose Burns.

ASSEMBLYMAN TALARICO: Okay.

MS. M. BURNS: B-U-R-N-S, and from Montgomery, and I'm 12 years old, which makes me a minor -- probably the youngest minor here today. My well-being and the well-being of my age group is in question here. As a minor, I have two loving parents who look after me and care for me, and I would never have a medical procedure done without them knowing it.

Well, you might ask why. I have to admit, most minors, even at age 18 like my sister, are easily led, careless, strong-willed, and just plain inexperienced. We would get ourselves into some pretty big trouble if it weren't for our parents.

Some people might say that we should make our own decisions, because many of us live in dysfunctional families. But really, the vast majority of children live in completely functional families. And even for those in dysfunctional families, appropriate authorities should protect the child, and not let any old stranger who professes to be a doctor and will profit from this procedure substitute himself for an authority.

Doctors, at the very least, should notify the parents and not take over parental responsibility. What real, respectable doctor would have any problem with parental notification, if the doctor believed that doing an abortion -- when he or she is doing an abortion -- is the right thing.

New Jersey should protect the rights of the parents, who are legally responsible for their children. New Jersey is a great state, and with a constitutional amendment to protect the families and honor the parental rights, we can make it better. Thank you.

ASSEMBLYMAN TALARICO: Thank you. You did a terrific job, as the youngest speaker of the day.

We are actually down to, I think, about 11 speakers. And Phyllis Kinsler, Bear Atwood -- Bear's not here?

BEAR ATWOOD, ESQ.: I'm here.

ASSEMBLYMAN TALARICO: Oh, I'm sorry. Did you sign up to speak? What's your name?

JOEL TUMBERELLO: Joel Tumberello.

ASSEMBLYMAN TALARICO: Joel, why don't you come up.

MS. ATWOOD: Mr. Chairman, there's a young woman in the back, Jennifer, who really needs to get back to school.

ASSEMBLYMAN TALARICO: Is she signed up to--

MS. ATWOOD: Yes.

ASSEMBLYMAN TALARICO: Jennifer Fleischer? Jennifer, come on up.

Does anyone else have to get -- she has to get back? It's 4:00.

MS. ATWOOD: She's a college student.

JENNIFER L. FLEISCHER: Hi, my name is Jennifer Fleischer. I am a third-year, premed student at Rutgers University. I am here today because, as a young adult, I feel that ACR-2 is detrimental to the health of teenagers. Not only do I feel that this law is unconstitutional, I also feel that it greatly endangers the well-being and possibly the lives of minors.

Dealing with topics of pregnancy, substance abuse, sexually transmitted infections, and mental health issues causes fear and embarrassment for many teenagers. Confidentiality is one of the biggest factors in a minor

seeking professional help. Lack of confidentiality would make a teen less likely to receive treatment, and could, therefore, threaten his or her condition.

It should also be considered that all families are not the same. Some are abusive and dysfunctional. Many teenagers feel that they do not have the option to run to their parents in a crisis. Some minors feel that turning to their parents might further cripple an already unstable relationship.

In conclusion, I feel that this amendment will cause teenagers to resort to extreme measures, and possibly put their lives at risk in order to obtain abortions and other essential services that should be provided confidentially under the law. Thank you.

ASSEMBLYMAN TALARICO: Thank you.

Phyllis, do you want to--

MS. KINSLER: Yes. I'm Phyllis Kinsler. I'm the President and CEO of Planned Parenthood of Central New Jersey. And you have written testimony, which I'm really glad I prepared and submitted, and will not read, because so much of what has happened today has prompted additional comments -- and to statements that must get answered.

I would like to say, except for Lenora, I think -- I won't get the prize for the youngest speaker, but I was going for extra points for stamina. This is the third time I've been the first person to sign in and one of the last to speak before this body on a similar issue.

When I first began to work with the Child Abuse and Maltreatment Prevention Task Force in the late '60s, I heard a lot of words that are giving me flashbacks right now. I heard a lot about parents' rights. I

heard, and I came to believe then and will continue to believe, that child safety trumps parents' rights anytime they are in conflict.

I did not become pro-choice or pro-wanted-children after receiving my first paycheck from Planned Parenthood. I sought out Planned Parenthood, because, after countless hours on suicide hotline telephones and child abuse hearings, I developed a great respect and appreciation for Planned Parenthood's role in preventing unintended pregnancy, abortion, and family tragedy.

We are protecting children. When we talk about protecting children, we're not talking about, "Oh, we are protecting them from their parents." We're talking about protecting them from their fears. And I think those fears are legitimate, and we have to be very concerned about anything that delays treatment.

There were a couple of statements made earlier. I'm not going to do all of the footnotes, but I will direct you to some CDC studies and National Cancer -- Cancer Society studies that are available to you. There was, indeed, a lot of comment here about false statistics and accusations about a relationship between abortion and breast cancer. There is, indeed, only one reproductive factor associated with breast cancer, and it's that breast cancer is more prevalent in women who do not experience a full term pregnancy early in their reproductive lives.

Ironically, that connection was first noted in 17th century nuns. And I do not hear anybody concerned about breast cancer arguing against either celibacy or for teen pregnancy in order to inoculate our young women against future breast cancer.

We had two very articulate young people speaking in favor of this resolution. What surprises me about that is that they failed to note that nothing in the current law interferes with their relationship with their parents. Right now, the State of New Jersey has no law mandating parental involvement in reproductive health decisions. That didn't stop the young man, who said he didn't want to be arrogant, from saying he talked to his parents, and it didn't stop the articulate young 12-year-old from arriving her with her mother.

What these laws will do is intrude on the life of young people who differ with them. And I can't think of anything more arrogant than saying that, because I can talk to my parents, everybody should, and if they can't, put their safety at risk.

The last thing I want to tell you is that I'm the person that parents call when they learn their daughters obtained birth control or a pregnancy test or an abortion without their involvement. In my organization, anyone who is concerned about anyone -- anything, would be against me if I'm there.

I talk to those parents. They're usually disappointed, they're hurt, they're guilty, or they're angry. They're disappointed and hurt that their daughter didn't talk with them. They may feel guilty they didn't present enough of a sufficiently loving, supportive, or reliable image so their daughter trusted them. They may even be angry, and often are, that their daughter had sex sooner than they considered appropriate or with a partner they would not have chosen. And sometimes they start out angry that their daughter trusted Planned Parenthood more than her parents.

But I'm going to tell you that, after 30 years in the field, overwhelmingly what I hear is from loving, responsible parents who agree that

there's nothing I can say to make them happier about their daughter having sex too soon or with a partner that they don't like. What they are happy to know is that if they weren't there, that their daughter had a safe and licensed facility in order to get care, and that's what they want to know. They're not going to change that. If I had a magic wand, I could maybe make them feel better, or their daughter wouldn't have had sex. The issue is not whether or not we're protecting parents' rights. The issue is whether we're putting parents' rights over child safety. And I certainly hope we are not.

ASSEMBLYMAN TALARICO: Thank you.

Bear? Just state and spell your name, for the record.

MS. ATWOOD: Bear Atwood. The first name is spelled B-E-A-R. My last name is A-T-W-O-O-D. And I'm here because I'm a parent. I'm here because I'm a lawyer who practiced juvenile law for a good number of years, and I got to see a lot of families working or not working together. And I'm here, quite proudly, because I work for Planned Parenthood of Central New Jersey.

And like Phyllis, I came to Planned Parenthood because it was a place where I saw quality service being provided. It was a place where I had, for years, recommended my friends go with their daughters, because it was a place where they would get lots of information, where the health-care professionals would spend lots of time with them, where they would be treated with respect.

I have to briefly take exception, again, to some of the things that have been said about my organization today, because, in fact, we do the work that stops unintended pregnancies. We do the work that helps prevent STDs.

We do the work that helps keep women's reproductive care quality in our State, and we're very proud of that.

But it's truly as a parent that I want you to hear me today. I have a 12-year-old son. He is the most precious thing in my world. Anyone who has ever met me with him will know that I delight in him. I delight in watching him grow. I delight in the fact that he's turning into a teenager, and that he's becoming very independent, and that he's becoming somewhat rebellious, and that he's expressing his own opinions. Those are wonderful things. Those are things that, as a parent, we should be encouraging in our child, because he's not going to all of a sudden one day be 17, and almost 18, and the next day, a fully formed adult. That is a progress. That is something that we, as parents, encourage every day of our child's life. And if he ever has a serious problem, I hope he'll come to me, or he'll go to his father. I think we have a great relationship with him, and I think he would do that.

But if he can't, then I hope there's a Planned Parenthood. I hope there's a caring, responsible, respectful adult out there who will be there to help him. Because what's most important to me is not my right as a parent to know. What's important to me is my child's safety. And this bill puts my child's safety at risk.

ASSEMBLYMAN TALARICO: Thank you.

Joel? Spell your name.

MR. TUMBERELLO: Sure. My name is Joel, J-O-E-L, Tumberello, T-U-M-B-E-R-E-L-L-O. I want to thank you all for hanging around to listen to all our testimonies.

I'm here today as a clinician, as a nurse practitioner in women's health, as an educator of other nurse practitioners and clinicians in women's health, and as a parent and a father. For the past six years, I've been delivering gynecological care to women of all ages, with a specific concentration toward adolescents. I've served, since 1995, as a clinical instructor in women's health for nurse practitioners, physicians' assistants, nurse midwives at several universities throughout our tristate area. I'm the forensic examiner for the City of Camden, where I assist victims of sexual assault. And I've been recently recruited by the Deputy Attorney General's Office of New Jersey to train other forensic examiners.

I say all this not to boast, but to say that this is my work. I am not involved or profit from the delivery of abortions. Matter of fact, most of my work is assisting women to have babies. It's obstetrics. And a lot of my work is gynecology. And I've come to realize in this, in working specifically with younger people, something that we kind of lost sight of today was touched upon last time when we last met over this issue. Two of the most critically important issues for a young person to seek out care is an assurance of confidentiality, that they know they can come and speak to you, and a trust -- a sense of trust that they know what they tell you won't be shared, that their confidences will be protected.

If I could sum up all that I've learned about adolescents in all these years, I'd say that's the crux of it.

I gave an example last time, a very poignant example, that I submitted in my written testimony, so I won't go into detail repeating it. But the sum total of it was -- and I have these cases over and over and over. A

young woman called me from school. Her school nurse called me. She was a 16-year-old student, was in pain -- abdominal pain -- was filled with guilt because she thought the pain was from a sexually transmitted disease, because she newly became sexually active. She was filled with shame and guilt and fear. She didn't want to come in unless I could guarantee her, her parents wouldn't know about her visit.

And that is -- that happens to me over and over and over again, as it does to many others, or whoever practices women's health, especially with adolescents.

Now, as I discussed last time, this case proved to be quite interesting, because her abdominal pain was caused by a -- what's termed in gynecology as a tubal ovarian abscess. That's a swelling of the area near the ovary that causes a large mass and causes a lot of pain.

Now, the risks of that are it could twist and turn and cut off blood flow to the ovary and cause an ischemia to the ovary, and therefore, she becomes infertile in that one ovary. Or --

ASSEMBLYMAN TALARICO: I'm sorry, Joel.

MR. TUMBERELLO: Okay.

ASSEMBLYMAN TALARICO: You know, this is -- this is not really on the specific issue of the amendment.

MR. TUMBERELLO: It speaks to the issue--

ASSEMBLYMAN TALARICO: If you could just bring it in.

MR. TUMBERELLO: --because this woman's life could have been in danger had she not had free access to come to me. Had I had to wait for parental notification, she would have been dead, so it's relevant. Had I had to

wait for a judicial bypass, she would have been dead. This is not the same thing as Tylenol, issues about ear piercing. This is not related to those issues. This doesn't involve those issues of legislation. This is something bigger that everyone seems to be losing sight of. It's concerning the safety of our public. It's called public health, another thing we've seemed to lost sight of here today -- the public good, which you're supposed to be serving, all of you -- all of us, as health-care providers. This amendment does not serve the public good. It's a danger to the public health, because it will impede access to care.

This is not about abortion. It's not about how we feel as parents and our rights. Of course, all of us want to be in touch with our children. As a father, I would always want my daughter to come to me. But you know what, as grown-ups, we can't always control that. Life, sometimes, is out of our control. And as competent parents as we try to be, sometimes our children won't come to us.

And I thank God that my child can go to a health-care provider, if she needed to, because she didn't want to come to me. And she had access to someone rather than risk her life. And I don't think any of us sitting here today would dare say we would rather be in the know, and that's more important to be in the know than to have the assurance that our children will be cared for. Who, in their right mind, would take such a stand? And that's, yet, what this amendment promises to do. It promises to prioritize notification over health care.

And there's discrimination in this amendment, because someone, previous to my testimony, spoke kind of -- I was disappointed to hear that someone had the impression that most families are functional. I find that

audacious. I find that appalling that someone could be so in the dark to think that most families in the United States are functional families.

What about the families that aren't? Is it a small number of people? Are they insignificant? Because this bill will impede on the public health of a very large number of people, therefore, those people are really going to be discriminated against due to this bill, because they don't have that wonderful relationship with a parent.

Yes, they're going to -- yet, they're going to have to be delayed in getting access to their care because of this amendment.

The facts show us, over the years -- the real facts, the real research, the significant research that's documented in peer review journals, the prospective studies that tease out all the confounding data that has been put before you about breast cancer and abortions, all that -- honestly, nonsense. And I'm surprised that that's still being brought up, because those things were refuted years ago by the scientific community. And any practitioner of gynecology who seriously thinks that -- I doubt you'll find many.

The point is, the real facts show that adolescents need trust and confidentiality. The real facts show that adolescents won't seek health care if they don't have an assurance of it. The real facts show they won't stop having sex; they won't stop engaging in risk behavior. They'll just stop being safe. They'll just stop seeking health care. And you'll have -- all of us will have that on our hands as a public cost, as a detriment to the public health. And I keep emphasizing, it's a public health issue that you dare to intrude on with this amendment.

This amendment goes against everything we have learned -- painfully, expensively learned -- in the field of health care. It goes against and away from all that we know. As a health-care professional, as a father, as a parent appealing to all of you as responsible adults, I really hope and pray that this amendment goes no further. Thank you.

MS. KINSLER: Excuse me, Assemblyman, if I may just say one thing. I had hoped to ask some other people this question rather than put it before you, but they're gone.

I do have a question, and that is if you know of any of the right-to-life, antiabortion, birthright centers that testified earlier who have a practice of notifying parents when they see minors for pregnancy testing and prenatal care. I do not. And although we will never agree on being pro-choice or antichoice, I would give them big points for moral consistency if that is what they were addressing. But I don't believe they do, and I was hoping to get that into the record from them.

ASSEMBLYWOMAN GREENSTEIN: Mr. Chairman.

ASSEMBLYMAN TALARICO: Assemblywoman?

ASSEMBLYWOMAN GREENSTEIN: I also had a question for you ladies and gentlemen. How would you answer somebody like Mrs. Carter, the lady who spoke about being from Pennsylvania. The child was sent to New Jersey. And there was another lady who sat with her -- I don't recall her name -- who talked in terms of the bad doctors out there. The bad doctors one, I can easily answer. Most adults are not able to ferret out bad doctors, so to say that our children will be out there, not being able to tell if the doctor is a good or

an unlicensed doctor or a bad doctor -- often adults have that same problem. So I'm afraid there's no real answer to that.

But what about situations like the one that she described? Clearly, if people come to places like Planned Parenthood, they're getting a very balanced viewpoint as to, you know, the different options. The young woman would get this balanced viewpoint. But it sounds like her daughter went someplace where she literally was not talked to. How much of that do you perceive is out there, and do you think perhaps we need State standards as to what a young woman is told when she goes in anywhere for counseling?

MS. KINSLER: Well, there are a couple of things I'd like to address. One is that young woman was not here to speak for herself, so I really don't know the care she had. I've been on panels where I've been accused of services happening at Planned Parenthood where people had to admit that wasn't really where it happened.

The most important thing I would say is that that's the best argument we've been giving forever about no states requiring parental involvement. The tragedy of travel and distance and isolation in selecting a qualified provider was compounded by the fact that that woman lives in a state that puts obstacles in front of young people needing safe, timely care. And if she had been able to get that near home, we could have shortened the testimony about the drive home through Philadelphia rush hour traffic quite a bit. And we could have shortened her trauma.

The exact point is, yes, there are many states with parental involvement laws. We should be proud and grateful for our own families that

New Jersey is not one of them, and we should not take away that safety valve for our own kids or those in neighboring states.

ASSEMBLYWOMAN GREENSTEIN: What I was thinking of was that places -- just about everywhere should be like Planned Parenthood. Perhaps this clinic, where the young woman went, didn't require counseling -- assuming, just assuming for the moment that the way the woman described it is true, that her daughter went in, was not spoken to. Maybe what we need, actually, are standards on that so that everywhere is doing what your organization is doing.

MS. KINSLER: New Jersey is one of the most heavily regulated states in the country on medical care. I've been involved with Planned Parenthood in three states. I have never seen the degree of inspection and licensure. I would like to say all of that, from a consumer perspective, is helpful. Not all of it is.

The fact is, the most important thing is to not put obstacles in front of the most concerned, most regulated providers. If you're going to talk about someone who is flouting good medicine, flouting regulation, already flouting law, what makes you think that's the place that will meticulously abide by any parental notification law. It is the fact that we are licensed, inspected, regulated, and by last count, our organization was subject to upwards of 34 legitimate inspections a year. And that doesn't count those that we occasionally get that are prompted by hostile legislators who heard too much from our patients or constituents, and we had those as well.

So legitimately, we are heavily inspected. Legitimately, we will practice according to the law. We will do everything we can to cushion the damage to those young people, but we will not break the law.

Your concern needs to be people that are already not conscious enough of care, and what makes you think they're the ones that are going to go out of business. They're still going to be there. That's where you're sending your kids.

MR. TUMBERELLO: Assemblywoman Greenstein, I'd like to address your question, also. I think -- you know, I think there's legitimacy to your concern, absolutely. I've worked in clinics all over the state and in Pennsylvania, and sometimes the care is suboptimal.

But I think the focus needs to be on giving improved access, or easy access, to quality service -- to quality places. And if that access is not impeded, hopefully those disreputable places will dry up. I mean, in health care, as professionals, we all hope for that.

ASSEMBLYMAN TALARICO: Thank you. Okay, we have five speakers left, if you're all here. Michelle Bobrow? (no response) Not here. Michelle is recorded as opposed. Adele Vexler? (no response) Not here. Recorded as opposed. Dana Davies?

DANA R. DAVIES: Here.

ASSEMBLYMAN TALARICO: You're here. Come forward.

Lenora Lapidus and Elizabeth Volz. Now, do you win a prize as being the last one called?

UNIDENTIFIED SPEAKER: Everyone wants to know what the prize is.

ASSEMBLYMAN TALARICO: Dana, do you want to go first? Push the red button. (referring to PA microphone) Just spell your name.

MS. DAVIES: Dana Davies, D-A-V-I-E-S. I'll make my comments brief because of my esteemed colleagues to my left. I'd really like to hear their testimony, and much of what I'd like to say has been said.

I'm here as the parent of a teenager. I'm here as a citizen who is, frankly, appalled that we're about to do this, that we're trying to amend the Constitution. And I'm here as a board member for Planned Parenthood of Southern New Jersey. I have no horns. I am not paid for what I do for them. I am a volunteer board member, who has done a little research that I'd like to share with you today. I invite you to go to the Web site. The research is there. It's all very carefully documented, and I encourage you to avail yourselves of the resources there.

ASSEMBLYMAN TALARICO: What is the site?

MS. DAVIES: PPSNJ, or PPSNJ.org. You can start there.

Sometimes I think solutions can be found in the common ground that we all agree upon. I think that we all agree that we all care enormously and passionately for our children. Few would deny that most teenagers, especially younger ones, would benefit from adult guidance when faced with difficult decisions. Few would deny that such guidance, ideally, should come from the teenager's parents. But we do not live in an ideal world.

Do you have a copy of my testimony?

ASSEMBLYMAN TALARICO: Yes.

MS. DAVIES: I'd like to scroll down, briefly, if I could, to some of the research that I mentioned. It's on, I believe, your Page 2 and 3, and let's

take a look at some of the numbers that people have loosely thrown around today, and really try to get a handle on the minority population that will be significantly damaged if an amendment to Article 1 is made.

Each year, approximately 1 million U.S. teenagers become pregnant. About 78 percent of those pregnancies are unintended. Sixty-one percent of the respondents who chose to have an abortion reported that at least one of their parents knew about the abortion.

Stepping back, among the teenage pregnancies in 1994, 55 percent of them resulted in birth, 31 percent in abortion, and 14 percent in miscarriage. Okay, so of that 31 percent -- and everyone can do the math, we're talking about 310,000 -- 61 percent of those teenagers reported that they had consulted a parent already, voluntarily.

Of those minors who did not inform their parents of their abortions, 30 percent had histories of violence in their families, feared the occurrence of violence, or were afraid of being forced from their homes.

Among the respondents who did not inform their parents of their pregnancies, all consulted someone in addition to clinic staff about their abortions, such as a partner, an adult, or another professional.

I think it's very important to keep the numbers in mind, because when we hear heart wrenching tales, it's very important to remember that what we need to protect as legislators, and what I think the Supreme Court is interested in protecting, is that very small minority who absolutely could not go to their parents.

I'd like to jump to another tack and talk with you a little bit about my concern because of the broad language in this amendment. And that is, the

people who will need to seek parental notification for all of the other public health issues that are included under the terms, medical treatment, medical-surgical treatment, and consult, specifically in the issues of mental health, for example.

A few months ago, my daughter came to me and indicated to me that she was in trouble. I knew that she was having trouble. I knew that she had gone from being an honor student to doing much worse in school. But I didn't know what was up. I didn't know whether it was because of stress or whether it was teenage angst or whether she was ill. But because we had talked about depression a fair amount in our family, she knew that counseling was available to her, and felt comfortable enough to at least come to me and say, "You know, I really want to sit down and talk with somebody."

I am very lucky. I know enough to know that often children who are suffering from depression don't survive. Are you willing to take the responsibility to legislate that if a kid can't go to their parents for help with depression, that they aren't going to get help? Are you willing to take responsibility for even one life?

When I was 18, I had a brother who was suffering from depression. And he, too, came to his family. But unfortunately, he was misguided. Twenty-seven years ago, depression was perceived completely differently than it is now. And many of you who are my age or older, who grew up in the same kind of families, might remember that it was often treated as a moral weakness instead of a health issue.

I was not there the last time he was seen alive. But I bet I know part of what he was told. He was told to shake it off, to pick himself up by his

bootstraps and keep on going, and that he was all right. He did not get the help that he needed, and he jumped off a bridge.

Are you willing to risk that one kid, who is afraid to reach out to a parent, will not get the help that they need? Sixty-one percent of the young women who find themselves with an unintended pregnancy are already going to their parents. It's the ones who can't that we have to protect. That is the responsibility of the Supreme Court. It is not legislating the will of the majority; it is protecting the rights of the minority, even if you cannot comprehend the struggles that they have.

Lastly, I want to thank you all for taking the time to be here and be willing to listen through the end of the day. I, too, was a little bit appalled that some of the assemblymen who were here earlier were so willing to bait and attack some of the people who came forward to testify.

I think that, as elected representatives, you have a responsibility to hear it and be willing to listen to all sides, even if they are not grounded in your own beliefs. And I thank you for your time.

ASSEMBLYMAN TALARICO: Thank you.

Who wants to go next? Do you want to go next?

LENORA M. LAPIDUS, ESQ.: Good afternoon. My name is Lenora Lapidus. I'm the legal director of the ACLU of New Jersey. I have submitted written testimony. I will not read that, but I would like to make three points.

The first point is that this bill, the impetus for this bill, was to overturn the New Jersey Supreme Court decision striking down the law requiring parental notification before a minor could have an abortion. The

decision that the New Jersey Supreme Court reached was based on extensive evidence. Much of it came from medical experts and from the major health societies that are involved in these issues of adolescent health care.

The evidence showed that requiring parental notification would cause severe harm to minors' health, and would significantly burden their ability to obtain an abortion. The evidence also showed, as has been stated earlier, that most minors do already involve the parent in the decision to have an abortion. But those who don't have very good reasons for not doing so. They may fear abuse in the family home. They may fear being thrown out of the family home, and they may fear that their parents will stop them from having an abortion.

For those teenagers who feel that they cannot tell their parents, this law would not change that for them. All it would do would cause them more difficulties in obtaining the medical care that they need. It might cause them to leave the State of New Jersey. It might cause them to try to self-induce an abortion or seek an illegal abortion.

Requiring parental notification does not guarantee family communication. All it does is impose obstacles and harm young women's health. And it is for that reason that the major medical associations all oppose requiring parental involvement.

This bill, of course, goes far beyond simply requiring parental notification for abortion, but would authorize the Legislature to mandate parental notification for a wide range of adolescent health care. This would include contraception, drug and alcohol testing and treatment, treatment for sexually transmitted diseases.

While it is true that for most medical care a minor must involve a parent, there are certain exceptions that have been created in these areas, based on the recognition that there are certain issues a minor may not feel comfortable talking to his or her parent about. What those laws have done, since they've been in existence, have provided for safe medical treatment for a wide range of adolescent health care. This bill threatens to undermine that guarantee, and as a result, we may see a widespread rise in unplanned pregnancies if minors cannot get contraception, in the spread of STDs, and in untreated drug and alcohol treatment.

It is those kids who cannot go to their parents who need to be able to obtain confidential health care. And if the Legislature really cares about those adolescents, it should not impose requirements of parental notification, because as has been stated by the experts already, what those laws do is simply lead minors to forego treatment altogether.

The third point that I would like to make, along with the other constitutional scholars who have spoken today, is that amending the Constitution is a drastic move. And this Legislature should not go about such a move lightly. The Constitution is a foundational document that provides the basis for how our government is structured and for the protection of individual rights. The Constitution sets up three branches -- coequal branches of government: the Legislature, the executive, and the judiciary. While the Legislature is to act in accordance with the will of the majority, and the executive is to enforce the laws that are enacted by the Legislature, it is up to the judiciary to ensure that no laws that are enacted will infringe the fundamental rights of individuals who may not have a majority voice, or in this

case, may not have any voice in the electorate at all because they are minors who do not have the right to vote.

The Constitution should be viewed as providing guiding principles. These principles endure throughout time, when the politics may change, when different issues may be of more import than others, but restraint should be used before amending the Constitution, because whatever amendments are made today will then bind generations far into the future.

Statutes that are enacted today can be more easily changed in the future if a future Legislature disagrees or if the politics have changed. But a constitutional amendment requires another long process to amend the Constitution to bring us back to the starting place where we are today. For that reason, the Legislature should not go about amending the Constitution lightly.

Another important reason why the Legislature should hesitate to amend the Constitution is that this document protects all the citizens of our state. The citizens of New Jersey vary widely in their religious views, in their political views. But the Constitution protects all of us. And if now, because a certain political will has the majority, the Constitution is amended and the Constitution is no longer seen as protecting all New Jersey residents, regardless of their views, then that will severely undermine the importance of this document and the notion that all of us live in a society equally.

Most importantly, the way in which this amendment is being proposed threatens to undermine that core principle of equal protection. This bill says that the Legislature may require parental notification irrespective of any right or interest otherwise provided in the Constitution. And, through that

language, this bill seeks to write out the equal protection guarantees for minors in the State of New Jersey. Equal protection is one of the most fundamental principles that all of us believe should govern. And if this Legislature writes out equal protection for one group today, who might it write it out for another group tomorrow.

We should not easily amend this State Constitution which has gained the respect and admiration of people all across the country. This Constitution has been heralded as one of the leading constitutions in protecting individual rights, and it should remain so.

For those reasons, the ACLU urges the Legislature, when this bill comes to a full vote -- which we hope, perhaps, it won't, but if it does -- urges the Assembly to vote against ACR-2. Thank you.

ASSEMBLYMAN TALARICO: Thank you.

Elizabeth, you have the last word.

E L I Z A B E T H L. V O L Z: Hello. For the record, my name is Elizabeth Volz, V-O-L-Z. I'm the President of NOW, New Jersey, and the Chair of the Choice, New Jersey Coalition.

Going last gives me an interesting perspective. There are some things -- obviously, you all have copies of my testimony -- there are some things that have been gone over at great length by people who are authorities in these fields, and I will not address those. There are, however, a couple of things that I think have not been pulled out, that I think we ought to take a look at.

The first one is, when an average citizen goes to the courts and follows the appeal process, when, at the end of the appeal process the Court

has made their decision, that citizen is expected to follow that decision. The same kind of understanding stands for the State Legislature and the State Supreme Court. When, at the end of the day, all procedures have been followed and the State Supreme Court rules, there is an expectation that the Legislature will abide by the ruling. The reason for this is the basic balance of power. It's the same reasoning that the citizen must abide, in the end, by the ruling of the Court. It is the balance of power that keeps one branch of government from taking more power than their fair share, and it is the way our system works.

It is important, then, when one loses at the Supreme Court level, that you go back and see what the original agenda was. If the original agenda of this piece of legislation was, in fact, to cause more parental involvement, there are plenty of ways in which this Legislature could have explored that option without amending our State's Constitution. There are plenty of ways in which this Legislature could have, through better sex education programs, through other kinds of programs that the State could offer, to improve the quality of life for children and families. There were ways to address, if the goal was, indeed, to get parents more involved in the lives of their children -- if that, indeed, was the goal, there were ways for this Legislature to do that without challenging our State Supreme Court, without trying to go over top of that State Supreme Court.

At the end of the day, it is my responsibility as a parent -- it is my responsibility to create an environment that is safe for my children in which my children feel they are comfortable coming to me. If I fail to do that, this State Legislature cannot fix it, and they can't do it for me. In the end, that is

my responsibility as a parent. And if I have failed, there is nothing the State Legislature can do, except to move on legislation like this, which would further jeopardize the health of my children.

At this point in time, I am one of those parents who is pretty willing to bet that my children will come to me, all three of them, at any time, maybe even when I don't want them to. At this point in time, I'm willing to bet my entire bank account that if my son is involved in an unplanned pregnancy or there's any kind of drug issue or alcohol issue or STD issue, that indeed, he will come to me and discuss the matter with me. I'm willing to bet my house, my bank account, my car on that, but I'm not willing to bet my son's life. If, for one reason or another, my son feels that he cannot come to me for this matter, I want him to be able to go to a professional and not to some underground outlet because he fears he cannot come to me.

I think it is important for this Legislature to understand the depth and breadth of what you're considering. I think that many people before me have brought this out in a very comprehensive way.

There are two things that I'd like to just put on the record. First of all, I think it's important for us to remain respectful of the various individuals who have come up here to testify, and understand that those who are testifying in favor of this, with an antiabortion position, are not being paid large sums of money to be here, and neither are those who are coming here to testify against this.

It is important, also, to understand that just from my personal perspective as an individual who did work for abortion providers in the past-- I began my employment at \$5.00 an hour, and with my bachelor's degree, I

made \$8.00. I'm sorry, but that's not enough to convince me to say anything I don't want to say out of my own good conscience. And there's not a single person out in this room today, even those people who disagree with me, who are not speaking out of their conscience -- not out of their pocketbooks. Not one of us is getting paid enough to do that, in any way, shape, or form.

So I think it's important for this body to recognize that what you're dealing with, essentially, is a group of citizens who have made themselves advocates in one way or another for a certain position. As a citizen, as a mother, as a president of the National Organization for Women, I am very concerned about the implications of this legislation. I'm concerned for my own children. I'm concerned for all children, and I'm particularly concerned for women. Because the truth of the matter is that young women bear an unequal burden with respect to issues like pregnancy, and even with issues like STDs and medical health.

If these kinds of barriers are put in place, it will be even harder for young women to receive the services, health, and assistance that they need in this state. And it will jeopardize the health of the young women in this state.

With that in mind, I am urging the Assembly, the members of this Committee, and the other individuals who will be required to vote on this matter to vote against this amendment, and indeed, get back together and consult with each other about what could be done honestly, proactively, and sincerely to move legislation that will help parents communicate better with their children. Because the bottom line is, the State can't make it happen, but they might be able to help it happen. They might be able to do things that would encourage it to happen.

And I think an additional question should be asked of the sponsors who are not here at this time, but I believe that, on the record, this question ought to be asked to them: What exactly is it that they want to require parental notification for? On the record, they should be required to tell us. We know they want parental notification for abortion. But this amendment says nothing about abortion. What else is it that they want to regulate? They should be on record telling us that.

And in addition, they should be on record telling us exactly why they will not put in this amendment any kind of judicial bypass. I'll tell you what my guess is for their reasoning. My guess is for their reasoning that they're hoping in it for a change in the makeup of the Supreme Court so they can pass a parental notification law without a judicial bypass.

We discussed this bypass in various committees. Everyone understands the importance of this bypass for those families that cannot communicate with their children. But there are individuals who very strongly would like to pass this legislation with no bypass. And I think that that should be considered when the amendment is put on the public record.

The last thing that I want to say is that in the end -- in the very end of the day, it will be my responsibility. That's what it means to be a responsible parent, to create a household in which my children can come to me. That's what it means.

If I fail to do that, the State cannot help me. If I succeed in doing that, then these laws will not affect my children, but they will affect my children's friends, my children's peers, potentially my children's babes. This could have serious consequences for the young people in our State, particularly

the young women. And I'd like this body and the full Assembly to consider those ramifications. Thank you for your time.

ASSEMBLYMAN TALARICO: Thank you.

At this point, Mr. Chairman, there are no other speakers. And I think it would be appropriate to call for a motion to adjourn, unless you want to have any closing statements.

ASSEMBLYMAN RUSSO: The only thing I would do, just to make sure -- there are no other speakers, correct? Anybody else?

ASSEMBLYMAN TALARICO: How many did we have? We had fifty-eight?

MS. NAGLE: Fifty-eight.

ASSEMBLYMAN TALARICO: Fifty-eight speakers.

ASSEMBLYMAN RUSSO: That's okay. Of the Committee members who were here, does anybody want to make any kind of remarks to close? Guy, or--

ASSEMBLYMAN TALARICO: Yes. Actually, it was an extraordinarily emotional day, and people with deep-seated convictions on both sides presenting testimony from the heart. I had another appointment that I canceled, out of respect to members of this organization -- of members that came here today, because I wanted to be here, as painful as some of the testimony was both from a human standpoint -- people suffering terrible human tragedies -- and coming before this body and providing that testimony, I know how difficult that was. And again, it was on both sides of the issue. So I appreciate what was brought forward today, and thank you.

ASSEMBLYMAN RUSSO: Thank you.

Okay, I think we need a motion to adjourn.

ASSEMBLYMAN TALARICO: Yes, motion to adjourn?

(affirmative response) Second? (affirmative response) Motion carries.

ASSEMBLYMAN RUSSO: Okay, thank you.

(HEARING CONCLUDED)