

Testimony Before the House Judiciary Committee
Vermont General Assembly
By Pete Gummere, St. Johnsbury, VT
January 30, 2019
In RE: H.57

Attn: Rep. Maxine Grad, Committee Chair

Madame Chair:

Thank you for the opportunity to speak with you today.

Despite my underlying and serious ethical objections to the central focus of this bill and being aware of the political reality that this Committee will – in all probability – bring the bill to second reading before too long, there are specific points that I think must be addressed before passing the bill on to the floor.

1. The central focus is obviously protection of a woman's legal right to choose to terminate her pregnancy. While there is reference to the option of carrying a pregnancy to term, that choice does not appear to enjoy equivalent protection. I suggest that the choice to carry a pregnancy to term should get equally clear protection under the law. If we take the stance that abortion is to be protected, so should the alternative.
2. I also have a very serious concern for women who are coerced into having an abortion by a boyfriend or other person. In two cases during my last job prior to retirement, I was called upon, as a manager, to protect women from very real threats by boyfriends who simply did not want to pay more child support. In one case, a boyfriend was on-site at the place of employment and actually started to punch the woman in the abdomen, apparently to precipitate an abortion. In another case, a boyfriend assured the young woman that she "would never deliver that baby alive." Using the resources of management and law enforcement, we were able to protect each of these women.

A third incident I know through family connections, a young woman was slammed to the floor by her boyfriend; she hit her head and several years later still bears evidence of the injury she sustained at the time.

If we are going to protect a legal right to an abortion, should we not also do something to protect women from coercion? Particularly when they may be in internal conflict and distress to start with? And, as a matter of record, each of these incidents arose within the State of Vermont.

3. Third, if a woman has a right to choose abortion, does that impose a duty on physicians, nurses and other health care workers to provide that particular service? Clearly, there are health care personnel who have ethical objections to providing those services. Should we not afford health care providers the same right to make choices about performing what is generally an elective procedure? In fact, that right to conscience protection should be extended to all public employees, some of whom may feel ethically compromised in some situations.
4. Fourth, would public entities be allowed to discriminate against persons or agencies that do not support abortion? A public school would be a public agency under the bill. Would a public school's counsellor, for example, be allowed to distribute information about a local pregnancy support center as well as an abortion center? Would a school be allowed to provide not only information about abortion, but also about pro-life options? Would the schools have an obligation to provide information about all options?

Under the principle of "informed consent" in the clinical world, the patient has the right to select from among all options. Since our young people are being empowered to make the decision to abort without benefit of their parents, they deserve to know the non-abortion alternatives.

And what is the precise meaning of "interference" under the bill? Would that constrain the free speech rights of high school guidance counselor or a school nurse? The committee would do well to be very explicit on this in order avoid a constitutional challenge for vagueness. Or a constitutional challenge under free speech.

5. Fifthly, while I appreciate the efforts of the Human Services Committee to revise the bill, the changes were superficial and cosmetic.

Madame chair, I submit that the subject matter raised by the bill is not a simple, univariate equation. The committee would do well to explore these aspects more fully and to revise it to protect all Vermonters before voting this measure out of committee.

Please protect all Vermonters and future Vermonters from the unintended consequences of this bill.

Thank you.
Pete Gummere