



## **Preserving Wisconsin's Abortion Ban**

### **INTRODUCTION**

Senator Mark Miller (D-Monona) has introduced a bill to repeal Wisconsin's 1849 criminal abortion statute. Wisconsin statute s. 940.04 prohibits abortions, except when the life of the mother is in danger. This state law cannot be enforced because the U.S. Supreme Court's *Roe v. Wade* decision prevents most restrictions on abortion. However, if *Roe v. Wade* is overturned, s. 940.04 will take effect again. As a result, WCC strongly opposes its repeal, as proposed under Senate Bill 398.

### **BACKGROUND**

#### **What Purpose Does This Unenforceable Law Serve?**

Laws do more than prohibit certain behaviors. The law is also a teacher, helping a community attain its highest aspirations. Wisconsin's abortion ban reflects our state's progressive tradition that all human beings — whether born or unborn — deserve to be treated with equal respect.

Over the past century, Wisconsin led the nation in protecting the vulnerable from exploitation. Reforms such as child labor laws, the minimum wage, the creation of child welfare programs, civil rights laws, and family leave laws have all increased the protection of groups that otherwise risked being harmed by the more powerful.

On the day that *Roe v. Wade* is overturned, Wisconsin will once again be at the forefront of states that protect the most vulnerable of all — the unborn.

#### **Will Women Be Imprisoned If Abortion Becomes Illegal Again in Wisconsin?**

No. Although Planned Parenthood and other abortion advocates are saying that the repeal of this law would mean that women who abort would face incarceration, they are mistaken. Section 940.13 of the state statutes explicitly says that no fine or imprisonment may be imposed, nor prosecution be brought against a woman who has an abortion. The WCC fully supports s. 940.13 and no one is currently seeking to have this law repealed.

### **DISCUSSION**

In the world's wealthiest nation many citizens still cannot obtain the basic necessities of life, and, as a result, some women feel compelled to resort to abortion. As one pro-life feminist has said, "The poor cry out for justice and we respond with legalized abortion." Church teaching, advocacy, and its many ministries for the poor all demonstrate what the proper response to poverty should be: not violence, but love, justice, and solidarity.

Some employers directly or indirectly tell women that their pregnancy is an obstacle to their continued participation or advancement in the workforce. The Church opposes limiting women's employment opportunities because of their ability to carry and bear children. The Church supports the full participation of women in the workforce and has repeatedly called for working conditions that strengthen family life.

Some argue that it is better for all concerned if an unwanted child is not brought into this world. They point to the burdens placed on society of children who are abused, neglected, and virtually abandoned after birth by their parents. They point to the developmental problems and adjustment difficulties these children face, and they conclude that these children should be spared such suffering.

But from a moral standpoint, the value of a human being is not determined by others. Every human being possesses an intrinsic and inalienable dignity, which never need be justified. The basic premise of a democratic society is the equal rights of all its members. And the most fundamental of these rights is the right to life.

Today, 35 years after *Roe v. Wade*, we know the many unforeseen ramifications of legalized abortion. In subtle and not so subtle ways, our nation encourages women to abort rather than providing them with health benefits and adequate family leave. Ninety per cent of all fetuses diagnosed with Down Syndrome are aborted. More and more women and men are speaking out about the harmful psychological and physical effects of their past abortions.

## **CONCLUSION**

As Catholics, we are in a unique position to speak out on the abortion issue because we believe in a consistent ethic of life. We stand for all the things that protect and uphold human life and dignity: the sacredness and right to life of every human being, from conception to natural death; full participation in family and community life; religious liberty; universal access to the necessities of life (food, shelter, health care, housing, education, employment); the preferential option for the poor; the rights of workers; and responsible stewardship of the earth. As Catholics, we can work not only to end abortion on demand, but also to end the conditions that make it seem like the only available choice. Through our many Catholic social service agencies, charities, and parishes, we can and do offer women a better choice.

Mother and unborn child need not be mercilessly pitted against each other. We can and must defend the rights of both.

## **ACTION REQUESTED**

Write your legislators and urge them to oppose SB 398.

To find your legislator, go to [http://capwiz.com/wisconsin\\_nasccd/home/](http://capwiz.com/wisconsin_nasccd/home/) and enter your address or zip code to get contact information for your state elected officials.

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