

## State Partial-Birth Abortion Ban Approved by Committee

### *Shamefully, Hintz, Kessler and Turner Vote Against the State PBA Ban*

**For immediate release:** Thursday, January 10, 2008

Yesterday, the Assembly Judiciary and Ethics Committee approved AB 710, the *Wisconsin Partial-Birth Abortion Ban Act*. This legislation is authored by Rep. Jim Ott (R-Mequon) and Rep. Tony Staskunas (D-West Allis).

Assembly Bill 710 mirrors the language of the federal Partial-Birth Abortion Ban Act of 2003 which was ruled constitutional by the U.S. Supreme Court.

This legislation is necessary so that prosecutions of those who violate the ban can be expeditiously carried out. While there is a federal ban on partial-birth abortion, a state ban is necessary in order to permit local officials to become involved in violations of the ban. With only a federal ban on the procedure, prosecution of partial-birth abortion cases could only be handled by federal prosecutors. A parallel state ban would also allow state and local prosecutors to have the tools they need to ensure that the ban is enforced.

"If there were ever a situation where expeditious prosecution is called for, it is in the case of partial-birth abortion," said Susan Armacost, Legislative Director for Wisconsin Right to Life. "By anyone's standards, this heinous procedure is barbaric and unbefitting a civilized society. The abortionist grabs the leg of a fully formed baby with forceps and pulls the baby's legs out into the birth canal. The abortionist then delivers the baby's entire body, except for the head, and jams scissors into the base of the baby's skull. The scissors are then opened to enlarge the hole. The scissors are removed and a suction catheter is inserted. The child's brains are sucked out, causing the skull to collapse. The dead baby is removed."

By 20 weeks, which is halfway through the 5<sup>th</sup> month, a LIVE born baby who is expelled spontaneously from the mother's body, may breathe for an hour or so before dying. By 23 weeks (just into the sixth month) one third survive long term – but you'd never find out whether a given baby would have been part of that one-third, after her skull is punctured and brain removed in a partial-birth abortion. By 24 weeks (about halfway through the sixth month), more than HALF are long-term survivors.

So, at the stages that partial-birth abortions would be performed, the great majority of babies would be “live births” if they were expelled by spontaneous premature labor, and many would be long-term survivors.

Thus, in a partial-birth abortion, a premature human is deliberately pulled to within just a few inches of being, medically and legally, a live birth. The difference between partial-birth abortion and homicide is a mere three inches!

Those who want to keep this barbaric procedure legal will insist that AB 710 be amended to include a “health” exception because they know that a “health” exception would render the bill meaningless. (The bill already contains a provision for the “life” of the mother which should not be confused with an exception for “health.”)

Expert testimony from both sides in the Nebraska, New York and San Francisco cases challenging the federal Partial-Birth Abortion Act of 2003 demonstrated that the procedure is not necessary for any maternal or fetal condition. In addition, the definition of “health” in the abortion context is found in the *Doe v. Bolton* companion decision to *Roe v. Wade*. In that decision, “health” is defined as “all factors – physical, emotional, psychological, familial, and the woman’s age – relevant to the well-being of the patient. All these factors may relate to health.”

Thus, the term “medically necessary to preserve the health of the woman” means any abortion an abortionist agrees to perform for any reason.

Wisconsin Right to Life will consider a legislator’s vote in favor of a “health” exception to be a vote against the ban itself.

Sadly, there were three committee members who voted against a state ban on partial-birth abortion. They were Reps. Gordon Hintz (D-Oshkosh), Robert Turner (D-Racine) and Frederick Kessler (D-Milwaukee).

Wisconsin Right to Life deeply appreciates those committee members who voted for a state ban on partial-birth abortion. They were Reps. Scott Suder (R-Abbotsford), Bill Kramer (R-Waukesha), Donald Friske (R-Merrill), Samantha Kerkman (R-Genoa City), Joel Kleefisch (R-Oconomowoc), Donald Pridemore (R-Hartford) and Tony Staskunas (D-West Allis).

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