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Testimony of
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In support of Assembly Bill 710
Before the Assembly Judiciary and Ethics Committee

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My name is Susan Armacost. I am the Legislative Director for Wisconsin Right to Life and I am testifying in favor of Assembly Bill 710, the *Wisconsin Partial-Birth Abortion Ban Act*. Assembly Bill 710 mirrors the language of the federal Partial-Birth Abortion Ban Act of 2003 which was ruled to be constitutional by the U.S. Supreme Court.

We ask this committee to approve this important legislation 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! By anyone's standards, this heinous procedure is barbaric and unbecoming a civilized society. Imagine! The abortionist grabs the leg of a fully formed baby with forceps and pulls the baby's leg out into the birth canal. The abortionist then delivers the baby's entire body, except for the head, and jams scissors into 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.

Please ask yourselves, why would anyone want to inflict this kind of pain and suffering on an innocent, helpless baby? The practitioners who performed the partial-birth abortion procedure usually employed it in the 5th and 6th months and beyond.

Consider this. By 20 weeks, which is halfway through the 5th 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.

In other words, 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. Thus, the difference between partial-birth abortion and homicide is a mere three inches!

Some will insist that AB 710 be amended to include a "health" exception. The bill already contains a provision for the "life" of the mother which should not be confused with an exception for "health." A "health" exception would render the ban meaningless and must be soundly rejected.

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 would consider a legislator's vote in favor of a "health" exception to be a vote against the ban itself.

Wisconsin Right to Life urges you to support AB 710 as currently written.

Thank you.