



WISCONSIN
RIGHTTOLIFE

LEGISLATIVE ANALYSIS

2011-2012 LEGISLATIVE SESSION

Why a Personhood Amendment is Wrong for Wisconsin

Should Wisconsin amend its Constitution to grant personhood to unborn children? Wouldn't a personhood constitutional amendment provide permanent protection for Wisconsin unborn children from abortion?

We are all weary of the long struggle to end abortion and want a solution to protect unborn children from being destroyed. However, there are *very important reasons* why this strategy is risky and not necessary for Wisconsin:

A Personhood Amendment Would Cancel out our Current Abortion Ban

Wisconsin is fortunate to be one of only a handful of states which already has a law that prohibits abortion (s. 940.04 of the Wisconsin statutes). Right now, this law cannot be used because of the *Roe v. Wade* abortion decision which legalized abortion. Once *Roe v. Wade* is overturned, this law would immediately go into effect and protect unborn children by shutting down abortion clinics. *A constitutional amendment would be harmful because it would make this law that prohibits abortion invalid.*

A Personhood Amendment Would Not Protect Unborn Children

Without passing an entirely new law that prohibits abortion, a constitutional amendment in and of itself would not stop a single abortion. Some people mistakenly believe that existing laws on homicide and manslaughter would cover abortion following passage of a personhood amendment. However, these laws were not written with the unique medical situations which apply to abortion. For over 100 years, Wisconsin law has made a distinction between abortion and homicide which will not be changed by a personhood constitutional amendment.

A personhood amendment would knock out the law we already have and force Wisconsin to pass a new one. Would there be a pro-life legislature in place to pass such a law? A pro-life Governor to sign it? There is no way to know.

Cost of Enacting a Personhood Amendment would be Millions of Dollars

For the constitution to be amended, a proposal must pass in two consecutive sessions of the Wisconsin legislature and then be placed on the ballot for approval by the public. Wisconsin Right to Life estimates it would cost \$4 million or more to win a ballot measure.

Attorneys' Fees Would be Awarded to Planned Parenthood

Should the amendment succeed, expert national and state legal authorities who advise Wisconsin Right to Life believe it would be challenged in court and struck down. Organizations like Planned Parenthood who challenge the amendment would be awarded thousands of taxpayer dollars in legal fees.

Sometimes an idea is too good to be true. Wisconsin Right to Life believes this is one of those times. Giving false hope to mothers and babies is not in their best interests. Supporting a costly effort which is risky *and unnecessary* has the very real potential of causing more harm than good.

In summary, Wisconsin is already in the best position possible to protect unborn children by keeping the lifesaving law we already have in place. Wisconsin Right to Life therefore opposes the passage of a constitutional amendment in Wisconsin and urges individuals, churches and groups **not** to support a personhood amendment to the Wisconsin Constitution.

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