

GUEST COLUMN

Mitch Henck: Legal abortions could be on the line in Wisconsin

July 8, 2018

Let the war begin.

The war over who fills retiring Justice Anthony Kennedy's seat on The U.S. Supreme Court may make the fight over Robert Bork in 1987 seem like a picnic. With President Donald Trump's campaign promise to appoint pro-life judges, legal abortions in Wisconsin may be on the line.

Trump is expected to announce his nominee Monday. A conservative constructionist would tip the balance of the court to the right. Reagan appointee Anthony Kennedy is a libertarian who voted to make gay marriage legal throughout the country.

Christian conservatives are pushing Chicago federal Judge Amy Coney Barrett. The Catholic mother of seven and former Notre Dame law professor scares Democrats.

Only three Democrats voted for her in her Senate confirmation. Sen. Dianne Feinstein, D-Calif., expressed alarm that Catholic dogma seemed "to run through" Barrett.

Wisconsin banned legal abortions prior to Roe v. Wade in 1973. The statute says: "Anyone other than the mother" who causes the death of an unborn child would face a felony. The stiffest penalty would not exceed a \$50,000 fine or exceed 15 years in prison.

State Rep. Lisa Subeck, D-Madison, is co-sponsoring legislation with Sen. Fred Risser, D-Madison, to repeal the old criminal statute.

"Women's health and lives are in jeopardy in Wisconsin," Subeck says. "Anytime women are denied access to safe and legal abortions, women die."

But pro-life state Sen. Terry Moulton, R-Chippewa Falls, hopes Roe v. Wade is reversed.

"It is one of the worst decisions in the history of the court," he says. Moulton passionately adds, "We as human beings shouldn't be killing other human beings."

Moulton doesn't buy that Roe is "settled law." He points out that the 1857 Dred Scott decision allowing slave owners to take their slaves into the Western Territories is an example of the high court getting something wrong.

Moulton believes life begins at conception and has zero tolerance for abortion. "Murder is murder," he says.

Subeck points out that women sought abortions before Roe, and she believes they would again. She says women would be forced into back alleys and desperate situations that could threaten their ability to have children in the future.

"This an extremely personal decision, and it is not the government's decision," she says.

Moulton says penalties for murder and abortion should be similar, allowing for mitigating circumstances such as mental illness. As for the current statutory language that criminalizes "anyone causing the death of an unborn child other than the mother," Moulton says, "I can see a movement that there should be some penalty for the mother."

The standard pro-life position is that mothers should pay no penalty, but that doctors or those posing as doctors should pay a price.

There could be no touchier issue than abortion 45 years after Roe. If the high court should reverse it, it could mean a Wisconsin woman would go to Illinois or other states to have the procedure.

Before that ever happens, the most savage political battle of our lives over a Supreme Court confirmation is about to begin.

Mitch Henck is a Madison, Wisconsin based commentator, broadcaster and standup comic. Watch Mitch's video, "Two Minutes with Mitch," weekdays at www.madisontalks.com. Listen to his podcasts on MadisonTalks.com, and Wednesdays at 6 p.m. on Facebook Live.

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