



MINNESOTA CATHOLIC CONFERENCE

**Testimony in Opposition to HF 1 (Kotzya-Witthuhn) (Reproductive health rights established)
House Health Finance and Policy
January 5, 2023**

Chair Liebling and Members of the Committee:

We write to oppose H.F. 1 because it attempts to deny the community’s interest in protecting fetal life. Although the bill will have little practical effect with respect to abortion due to its current status as a constitutional right in Minnesota, it could open the door to unintended consequences. We urge legislators to vote no on this largely symbolic bill that is being rushed through as the culmination of an electioneering campaign, and instead take some time to consider its impact fully.

Reproductive freedom exists *before* a child is conceived

Minnesotans already have reproductive freedom. No one is forced by law to conceive a child, nor should they be. Outside of the tragic case of rape, every pregnancy is the result of a deliberate choice made by the woman and her partner. And with rights come responsibilities. Once a child is conceived, the state has an interest in protecting the other human being now present in the mother’s womb. The community can and should impose sensible regulations to both protect women’s health and the well-being of the unborn child.¹

Yet, what this legislation seeks to do by protecting reproductive freedom *after* a child is conceived goes well beyond merely “codifying Roe”. Instead, it attempts² to enshrine in law an abortion regime that rivals those of North Korea and China for its disregard of prenatal human life, even the lives of pre-born children whose heart is beating, who can feel pain, and who are viable outside the womb. To enact such a law and protect late-term abortions—especially when the vast majority of abortions are procured very early in pregnancy (and over half of abortions are chemically induced)—is an act of barbarism and a stain on the moral credibility of this great state.

Trust the science

The state’s interest in protecting fetal life rests on the scientific fact that from the moment of conception, there is a unique human being growing inside the mother. There is no scientific dispute about that.

According to Princeton University’s Robert P. George: “Human embryos possess the epigenetic primordia for self-directed growth into adulthood, with their determinateness and identity fully intact. The adult human being that is now you or me is the same human being who, at an earlier stage of his or her life, was an adolescent, and before that a child, an infant, a fetus, and an embryo. Even in the embryonic stage, you and I were undeniably whole, living members of the species *Homo sapiens*. We were then, as we are now, distinct and complete (though in the beginning we were, of course, immature) human organisms; we were not mere parts of other organisms.”³

Human beings have rights, including the right to the state’s protection. The question, after the *Dobbs* decision, is, to what extent the state will give protections to what science has conclusively established is a human being at its

¹ Even the U.S. Supreme Court made this point in *Roe v. Wade* when it created its trimester framework for balancing the interests of the plaintiff in that case and the interest of the state in protecting fetal life.

² We say “attempt” because the law does not explicitly strike the existing abortion limitations found in statute.

³ Robert P. George & Alfonso Gomez-Lobo, “The Moral Status of the Human Embryo,” *Perspectives in Biology and Medicine*, Johns Hopkins University Press, p. 201 (2005).

earliest moments of life.

Tragically, the answer that this legislation attempts to provide is “none.”⁴ Sadly, this legislation excludes unborn humans from our care and concern. We cannot be naïve that state-sanctioned violence against a whole class of persons within its jurisdiction does not lead to greater callousness and degradations of human life and more general disrespect for others—the evidence is all around us.

Minnesotans have always supported limitations on abortion

Less than half of Minnesotans support abortion on demand at all stages of pregnancy without limitations.⁵ “Safe, legal, and rare” used to be a common point of reference in this conversation because of what almost everyone, outside the most callous, could recognize, namely, that the claim of the unborn child to the community’s protection and its right to life vastly outweighs what abortion protects in most instances, and which has nothing to do with women’s well-being or dignity: the ability to have sex without consequences. Abortion is a quick way to deal with the unborn child who has become an inconvenience. As Mother Teresa said, however, “it is a poverty to decide that a child must die, so that you may live as you wish.”

We should also work together to limit the demand for abortion. In approximately 15 percent of abortions, financial hardship is cited as the main reason for having the abortion. As abortion is already a protected right in this state, a better path forward in those cases is for people on all sides of this issue to come together and ensure that those who want to choose life have the means to do so, and encourage (and compel when necessary) men to take responsibility for the children they have conceived.

What are the unintended consequences?

The bill language states: “Reproductive health care **includes, but is not limited to**, contraception; sterilization; preconception care; maternity care; abortion care; family planning and **fertility services**; and counseling regarding reproductive health care.”

This Legislature has refused for twenty years to acknowledge the validity of surrogacy contracts or create a legal framework for commercial surrogacy arrangements, in part because of the reality that surrogacy can exploit low-income women and commodify children. In fact, a study commission was created by the Legislature to examine the matter in more detail. Does this bill legalize surrogacy arrangements, both those in which the surrogate mother is not paid, and those for which the mother is paid?

Given the sweeping language in the bill, and the fact that there is no urgency to pass this legislation, legislators should take a step back from the whirlwind of a campaign and give more consideration to what they are actually passing here, and the breadth of its potential consequences.

Thank you for your consideration and for your service to all Minnesotans.

Jason Adkins, Executive Director
jadkins@mncatholic.org

Maggee Hangge, Policy Associate
mhangge@mncatholic.org

⁴ That reality should give us pause, because the story of American history has been one where greater numbers of previously excluded people from the status of rights-bearing persons have been subsequently welcomed into the state’s circle of protection.

⁵ Avia Kaul, “MinnPost poll: In wake of Dobbs ruling, Minnesotans remain supportive of abortion rights in many cases,” MinnPost (Oct. 19, 2022), available at <https://www.minnpost.com/health/2022/10/minnpost-poll-in-wake-of-dobbs-ruling-minnesotans-remain-supportive-of-abortion-in-many-cases/>