

**Prepared Testimony of
Katherine Bussard**

**Before the Michigan
House of Representatives Committee on Judiciary
& Senate Committee on Health Policy
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Distinguished Chair and Distinguished Members of the Committee: Thank you for providing me the opportunity to provide testimony today. My name is Katherine Bussard, Executive Director & COO of Salt & Light Global and Vice President of Mid-Michigan Women for Conservative Values. Today, I am here to testify in my personal capacity. While I am well aware of the Michigan Supreme Court's ruling on our state's 1931 abortion ban and of the legal ramifications of Proposal 3 as presented on the ballot in November 2023, there are serious public policy concerns compel me to speak in opposition to House Bills No. 4006, 4031, and 4032 / Senate Bills No. 2, 37, 38, 39, and 93.

The State's Duty to Protect the Life of the Mother

These bills propose to repeal several laws previously put in place by duly elected representatives of the people of Michigan, and before repealing them, it is only reasonable to consider why they were originally put in place.

Samuel Buell of Duke Law School addressed this very issue for the *New York University Law Review*, citing a "remarkably consistent history of the legal treatment of women and abortion." He explains that early abortion laws, including those in Michigan, were not written just to protect the life of the child; rather they placed a primary concern on protecting the life of the mother.¹ Criminal penalty was for those inducing abortion, with special penalties like those found in MCL 750.14 (which House Bills No. 4006, 4031, and 4032 / Senate Bills No. 2, 37, 38, 39, propose repealing) for the person causing the death of the mother. Notably, our laws never penalized the woman seeking to terminate her pregnancy. As Buell proves, her safety was the primary concern of lawmakers.

¹ Samuel W. Buell, *Criminal Abortion Revisited*, 66 *New York University Law Review* 1774-1831 (1991) : https://scholarship.law.duke.edu/faculty_scholarship/2174

Before these laws are repealed, we must consider how to preserve that same care and intentional protection of the mother. The truth is that abortion is not always safe; women can experience a myriad of medical and mental health complications and can even die as a result of legal abortion inducing treatments.

For example, to date, abortion pills have killed 27 women in the United States.² Senate Bill 93 repeals MCL 750.15, which decriminalizes the action of giving abortion-inducing drugs, and at the same time, repeals the requirement that such a drug be prescribed by a “practicing physician.” Without the protection of informed medical guidance, how many more women will die from these drugs? Don’t women deserve the care of real, licensed physicians?

There is no state interest greater than the protection of human life, and every effort should be made to protect the life of women in all circumstances. The state’s interest is compelling and this state ought to use its power to protect its people. Even Proposal 3, Article 1, Sec 28 (4) acknowledges the state’s compelling interest “for the limited purpose of protecting the health of an individual seeking care, consistent with accepted clinical standards of practice and evidence-based medicine.” Removing licensed practicing physicians from the equation helps no one and clearly defies the compelling interest of the state.

The State’s Duty to Protect the Life of the Child:

However, there is another group of people whose concerns I have not yet voiced. The Michigan Legislature has not yet had the important conversation about when human personhood begins and when a human life is entitled to equal protection under the law. Even proposal 3 touts language of non-discrimination and equal protection under the law, but that right cannot be secure when personhood is not defined. Michigan’s Elliot Larson Civil Rights Act even protects against discrimination on the basis of age—but the youngest among us are not protected by the legislation presently before this body.

As the testimony of my colleague Professor William Wagner demonstrates, scientifically and medically it is clear that human life begins at conception. Dr. Mildred Jefferson, the first black woman to graduate from Harvard Medical School, wrote in Boston University’s *Ceterscope* Magazine in 1972 that, “From conception, the complex,

² <https://lifelinks.io/abortion-pill-stats>

dynamic, developing organism-the child- is separate and distinct from its mother.”
When the testimony of those who stand to profit from the abortion industry is set aside and real, objective science is considered, the personhood of the pre-born child is clear. No life is in greater need of state protection than that of a pre-born child.

It is time that this legislative body recognize that those advocating for life are not seeking to control women or their bodies; we simply believe that the human life growing inside a woman’s body deserves protection too. Barbaric procedures like D&E abortions, where children are torn limb from limb, or infanticide where children outside the womb are caused to die, have no place in a civil society. The elective, violent destructive of human life is an unacceptable practice. Compassionate solutions that protect both the mother and child are the only reasonable course. As the US 8th Circuit Court of Appeals held in *Gonzales v. Carhart*, states hold a “legitimate and substantial interest in preserving and promoting fetal life” **and** women’s health. Put simply, **all** human life has inherent dignity and is worthy of government protection.

The Michigan Legislature needs to do hard the work of crafting sound public policy that encompasses these truths and the higher moral law that our representative republic is based on. The inviolable value of human life is truly the bedrock of our civil society, and the people of the State of Michigan deserve for this body to do everything necessary to uphold that value. There have been many times in history when doing what was morally and factually correct meant going against the tide of what had become acceptable. Like those who ratified the 3/5’s clause in the Constitution and denied the legal personhood of those in bondage, history will remember those who deny the personhood of the pre-born or who endanger women for the sake of political expedience. Your vote on this issue will define your legacy.