



Wisconsin State Legislature

April 23, 2007

J.B. Van Hollen, Attorney General
Wisconsin Department of Justice
Post Office Box 7857
Madison, WI 53707

Dear Attorney General Van Hollen:

We respectfully submit this letter requesting that you draft an opinion regarding the recent United States Supreme Court ruling on partial birth abortion. As you know, last week the issue returned to great national attention with the case of *Gonzales v. Carhart*, in which the Court upheld the constitutionality of a federal law that outlaws the partial birth abortion procedure in the late term of a pregnancy, unless necessary to save the life of the mother.

As original authors of Wisconsin's Partial Birth Abortion Ban, we would like to know the effect of this ruling on our state laws. We respectfully ask that the Attorney General's Office issue an opinion on the effect of the *Gonzales v. Carhart* decision on 1997 Wisconsin Act 219, and on Wisconsin State Statutes 939.62 (2m) (a) 2, 973.0135 (1) (b) 2 and 940.16.

In 2000, Wisconsin's ban on partial birth abortion was rendered unenforceable by a U.S. Supreme Court decision in *Stenberg v. Carhart*, despite overwhelming bi-partisan support for this legislation, which passed the State Assembly 77-17 and the State Senate 28-4.

We request your opinion of the impact of the Supreme Court's April 18 decision on Wisconsin's Partial Birth Abortion Ban. Your urgent attention to this matter is appreciated.

Sincerely,

Senator Scott Fitzgerald
13th Senate District

Representative Michael Huebsch
94th Assembly District

STATE CAPITOL

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