

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 › MADISON, WI 53701 › (608) 256-8900 › WWW.FFRF.ORG

June 16 , 2022

SENT VIA EMAIL AND U.S. MAIL

council@cityofmadison.com; mayor@cityofmadison.com

The Honorable Keith Furman
Madison Common Council President
210 Martin Luther King Jr Blvd,
Madison, WI 53703

The Honorable Satya Rhodes-Conway
Mayor's Office
210 Martin Luther King Jr Blvd, Rm.403
Madison, WI 53703

Re: Please consider resolution on non-enforcement of pre-*Roe* abortion ban

Dear Alderman Furman, Mayor Rhodes-Conway and Common Council Members:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) to encourage you to adopt a similar resolution to that recently passed in Tucson, Arizona, protecting abortion rights for its citizens. FFRF is a Madison-based national nonprofit organization with more than 36,000 members across the country, including more than 1,600 members in Wisconsin and hundreds in Madison. FFRF's purposes are to protect the constitutional separation between state and church and to educate about nontheism.

On June 7, 2022, the City of Tucson passed Resolution 23477, which added protection for abortion rights in anticipation of the U.S. Supreme Court overturning *Roe v. Wade*.¹ Resolution 23477 supports the rights of pregnant persons and orders Tucson police to make no arrests under Arizona's abortion ban, enacted in 1901, or Arizona's recently-passed 15-week abortion ban.² This resolution accurately states the trauma, dangers, and unconstitutional nature of Arizona laws restricting abortion.

¹Resolution available at

tucsonaz.onbaseonline.com/1801AgendaOnline/Documents/ViewDocument/RESOLUTION%2023477.pdf?meetingId=1604&documentType=Agenda&itemId=64893&publishId=96114&isSection=false.

² The Arizona Legislature recently adopted Senate Bill (S.B.) 1164, which amends Arizona's abortion statutes to add a new article banning abortions after 15 weeks of gestation except in narrowly defined medical emergencies. The Bill imposes a total ban on abortions and subjects providers to up to five years of imprisonment for performing abortions.

As you are certainly aware, Wisconsin has a similar ancient abortion ban—even older, predating the Civil War—that will become enforceable again if *Roe v. Wade*, 410 U.S. 113 (1973) is overturned, which is alarmingly expected to be imminent. Wisconsin’s archaic law is the harshest pre-*Roe* abortion ban in the country, was passed long before women had the right to vote and is massively out of touch with modern standards of reproductive rights and personal autonomy.

We strongly urge the Madison Common Council to follow Tucson’s laudable example by passing a resolution, in consultation with Police Chief Shon Barnes, stating that Madison City Police will not make any arrests pursuant to Wis. Stat. 940.04. Sample language for this resolution is enclosed. Wisconsin Attorney General Josh Kaul has publicly stated that he will not enforce this law. Madison residents should feel confident that their city police, too, have firm instruction to disregard this barbaric law.

Public support is also strongly in favor of protecting reproductive rights—a recent Marquette Law School national survey found that more than 70 percent of Americans are opposed to overturning *Roe v. Wade*.³ Among local experts in the field, support is even stronger. More than 90 percent of Wisconsin physicians think that women’s health in our state will get worse if abortion becomes illegal, and expressed “at least some level of concern about legislative interference and the doctor-patient relationship.”⁴

We should listen to Tucson Mayor Regina Romero, and “...protect bodily autonomy and the rights of pregnant persons from repressive state laws.”⁵ Local government involvement is crucial to protecting the fundamental rights of Wisconsin residents.

Very truly,



Annie Laurie Gaylor & Dan Barker

Co-presidents

ALG/DB:rdj

Enclosure

³ Data available at law.marquette.edu/poll/2022/01/26/supreme-court-poll-6-press-release/.

⁴ Frederica Freyberg, *The perspective doctors hold toward abortion*, PBS Wisconsin (May 20, 2022), available at pbswisconsin.org/news-item/the-perspectives-doctors-hold-toward-abortion/.

⁵ www.kold.com/2022/06/08/tucson-passes-resolution-case-roe-v-wade-reversal/.