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MINNESOTA'S FUTURE

Abortion reconsidered:

reading our collective moral compass

By SCOTT JENSEN

On June 24, 2022, the political landscape in Minnesota and across the country turned upside down when the U.S. Supreme Court reversed *Roe v. Wade*, the landmark 1973 ruling that had established the constitutional right to terminate a pregnancy. At the time I was the endorsed Republican candidate for governor in Minnesota and had already proclaimed a strong pro-life position. When guaranteed access to abortion disappeared and the new reality became that each state would determine its own abortion policy, the nature of the 2022 elections was dramatically altered.

A few months later I lost my race by a significant margin. Because millions of Americans believed that the Supreme Court's ruling had had a decisive impact on elections across the nation, I decided to re-examine the abortion issue from both an historical and present-day perspective. I believe all of us should do the same.

In 1989 the Supreme Court had appeared to be on the verge of overturning *Roe v. Wade* as it deliberated on the *Webster v. Reproductive Health Services* case. While the high court ultimately did not reverse *Roe v. Wade* in that case, its decision to narrow abortion protections had a powerful effect on American politics. On July 17, 1989, *Time* magazine reported that "pro-life groups, energized by the hope of overturning *Roe*, and pro-choice forces, galvanized by fear of that prospect, vow to turn every election in every state into a referendum on the issue."

Those pledges played out in hundreds of elections for more than 30 years.

Also during those three decades, remarkable biotechnological advancements emerged that complicated the ethics surrounding abortion. Abortion via medication alone became commonplace; infertility research mapped a course for embryos to potentially be created without the need for ovaries or testicles; pluripotent stem cell procedures provided the fantastic capability for growing human spare parts (imagine curing cancer via use of autologous cells or tissues); and establishment of brain death as a standard for legal death permitted the harvesting of viable human tissues and organs while the heart was still beating.

When *Roe v. Wade* was reversed in 2022, the floodgates on debate opened wide. Religious leaders who supported access to abortion weighed in stridently on the question of life's beginning, often referencing the "breath of life" in *Genesis* or the Biblical procedure for acceptable termination of pregnancy in the *Book of Numbers*.

An NPR article by Sarah Varney discussed the notion that the beginning of life is not defined by a single identifiable moment because it is a complicated biologic process. She identified various proposals to define the beginning of human life: "conception, hint of a heartbeat, first breath, or ability to survive outside womb with help of latest technology."

On May 1, 1989, Richard Lacayo in *Time* magazine stated: "around 70% regularly say the decision to have an abortion should be left to the woman." In June 2023, David Crary (Associated Press), reported: "national polls repeatedly show the majority of U.S. Catholics believe abortion should be legal in most or all cases. Most mainline Protestants support the right to abortion. In Buddhism and Islam, there is widespread acceptance of abortion in some circumstances."

Two-thirds of Minnesotans indicate repeatedly

that some access to safe and legal abortions should be preserved. But surveys also reveal that a majority of voters prefer that third trimester pregnancies not be aborted electively, unless there are overarching concerns, including rape, incest or the endangering of a mother's health.

It is increasingly evident that pro-life and pro-choice labeling can give rise to a false binary where only two positions exist and nuance is disallowed. Why can't Jane Doe be personally pro-life, but vote pro-choice because she is unwilling to impose her view on others? Why can't John Doe be pro-choice but vote against third trimester abortions because he views them as repugnant or incomprehensible?

Approximately 20,000 abortions were performed in Minnesota in 1980, 15,000 in 2000, and 10,000 in 2020. That number can be decreased further by 1) providing inexpensive birth control pills over the counter (as many countries do); 2) improving access to affordable barrier contraceptives; 3) making Plan B (morning after) pills more easily available; 4) promoting natural family planning techniques; 5) streamlining adoption processes.

I am pro-life, but I won't tell you what determines the beginning of life — because I don't know. My thoughts on abortion are increasingly influenced by my passionate embrace of the importance of bodily autonomy for all, meaning, "I get to choose what my body endures." Consider someone who chooses to decline a vaccine. How can that same someone then insist that a pregnant woman be denied the right to choose what her body experiences? I understand an argument can be made that a situation involving two lives requires a different standard of bodily autonomy, but the Constitution doesn't establish a basis for defining the beginning of life or personhood.

I believe it is a moral imperative to allow, as much as possible, each of us the right to shape our personal moral compass. To that point, on July 17, 1989, *Time* magazine stated: "a quiet majority favor choice in the first stages of pregnancy. Many intuitively recognize that as a fetus grows, so does society's obligation to protect it. Precisely where that obligation begins or ends, remains the imponderable." The essence of that statement has not changed in 34 years.

I am done with rigid proclamations insisting on banning abortions. I hold strong allegiance to two critical underpinnings of our country's democratic republic: majorities rule and minorities retain rights. I recognize and honor that most Minnesotans want access to safe and legal abortions preserved for at least a portion of a pregnancy.

Because of legislative actions in 2023, Minnesotans are now guaranteed access to legal abortion throughout pregnancy. For many, this is extreme. I advocate for a state constitutional amendment to be put before Minnesota voters in November 2024. With bipartisan input the Minnesota Legislature can and should craft balanced amendment language and allow voters to decide what edicts should be contained in the Minnesota Constitution regarding abortion access. Such provisions would then not be susceptible to the changing tides of elections or legislative majorities.

After serving in the Minnesota Senate and campaigning in a governor's race for two years, I am convinced that politicians are not specially qualified to establish Minnesota's abortion policy. Shouldn't Minnesota voters have the right to determine their collective moral compass?

Scott Jensen is a physician and former state senator. He was the Republican nominee for governor of Minnesota in 2022.