

# Why Vote “NO” in Nov on Issue 1?

Compiled from a textual analysis by a former federal prosecutor

*Although the Catholic Church may not endorse or oppose candidates for public office, it is lawful for the Church to speak about public issues, as any other institution or organization may do. As the proposed constitutional amendment would create a virtually unlimited constitutional right to abortion up to the moment of birth in Ohio, the Church must speak.*

**Ohio’s Bishops urge voters to oppose an issue on the November 7 ballot which would create a State constitutional right to abortion through all nine months of pregnancy, prohibit the State legislature from enacting abortion-related restrictions and destroy parents’ right to be informed when their own minor child becomes pregnant and is considering an abortion.**

## **The Catholic Church Must Oppose the Proposed Amendment**

The Catechism of the Catholic Church is very clear about the Church’s stand on abortion, stating, **“Human life must be respected and protected absolutely from the moment of conception. From the first moment of his existence, a human being must be recognized as having the rights of a person—among which is the inviolable right of every innocent being to live. (#2270).** The Church has taken this position for nearly 2,000 years. **According to the Catechism, “since the first century, the Church has affirmed the moral evil of every procured abortion. This teaching has not changed and remains unchangeable.** Direct abortion, that is to say, abortion willed either as an end or a means, is gravely contrary to the moral law...” (#2271). **Pope Francis continues to remind us that “our defense of the innocent unborn...needs to be clear, firm and passionate, for at stake is the dignity of a human life, which is always sacred and demands love for each person, regardless of his or her stage of development.” (Gaudete et Exsultate, #101).** The Church’s teaching alone is sufficient reason to vote “no” on the Amendment.

## The Proposed Amendment's Creation of a State Constitutional Right to "Make...One's Own Reproductive Decisions" is Deliberately Vague; Voters Cannot Know What They Would be Approving

Section 1, Section 22A of the proposed amendment would create a State constitutional right to "make...one's own reproductive decisions, including but not limited to decisions" on abortion, continuing a pregnancy, contraception, fertility treatment and miscarriage care. The phrase "**including but not limited to**" means that the amendment would create **other unspecified State reproductive constitutional rights** which the courts would thereby be free to create. This deliberately vague language makes it impossible for citizens to know what they are approving. Defeating this amendment would prevent such unspecified other effects from being imposed upon Ohio's citizens.

*Parental  
Notification  
&  
Consent Laws  
In Jeopardy*

### The Proposed Amendment Does Not Distinguish Between Adults & Minors, Invalidating State Laws Requiring Parental Notification and/or Consent

Article I, Section 22B(1) of the proposed constitutional amendment provides that "the State shall not, directly or indirectly, burden, penalize, prohibit, interfere with, or discriminate against...an individual's voluntary exercise of this right..." As this language applies to all "individuals", **it does not distinguish between adults and minors. Further, a State law requiring parental notification and/or consent if a**

**minor child seeks an abortion would constitute an "interference with" or "burden" upon the minor child's State constitutional right to an abortion.** Under the proposed amendment's language, therefore, Ohio statutes requiring parental notification and/or consent would be invalidated. *Parents would be stripped of their right to be informed about and to help their minor child with the most important decision in her young life. School counselors, peers or others in whom a minor pregnant child*

*confides* would be free to guide the minor's decision without parental involvement, and *could not be penalized for helping the minor procure an abortion.*

## *Should Minors be Denied Parental Help and Guidance?*

### **The Proposed Amendment's Supposed Fetal Viability Protection is Nullified by Other Language**

The proposed amendment purports to protect viable unborn children by stating in Article I, Section 22B(3) that "abortion may be prohibited after fetal viability." This language is nullified by two other provisions. First, the proposed amendment does not define when an unborn child becomes viable in terms of weeks or months of gestation. Rather, this decision is left to the "treating physician"—the abortion doctor—to make on a "case by case basis." **Abortion doctors, who have a clear economic incentive to proceed with abortions, will obviously find in many cases that the unborn child is not viable. Second, and even more importantly, even if the "treating physician" (again, the abortion doctor) were to conclude that the unborn child is viable, the doctor may nonetheless conduct the abortion if "necessary to protect the pregnant patient's life or health."** (Emphasis supplied). That this exception to the viable unborn child provision is stated in the disjunctive with the word "or" is critical. Only the woman's health need be at issue, not her life. And, **courts construing the term "health" have included mental health, such as anxiety, stress conditions, family circumstances and age as sufficient to satisfy the**

*Late Term-  
Partial Birth  
Abortion will  
be Permitted  
& Legally  
Protected!*

*Should the State's hands be tied when it  
comes to protecting the Innocent?*

**“health” language.** Despite the supposed protection for viable unborn children, therefore, the proposed amendment effectively creates a State constitutional right to abortion for all nine months of pregnancy.

## *Should the State Instead Protect Sex Abusers, Sex Traffickers & Abortionists?*

### **The Proposed Amendment Empowers Sexual Abusers & Human Traffickers to Procure Abortions for Minors & Adults**

The proposed amendment in Article I, Section 22B(2) further prohibits the State from imposing a penalty, prohibition or burden against any “person or entity that assists an individual exercising this right...” **This deceptively benign language empowers sexual abusers to procure abortions for pregnant minor children to hide sexual misconduct.** This language would, for example, enable a school employee, sports coach or teen employer to impregnate a minor and then hide violations of institutional policy or sex crime laws, by procuring an abortion for the minor child who the adult sexually abused, **potentially perpetuating the abuse.** **The State would be powerless to enact legislation prohibiting sexual abusers from procuring such cover up abortions.**

*What kind of future  
do we want for our  
children &  
grandchildren?  
A culture of life or...*

**Human traffickers would likewise be protected in procuring abortions for prostitutes.** Human traffickers illegally use **both adult and minor women** in the sex trade for commercial gain. A sex trafficked woman could become pregnant as a result of her unlawful profession. Under the proposed constitutional amendment, however, the State could not enact legislation prohibiting sex traffickers from using

their power position over sex trafficked women to convince or pressure the latter to undergo an abortion in order **to cover up the trafficker’s illegal activities.**