



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

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GOVERNOR

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October 10, 2003

Michigan Senate
State Capitol
Lansing, Michigan 48909-7536

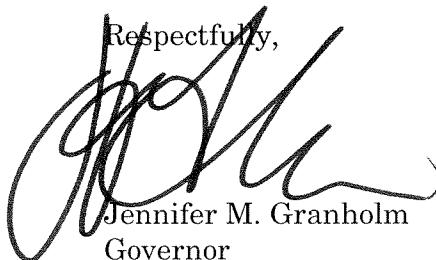
Ladies and Gentlemen:

As provided by Article IV, Section 33 of the Michigan Constitution of 1963, today I return with my objections Enrolled Senate Bill 395. I do so because federal courts repeatedly have declared unconstitutional efforts to end partial birth abortion, and Senate Bill 395 does not remedy deficiencies identified by the courts.

The U.S. Supreme Court and a series of other appellate courts have specifically ruled that a ban on partial birth abortion must include an exception for the life and health of the mother.¹ This bill does not contain that clear exception. In fact, the Michigan State Medical Society and the American College of Obstetricians and Gynecologists both strongly oppose this bill since it does not contain a valid exception for the health of the mother and it easily could be interpreted to outlaw even first trimester abortions.

I am very aware that the abortion debate remains one of the most emotional and highly charged of our times. While those on both sides of this issue may not be able to agree on the state's role in the abortion question, surely we can find some common ground in reducing the demand for abortion. I would hope we could work together, in a bipartisan fashion, to prevent unwanted pregnancies and remove barriers to adoption. I stand ready to lead in these efforts and ask proponents from both sides of the debate to join me.

Respectfully,



Jennifer M. Granholm
Governor

¹ In *Stenberg v Carhart*, 530 US 914, 120 S Ct 2597, 147 L Ed2d 743 (2000), Justice O'Connor wrote that the challenged Nebraska statute was unconstitutional "because it lacks an exception for those instances when the banned procedure is necessary to preserve the health of the mother." *id.*, at 947; 120 S Ct 2618.