



*Catholic Diocese of Sioux Falls, South Dakota*  
*Statement of Bishop Paul J. Swain*

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## **Statement on House Bill 1293 as Introduced**

**February 5, 2007**

The Catechism of the Catholic Church makes it clear that "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)

Last year, our legislature passed, and our Governor signed, the Women's Health and Human Life Protection Act, House Bill 1215. This law was brought to the public in referendum, and after spirited debate, was defeated. Therefore, as we look at House Bill 1293, also called the Women's Health and Human Life Protection Act, we do so accepting the premise that a complete ban on abortions is not politically possible at this point.

House Bill 1293 does allow abortions to take place in a limited number of circumstances, including the cases of rape, incest, and certain health conditions. Obviously, under this bill, innocent children and their mothers, who deserve the protection of the state from abortion, are left unprotected, which we deeply regret. Many are asking whether our faith allows us to support such a bill with its weaknesses.

House Bill 1293 is an example of "imperfect legislation." As I have stated previously, there is in Catholic moral theology a principle of gradualism that would permit a Catholic in good conscience to support and vote for a lesser ban, with the intention of diminishing as much evil as possible, and protecting the most life possible. (See quote from *Evangelium vitae* n. 73 below.) It suggests while one would prefer to save all lives, saving nine out of ten lives, if one is able, is a good, of course deeply regretting that all ten cannot be saved. Supporting such a position must be done with the clear personal understanding and public acknowledgment that one is not compromising the principle of sanctity of all life, and that if and when the opportunity arises, rescinding the exceptions would be sought.

Catholics may also in good conscience choose not to support such legislation out of conviction that the exceptions compromise the truth of the sanctity of life, that the exceptions are overly broad, or for other conscientious reasons.

The Diocese chooses to support this legislation, as Pope John Paul the Great put it, to limit the harm done by current law. The Diocese has supported other bills that attempt to limit the evil of abortion in our state, including, in 2004, House Bill 1191, which was a ban that also included certain exceptions. In fact, there are three other bills pending this session (SB 171, SB 172, and HB 1296) that the diocese also supports, that attempt to limit the evil of abortion by helping to ensure that women are not coerced into having an abortion, and are provided the opportunity to see their child via a sonogram before consenting to an abortion.

We encourage measures aimed first at eliminating the devastating effects of abortion, and if that is not possible, at reducing them, as a matter of justice, and out of love, love for the child surely, but also love for those mothers often caught in a dizzying time of fear, anxiety, and confusion. And we encourage measures aimed at decreasing the devastating effects of abortion out of love for our country, where degrading the sanctity of life has weakened human relationships and subtly but surely endorses violence as a means to solve problems.

Together may all people of good will come together to work and pray for the sanctity of all human life from conception to natural death.

The late Pope John Paul the Great wrote on this circumstance in his encyclical, [\*Evangelium vitae\*](#) (“The Gospel of Life”). In number 73, he states:

A particular problem of conscience can arise in cases where a legislative vote would be decisive for the passage of a more restrictive law, aimed at limiting the number of authorized abortions, in place of a more permissive law already passed or ready to be voted on. Such cases are not infrequent. It is a fact that while in some parts of the world there continue to be campaigns to introduce laws favouring abortion, often supported by powerful international organizations, in other nations-particularly those which have already experienced the bitter fruits of such permissive legislation-there are growing signs of a rethinking in this matter. In a case like the one just mentioned, when it is not possible to overturn or completely abrogate a pro-abortion law, an elected official, whose absolute personal opposition to procured abortion was well known, could licitly support proposals aimed at limiting the harm done by such a law and at lessening its negative consequences at the level of general opinion and public morality. This does not in fact represent an illicit cooperation with an unjust law, but rather a legitimate and proper attempt to limit its evil aspects.

