

February 4, 2021

To: Montana Senate Judiciary Committee

From: Matthew Brower, Executive Director of the Montana Catholic Conference

Re: Testimony in support of HB 136

Mr. Chairman and members of the committee, my name is Matt Brower and I currently serve as the Executive Director of the Montana Catholic Conference. I speak today on behalf of the Roman Catholic bishops of Montana.

I am here today to voice our strong support for House Bill 136.

The Roman Catholic Church consistently affirms the inherent dignity of the human person and the sacredness of every human life from the moment of conception through natural death. This foundational principle must serve as the bedrock of every just and moral society. It is this principle that also reminds us that the difficult and real-life problems that lead women to consider abortion ought to be addressed in a serious and substantive manner that supports both mothers and their unborn children.

This recognition of the inherent dignity enjoyed by all persons informs our understanding of the basic rights and protections to which all human beings ought to be entitled, including unborn children. Unborn children are the most vulnerable and voiceless members of the human family and they deserve adequate legal protection.

While it is true that the ability to feel pain does not endow one with humanity, nor does the inability to feel pain make one less human, it does serve as a more reasonable point of delineation than the unworkable and ever-changing “viability” standard previously set forth by our courts.

“Viability,” rather than being a meaningful and significant marker of human development is really a prediction about whether or not a child would survive outside the womb. It is a prediction grounded not in an accurate unchanging objective measurement of human development but one tied to the ever-evolving status of medical technology. Viability is a measure of the medical technology available to a newborn. As technology improves, viability changes. As such, using “viability” as a marker of human development is suspect and unjust because it depends on time, place and circumstance.

It is tragic and gravely wrong that courts have decided to allow states to protect only some unborn children and not all of them. However, if courts continue to insist on basing protections for the unborn on certain stages or levels of human development, then the ability to feel pain provides a more reasonable and well-founded basis than does viability.

Mr. Chairman and members of the committee, on behalf of the Montana Catholic Conference, I urge a “do concur” and thank you for your time.