



DEPARTMENTAL SUBMISSION

DEPARTMENT: Council Member Gabriela Santiago-Romero
FILE NUMBER: Council Member Gabriela Santiago-Romero-0035

*** RE:**

Submitting reso. autho.

*** SUMMARY:**

BY COUNCIL MEMBER GABRIELA SANTIAGO-ROMERO

RESOLUTION URGING MICHIGAN LEGISLATURE TO REPEAL MICHIGAN PENAL CODE ACT 328 OF 1931 AND SUPPORT REPRODUCTIVE CARE, INCLUDING ABORTION

- WHEREAS,** The mission of the Detroit City Council is to promote the economic, cultural, and physical welfare of Detroit's citizens through Charter-mandated legislative functions; and
- WHEREAS,** The Right to Health is referenced in Article 25 of the 1948 Universal Declaration of Human Rights and Article 12 of the 1966 International Covenant on Economic, Social and Cultural Rights, both of which the U.S. is a signatory; and
- WHEREAS,** The Right to Health encompasses sexual and reproductive health, including abortions; and
- WHEREAS,** On January 22, 1973, the U.S. Supreme Court ruled in *Roe v. Wade* that the constitutional right to privacy is "broad enough to encompass a woman's decision whether or not to terminate her pregnancy", thereby legalizing abortion nationwide; and
- WHEREAS,** A Washington Post-ABC poll from November 2021 found that 75% of people say decisions on abortion should be left to the woman and her doctor, including 95% of Democrats, 81% of independents and 53% of Republicans¹; and a Gallup poll found that 80% of the American public think abortion should be legal²; and
- WHEREAS,** 70% of voters in Michigan in the 2020 presidential election said the Supreme Court should leave *Roe v. Wade*, and 59% said abortion in general should be legal in all or most cases, according to AP VoteCast³; and

¹ <https://www.washingtonpost.com/politics/2021/11/16/post-abc-poll-abortion-supreme-court/>

² <https://news.gallup.com/poll/1576/abortion.aspx>

³ <https://apnews.com/article/roe-wade-supreme-court-leak-michigan-law-7ad0b6d45901e3dd3fb6420033ba5a9d>

- WHEREAS,** If Roe v. Wade were overturned, receiving or performing an abortion in Michigan would be a felony and threaten abortion providers, including doctors and nurses, with prison time, due to an archaic 1931 Michigan law (Michigan Penal Code Act 328 of 1931⁴) that remains on the books. This law would violate one's right to privacy, bodily integrity, and reproductive health; and approximately 2.2 million people in Michigan of reproductive age would be denied access to abortions, forced to travel out of state for care, or seek abortions outside of the healthcare system; and
- WHEREAS,** Traveling long distances for an abortion poses other challenges, such as finding childcare, taking time-off work, and having access to financial resources to cover the costs of transportation and lodging. These burdens disproportionately impact people of color, indigenous people, queer and trans people, and other populations that have historically been marginalized⁵, due to the country's legacy of racism and discrimination; and
- WHEREAS,** The Detroit City Council acknowledges and uplifts the Reproductive Justice movement, which was started in 1994 by twelve Black women and is rooted in Black feminist theory. The movement promotes that reproductive justice is the human right to maintain bodily autonomy over one's person, and to decide whether or not to become pregnant and parent children in safe and sustainable communities; and
- WHEREAS,** The Detroit City Council acknowledges that the health and wellbeing of any community is predicated on protecting and embracing the most vulnerable; that too many women, transgender, nonbinary, and gender-nonconforming people in the U.S. face barriers to accessing healthcare, including abortion; and that the criminalization of abortion is also a racial, economic, and disability justice issue; and
- WHEREAS,** The Detroit City Council acknowledges how power extends not only by order, but through suppression and revocation of rights; that no law shall violate constitutional guarantees of due process and equal protection; and that access to abortion is not just about legality, but about a person's dignity and humanity; and
- WHEREAS,** The Detroit City Council acknowledges that all people have the autonomy and agency to receive accurate, unbiased, professional medical information, without fear or interference from others, so that they can make the best health care decisions they can for their well-being; and **THEREFORE BE IT**
- RESOLVED,** That Detroit City Council calls upon the Michigan Legislature to immediately repeal Michigan Penal Code Act 328 of 1931, which criminalizes abortion, and expand abortion access to all Michiganders; and
- BE IT FURTHER RESOLVED,** That copies of this resolution be forwarded to the Detroit delegation in the State Senate and State House, Attorney General Dana Nessel, Governor Gretchen Whitmer, and Mayor Mike Duggan.

*** RECOMMENDATION:**

⁴ <https://www.legislature.mi.gov/documents/mcl/pdf/mcl-328-1931-III.pdf>

⁵ <https://michigandems.com/wp-content/uploads/2021/10/How-to-Talk-About-Abortion-A-Style-Guide-for-Allies-3.pdf>

Adoption by City Council

*** DEPARTMENTAL CONTACT:**

Name: Thomas Rogers or Hank Kelley

Position: Communications and Engagement Manager; Senior Policy Analyst

***=REQUIRED**