

FILED

07-15-2024

CLERK OF WISCONSIN
SUPREME COURT**No. 2024AP330-OA**

In the
Supreme Court of Wisconsin

PLANNED PARENTHOOD OF WISCONSIN, ON BEHALF OF ITSELF, ITS
EMPLOYEES, AND ITS PATIENTS, KATHY KING, M.D., ALLISON
LINTON, M.D., M.P.H., ON BEHALF OF THEMSELVES AND THEIR
PATIENTS, MARIA L., JENNIFER S., LESLIE K., AND
ANAI L.,
PETITIONERS,

v.

JOEL URMANSKI, IN HIS OFFICIAL CAPACITY AS DISTRICT
ATTORNEY FOR SHEBOYGAN COUNTY, WISCONSIN, ISMAEL R. OZANNE,
IN HIS OFFICIAL CAPACITY AS DISTRICT ATTORNEY FOR DANE
COUNTY, WISCONSIN AND JOHN T. CHISHOLM, IN HIS OFFICIAL
CAPACITY AS DISTRICT ATTORNEY FOR MILWAUKEE COUNTY
WISCONSIN,
RESPONDENTS.

Original Action

**AFFIDAVIT OF PROPOSED INTERVENOR-RESPONDENT
JEROME E. LISTECKI, AS ROMAN CATHOLIC ARCHBISHOP OF
MILWAUKEE, ON BEHALF OF HIMSELF AND THE UNBORN OF
THE ARCHDIOCESE OF MILWAUKEE**

STATE OF WISCONSIN)
) SS
COUNTY OF MILWAUKEE)

I, Jerome E. ListECKI, being first duly sworn, on oath, state as follows:

1. I am a resident of the State of Wisconsin and make this declaration based on my personal knowledge.

2. I was ordained a priest of the Roman Catholic Church on May 14, 1975.

3. In 1976, I earned a civil law degree from DePaul University in Chicago.

4. In 1981, I earned a doctoral degree in canon law from the Pontifical University of St. Thomas Aquinas in Rome.

5. On November 7, 2000, Pope John Paul II appointed me auxiliary bishop of Chicago. I was ordained a bishop on January 8, 2001.

6. On December 29, 2004, Pope John Paul II appointed me bishop of the diocese of La Crosse.

7. On November 14, 2009, Pope Benedict XVI appointed me the 11th Archbishop of the Archdiocese of Milwaukee (the "Archdiocese"). I was installed as Archbishop on January 4, 2010.

8. At that time I assumed responsibility for the spiritual well-being of those in the 10 counties of southeastern Wisconsin (Dodge, Fond du Lac, Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Walworth, Washington, and Waukesha) and took on the day-to-day administration of the Archdiocese. I continue to serve in that capacity today.

9. I am also a retired lieutenant colonel in the United States Army Reserves. I served in the United States Army Reserves for approximately 23 years.

10. I firmly and sincerely believe what the Catholic Church teaches with respect to the rights and duties of diocesan bishops.

11. Under the Code of Canon Law of the Roman Catholic Church, bishops like myself “by divine institution succeed to the place of the Apostles through the Holy Spirit who has been given to them.” *Code of Canon Law*, c. 375 § 1.¹

12. We are “constituted pastors in the Church, so that [we] are teachers of doctrine, priests of sacred worship, and ministers of governance.” *Code*, c. 375 § 1.

13. Through episcopal consecration, I received the functions of sanctifying, teaching, and governing. *Code*, c. 375 § 2.

14. I am a diocesan bishop. A diocesan bishop is a bishop to whom the care of a diocese is entrusted. *Code*, c. 376.

15. A diocese is partly defined as “a portion of the people of God which is entrusted to a bishop for him to shepherd with the cooperation of the presbyterium [*i.e.* the priests].” *Code*, c. 369. It “constitutes a

¹ An easily-accessible version of the *Code* is available at https://www.vatican.va/archive/cod-iuris-canonici/cic_index_en.html.

particular church in which the one, holy, catholic, and apostolic Church of Christ is truly present and operative.” *Code*, c. 369.

16. The diocese with which I have been entrusted is the Archdiocese of Milwaukee.

17. The Archdiocese of Milwaukee was established on November 28, 1843 and was created an archbishopric on February 12, 1875. It covers 4,578 square miles in southeast Wisconsin representing, as of November 2019, 2,354,807 Wisconsinites, 189 parishes, 533,962 registered Catholics, 291 diocesan priests, 393 religious order/extern priests, 65 religious order brothers, 1,173 women religious, and 176 permanent deacons.

18. The Archdiocese is also a Wisconsin non-stock, non-profit corporation organized under Chapter 181 of the Wisconsin Statutes. It maintains its principal office at 3501 South Lake Drive, St. Francis, Wisconsin 53235.

19. The Archdiocese states its mission as follows: “To proclaim the Gospel of Jesus Christ through His saving death and resurrection by calling, forming and sending disciples to go and make new disciples. As a people, we are called to encounter Jesus and grow as disciples through the sacramental life of the Church.”

20. As bishop, I have many religious obligations. With respect to the inhabitants of my diocese, I am obligated to “show [myself] concerned for all the Christian faithful entrusted to [my] care, of whatever age, condition, or nationality they are”; must “act with humanity and charity toward the brothers and sisters who are not in full communion with the Catholic Church”; and must “consider the non-baptized as committed to [me] in the Lord.” *Code*, c. 383 §§ 1, 3, 4.

21. Among other things, I am “bound to propose and explain to the faithful the truths of the faith which are to be believed and applied to morals” and must “endeavor constantly that the Christian faithful entrusted to [my] care grow in grace through the celebration of the sacraments and that they understand and live the paschal mystery.” *Code*, c. 386, § 1; 387.

22. I must also “make provision that the message of the gospel reaches non-believers living in the territory since the care of souls must also extend to them no less than to the faithful.” *Code*, c. 771, § 2.

23. “Celebration of the sacraments” includes the administration of baptism, “the gateway to the sacraments and necessary for salvation by actual reception or at least by desire.” *Code*, c. 849. Baptism is conferred by “a washing of true water with the proper form of words.” *Code*, c. 849. “Through baptism men and women are freed from sin, are

reborn as children of God, and, configured to Christ by an indelible character, are incorporated into the Church.” *Code*, c. 849.

24. With respect to “children who have died without Baptism, the Church can only entrust them to the mercy of God.” *Catechism of the Catholic Church* 1261.² We may “hope that there is a way of salvation for children who have died without Baptism,” but the prospect of a loss of salvation for these individuals makes “[t]he Church’s call not to prevent little children coming to Christ through the gift of holy Baptism” “urgent” for me and all bishops. *Catechism* 1261.

25. In my capacity as Archbishop, I supervise the Archdiocese’s Respect Life Ministry. This office participates in various activities designed to build a culture that cherishes and protects every human life.

26. Fulfilling these obligations is part of my day-to-day work. It is part of my exercise of religion.

27. I am aware that the Wisconsin Supreme Court may determine whether the Wisconsin Constitution protects a legal right to obtain an abortion.

28. I firmly and sincerely believe what the Catholic Church teaches with respect to human life and abortion.

² An easily-accessible version of the *Catechism* is available at https://www.vatican.va/archive/ENG0015/_INDEX.HTM.

29. The Church teaches that “[h]uman life must be respected and protected absolutely from the moment of conception.” *Catechism* 2270.

30. The Church teaches that “[f]rom 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 life.” *Catechism* 2270. “Since it must be treated from conception as a person, the embryo must be defended in its integrity, cared for, and healed, as far as possible, like any other human being.” *Catechism* 2274.

31. Further, the right to life of each innocent human individual is “inalienable” and “must be recognized and respected by civil society and the political authority.” *Catechism* 2273. It is a “constitutive element of a civil society and its legislation.” *Catechism* 2273.

32. Consequently, “[s]ince the first century the Church has affirmed the moral evil of every procured abortion. This teaching has not changed and remains unchangeable.” *Catechism* 2271.

33. “As a consequence of the respect and protection which must be ensured for the unborn child from the moment of conception, the law must provide appropriate penal sanctions for every deliberate violation of the child’s rights.” *Catechism* 2273.

34. In contrast, the Church teaches, “[t]he moment a positive law deprives a category of human beings”—like the unborn—“of the protection which civil legislation ought to accord them, the state is denying the equality of all before the law.” *Catechism* 2273. “When the state does not place its power at the service of the rights of each citizen, and in particular of the more vulnerable, the very foundations of a state based on law are undermined.” *Catechism* 2273.

35. For all of these reasons relating to Catholic teaching on the rights and duties of diocesan bishops and on the sanctity of human life, it is my religious obligation as Archbishop to care for and protect each unborn life of the Archdiocese of Milwaukee, including by ensuring that civil authorities respect their right to life, by obtaining for them the opportunity for spiritual growth, and by guiding them in that growth, alongside their families, through reception of the sacraments, such as baptism, and of the gospel message. Indeed, if given the chance to live, each unborn person could join the Catholic Church through baptism.

36. Fulfillment of these obligations is part of my exercise of my religion.

37. If the Wisconsin Supreme Court concludes that the Wisconsin Constitution protects a legal right to obtain an abortion and, conversely, prohibits legislation designed to safeguard the lives of the

unborn, such a ruling will substantially burden my exercise of religion. It will seriously hinder my ability to comply with my obligations as bishop of the Milwaukee Archdiocese. It will fundamentally interfere with my ability to teach and sanctify these souls.

38. For the same reasons, such a ruling will also interfere with the ability of the unborn, after birth, to enter the Church through baptism, and my ability to facilitate that process as is my religious obligation.

39. For the same reasons, such a ruling will also substantially burden my ability to practice my chosen profession—my vocation—and to minister to those in my diocese to the full extent of my education, training, and ability. It will prevent me from ministering to particular souls entirely.

40. For the same reasons, such a ruling will also treat secular professions comparable to my own religious profession—in that they claim to be aimed at healing and caring for the human person—much more favorably.


41. For the same reasons, such a ruling will substantially burden the rights of the unborn entrusted to my care, including their rights to life and to equal treatment under the law, and to bodily integrity, autonomy, and self-determination.

42. In short, if the Wisconsin Supreme Court concludes that the Wisconsin Constitution protects a legal right to obtain an abortion and, conversely, prohibits legislation designed to safeguard the lives of the unborn, such a ruling will seriously and irreparably harm me and those entrusted to my care.

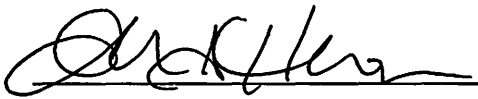
43. Part of the reason I am attempting to intervene in this suit is to vindicate the constitutional rights of the unborn in the Archdiocese of Milwaukee, particularly their rights to life and to equal protection of the laws under the Fourteenth Amendment and to any claimed state constitutional right to bodily integrity, autonomy, and self-determination.

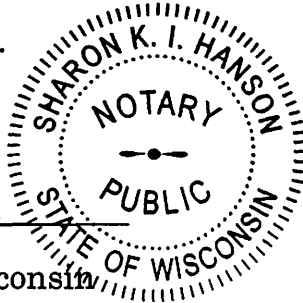
44. I also seek to vindicate my own state and/or federal constitutional rights, such as to the free exercise of religion and any right to practice my chosen profession.

Dated this 12th day of July, 2024.


Archbishop Jerome ListECKi

Subscribed to and sworn before me
this 12th day of July, 2024.





Notary Public, State of Wisconsin

My commission expires: is permanent.