

15103779D

HOUSE RESOLUTION NO. 214

Offered January 23, 2015

Recognizing and finding that the life of the human person commences at conception, also known as fertilization, and that the United States Supreme Court 1973 Roe and Doe decisions striking down state laws criminalizing abortion, which protected preborn children, are based on false science.

 Patron—Marshall, R.G.

Referred to Committee for Courts of Justice

WHEREAS, Supreme Court Justice Harry Blackmun noted in *Roe v. Wade* (1973): "The appellee and certain amici argue that the fetus is a 'person' within the language and meaning of the Fourteenth Amendment. In support of this, they outline at length and in detail the well-known facts of fetal development. If this suggestion of personhood is established, the appellant's case, of course, collapses, for the fetus' right to life would then be guaranteed specifically by the [Fourteenth] Amendment."; and

WHEREAS, in 1981, some of the world's most prominent scientists and physicians testified before the Subcommittee on Separation of Powers to the U.S. Senate Judiciary Committee that human life begins at conception, and whose testimony is part of the official government record (S-158, 97th Congress, 1st Session 1981), including: Dr. Alfred M. Bongiovanni, professor of pediatrics and obstetrics at the University of Pennsylvania: "I have learned from my earliest medical education that human life begins at the time of conception. . . . I submit that human life is present throughout this entire sequence from conception to adulthood and that any interruption at any point throughout this time constitutes a termination of human life. . . . I am no more prepared to say that these early stages [of development in the womb] represent an incomplete human being than I would be to say that the child prior to the dramatic effects of puberty . . . is not a human being. This is human life at every stage."; and

WHEREAS, Dr. Jerome LeJeune, the late professor of genetics at the University of Descartes in Paris, who discovered the chromosomal pattern of Down syndrome: "after fertilization has taken place a new human being has come into being . . . not a metaphysical contention, it is plain experimental evidence. . . . Each individual has a very neat beginning, at conception."; and

WHEREAS, Professor Hymie Gordon, Mayo Clinic: "By all the criteria of modern molecular biology, life is present from the moment of conception."; and

WHEREAS, Professor Micheline Matthews-Roth, Harvard University Medical School: "It is incorrect to say that biological data cannot be decisive. . . . It is scientifically correct to say that an individual human life begins at conception. . . . Our laws, one function of which is to help preserve the lives of our people, should be based on accurate scientific data."; and

WHEREAS, Dr. Watson A. Bowes, University of Colorado Medical School: "The beginning of a single human life is from a biological point of view a simple and straightforward matter, the beginning is conception. This straightforward biological fact should not be distorted to serve sociological, political, or economic goals."; and

WHEREAS, many prominent physicians and scientists have published books stating that human life begins at conception: Ashley Montague, a geneticist and professor at Harvard and Rutgers, who is unsympathetic to the prolife cause, nevertheless affirmed unequivocally in his book *Life Before Birth* (New York, Signet Books, 1977): "The basic fact is simple: life begins not at birth, but conception."; and

WHEREAS, Dr. Bernard Nathanson, author of *Aborting America* (Garden City, NY, Doubleday, 1979) and his film, *The Silent Scream*: "Modern technologies have convinced us that beyond question the unborn child is simply another human being, another member of the human community, indistinguishable in every way from any of us."; and

WHEREAS, Dr. Bernard Nathanson, author of "Deeper Into Abortion," *New England Journal of Medicine* 291 ((1974) 1189D90), internationally known obstetrician and gynecologist and cofounder of what became known as the National Abortion Rights Action League (NARAL), who owned and operated what was at the time the largest abortion clinic in the Western Hemisphere directly involved in over 60,000 abortions, who resigned his lucrative position after observing an ultrasound abortion, and who wrote in the *New England Journal of Medicine* that he was deeply troubled by his "increasing certainty that I had in fact presided over 60,000 deaths."; and

WHEREAS, Dr. Landrum Shettles, 27-year attending obstetrician-gynecologist at Columbia-Presbyterian Medical Center in New York and pioneer in sperm biology, fertility, and sterility who discovered the "Shettles Method," a child-conception idea reputed to help determine a baby's sex

INTRODUCED

HR214

59 and whose intrauterine photographs of preborn children appear in over 50 medical textbooks, stated in
60 Rites of Life (Shettles and Rovik, 103): "I oppose abortion. I do so, first, because I accept what is
61 biologically manifest, that human life commences at the time of conception, and, second, because I
62 believe it is wrong to take innocent human life under any circumstances. My position is scientific,
63 pragmatic, and humanitarian"; and

64 WHEREAS, the First International Symposium on Abortion came to the following conclusion as
65 noted in Abortion Questions and Answers, Cincinnati, Ohio, Hayes Publishing, 1988, p. 42: "The
66 changes occurring between implantation, a six-week embryo, a six-month fetus, a one-week-old child, or
67 a mature adult are merely stages of development and maturation. The majority of our group could find
68 no point in time between the union of sperm and egg, or at least the blastocyst stage, and the birth of
69 the infant at which point we could say that this was not a human life."; and

70 WHEREAS, quotes from widely used embryology textbooks and prominent scientists affirm that
71 individual human life begins at conception, also known as fertilization: Ronan O'Rahilly and Fabiola
72 Muller (Human Embryology and Teratology, 3rd ed., New York: Wiley-Liss, 2001, p. 8): "Although life
73 is a continuous process, fertilization is a critical landmark because, under ordinary circumstances a new,
74 genetically distinct human organism is formed when the chromosomes of the male and female pronuclei
75 blend in the oocyte."; and

76 WHEREAS, Keith L. Moore and T.V.N. Persaud (The Developing Human: Clinically Oriented
77 Embryology, 7th ed., Philadelphia: Saunders, 2003, pp. 2, 16): "Zygote. This cell results from the union
78 of an oocyte and a sperm during fertilization. A zygote is the beginning of a new human being (i.e., an
79 embryo)". . . "[The zygote] marked the beginning of each of us as a unique individual."; and

80 WHEREAS, Moore, Keith L., Essentials of Human Embryology. Toronto: B.C. Decker Inc., 1988, p.
81 2: "Human development begins after the union of male and female gametes or germ cells during a
82 process known as fertilization. . . . Fertilization is a sequence of events that begins with the contact of a
83 sperm (spermatozoon) with a secondary oocyte (ovum) and ends with the fusion of their pronuclei (the
84 haploid nuclei of the sperm and ovum) and the mingling of their chromosomes to form a new cell. This
85 fertilized ovum, known as a zygote, is a large diploid cell that is the beginning, or primordium, of a
86 human being."; and

87 WHEREAS, J.P. Greenhill and E.A. Friedman, Biological Principles and Modern Practice of
88 Obstetrics (Philadelphia: W.B. Saunders, 1974, p. 17): "The zygote thus formed represents the beginning
89 of a new life."; and

90 WHEREAS, Bradley M. Patten (Human Embryology, 3rd ed., New York: McGraw Hill, 1968, p.
91 43): "It is the penetration of the ovum by a spermatozoon and resultant mingling of the nuclear material
92 that constitutes the culmination of the process of fertilization and marks the initiation of the life of a
93 new individual."; and

94 WHEREAS, C. Christopher Hook, MD, Mayo Clinic (as quoted by Richard Ostling in an AP news
95 story, 9.24.99): "When fertilization is complete, a unique genetic human entity exists."; and

96 WHEREAS, David Boonin (A Defense of Abortion, New York: Cambridge University Press, 2002,
97 p. 20): "Perhaps the most straightforward relation between you and me on the one hand and every
98 human fetus from conception onward on the other is this: All are living members of the same species,
99 homo sapiens. A human fetus, after all, is simply a human being at a very early stage in his or her
100 development."; and

101 WHEREAS, Wayne Sumner (Abortion and Moral Theory, Princeton: Princeton University Press,
102 1981, p. 10): "A human fetus is not a nonhuman animal; it is a stage of human being."; and

103 WHEREAS, Dr. Arthur Morris, Jr., abortionist, as reported in the Asheville Citizen-Times, April 4,
104 1976: "Life begins with fertilization and abortion is legalized destruction of life." "We tell her exactly
105 how it is . . . when they abort, they'll be aborting a small baby." "When Does Human Life Begin? A
106 Scientific Perspective," The Westchester Institute for Ethics & the Human Person, Oct. 2008 found:
107 http://bdfund.org/wordpress/wpcontent/uploads/2012/06/wi_whitepaper_life_print.pdf; George &
108 Tollefsen, EMBRYO 39 (2008).[1] "the fusion of xxxx and egg membranes initiates the life of a
109 sexually reproducing organism." Marsden et al., Model systems for membrane fusion, CHEM. SOC.
110 REV. 40(3):1572 (Mar. 2011). "The life cycle of mammals begins when a sperm enters an egg." (Okada
111 et al., A role for the elongator complex in zygotic paternal genome demethylation, NATURE 463:554,
112 Jan. 28, 2010); and

113 WHEREAS, "fertilization is the process by which male and female haploid gametes (sperm and egg)
114 unite to produce a genetically distinct individual . . ." (Signorelli et al., Kinases, phosphatases and
115 proteases during sperm capacitation, CELL TISSUE RES. 349(3):765 [Mar. 20, 2012]). "The oviduct or
116 Fallopian tube is the anatomical region where every new life begins in mammalian species. After a long
117 journey, the spermatozoa meet the oocyte in the specific site of the oviduct named ampulla, and
118 fertilization takes place." (Coy et al., Roles of the oviduct in mammalian fertilization). "Fertilization, the
119 fusion of gametes to produce a new organism—is the culmination of a multitude of intricately regulated
120 cellular processes"; and

WHEREAS, according to the U.S. government's National Institutes of Health, Medline Plus, Merriam-Webster Medical Dictionary, 2013: "Fertilization' is the process of union of two gametes (i.e., ovum and sperm) whereby the somatic chromosome number is restored and the development of a new individual is initiated."; and

WHEREAS, the scientific textbook Basics of Biology, gives five characteristics of living things: "highly organized, ability to acquire materials and energy, ability to respond to their environment, ability to reproduce, ability to adapt,"; and

WHEREAS, Moore & Persaud, The Developing Human, p. 310; Nilsson & Hamberger, A Child is Born, p. 86; Rugh & Shettles, From Conception to Birth, p. 217: As early as 21 days after conception, the baby's heart has begun to beat his or her own unique blood-type, often different than the mother's; and

WHEREAS, Dr. H. Hamlin, "Life or Death by EEG," Journal of the American Medical Association, October 12, 1964, p. 113: "At 40 days after conception, brain waves can be read on an EEG, or an electroencephalogram; and

WHEREAS, in 400 B.C. (400 years before the birth of Jesus Christ), Hippocrates, the Father of Medicine, instituted an Oath taken by doctors for centuries, part of which reads: "I will neither give a deadly drug to anybody if asked for it, nor will I make a suggestion to this effect. Similarly I will not give to a woman an abortive remedy . . . "; and

WHEREAS, in a famous photo of a doctor performing surgery in utero on a 21-week-old fetus named Samuel Armas for spina bifida, the boy's hand poked through the surgical incision in the uterus and rested on the finger of the surgeon showing the obvious fact that the surgeon is performing surgery on one living human being who is residing in the womb of his mother. <http://www.michaelclancy.com/>; and

WHEREAS, Webster's Seventh New Collegiate Dictionary defines a human being as "a person" and a "person" is defined as a human being; and

WHEREAS, the Supreme Court in 1857 ruled that Dred Scott, a black slave, was not a "person" with rights but the "property" of his master. Abortion may similarly go down in history as one of the greatest, if not the greatest, human rights abuses of all time; and

WHEREAS, our nation's founding documents make clear, the right to life is God-given and inalienable, and no man or government has the right to deprive one of life or liberty without due process; and

WHEREAS, we hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness; and

WHEREAS, a prominent physician pointed out at the 1981 Senate hearings that "Pro-abortionists, though invited to do so, failed to produce even a single expert witness who would specifically testify that life begins at any point other than conception or implantation. Only one witness said no one can tell when life begins."; and

WHEREAS, Marjorie A. England, in Life Before Birth. 2nd ed. England: Mosby-Wolfe, 1996, p. 31, states: "Development of the embryo begins at Stage 1 when a sperm fertilizes an oocyte and together they form a zygote."; and

WHEREAS, the Harper Collins Illustrated Medical Dictionary (New York: Harper Perennial, 1993, p. 146: "Embryo: An organism in the earliest stage of development; is a man, from the time of conception to the end of the second month in the uterus"; and

WHEREAS, William Walters and Peter Singer, (eds.). Test-Tube Babies. Melbourne: Oxford University Press, 1982, p. 160: "Embryo: The early developing fertilized egg that is growing into another individual of the species. In man the term 'embryo' is usually restricted to the period of development from fertilization until the end of the eighth week of pregnancy."; and

WHEREAS, Jan Langman, Medical Embryology. 3rd edition. Baltimore: Williams and Wilkins, 1975, p. 3: Douglas Considine, (ed.). Van Nostrand's Scientific Encyclopedia. 5th edition. New York: Van Nostrand Reinhold Company, 1976, p. 943: "Embryo: The developing individual between the union of the germ cells and the completion of the organs which characterize its body when it becomes a separate organism. . . . At the moment the sperm cell of the human male meets the ovum of the female and the union results in a fertilized ovum (zygote), a new life has begun. . . . The term embryo covers the several stages of early development from conception to the ninth or tenth week of life."; and

WHEREAS, Dr. John Eppig, Senior Staff Scientist, Jackson Laboratory (Bar Harbor, Maine) and Member of the NIH Human Embryo Research Panel, Panel Transcript, February 2, 1994, p. 31: " . . . among most scientists, the word 'embryo' includes the time from after fertilization. . . ."; and

WHEREAS, T.W. Sadler, Langman's Medical Embryology. 7th edition. Baltimore: Williams & Wilkins 1995, p. 3: "The development of a human begins with fertilization, a process by which the spermatozoon from the male and the oocyte from the female unite to give rise to a new organism, the

182 zygote."; and

183 WHEREAS, Jonathan Van Blerkom of University of Colorado, expert witness on human embryology
184 before the NIH Human Embryo Research Panel, Panel Transcript, February 2, 1994, p. 63: ". . . life is
185 a continuum . . . one of the useful definitions that has come out, especially from Germany, has been the
186 stage at which these two nuclei [from sperm and egg] come together and the membranes between the
187 two break down."; and

188 WHEREAS, Keith L. Moore and T.V.N. Persaud, *Before We Are Born: Essentials of Embryology*
189 and Birth Defects. 4th edition. Philadelphia: W.B. Saunders Company, 1993, p. 1: "Zygote. This cell,
190 formed by the union of an ovum and a sperm (Gr. *zyg* tos, yoked together), represents the beginning of
191 a human being. The common expression 'fertilized ovum' refers to the zygote."; and

192 WHEREAS, William J. Larsen, *Human Embryology*, 2nd edition, New York: Churchill Livingstone,
193 1997, p. 17: "The chromosomes of the oocyte and sperm are . . . respectively enclosed within female
194 and male pronuclei. These pronuclei fuse with each other to produce the single, diploid, 2N nucleus of
195 the fertilized zygote. This moment of zygote formation may be taken as the beginning or zero time point
196 of embryonic development."; and

197 WHEREAS, Bruce M. Carlson, *Patten's Foundations of Embryology*. 6th edition. New York:
198 McGraw-Hill, 1996, p. 3: "Almost all higher animals start their lives from a single cell, the fertilized
199 ovum (zygote). . . . The time of fertilization represents the starting point in the life history, or ontogeny,
200 of the individual."; and

201 WHEREAS, Lee M. Silver, *Remaking Eden: Cloning and Beyond in a Brave New World*. New
202 York: Avon Books, 1997, p. 39: "[A]nimal biologists use the term embryo to describe the single cell
203 stage, the two-cell stage, and all subsequent stages up until a time when recognizable humanlike limbs
204 and facial features begin to appear between six to eight weeks after fertilization. . . . "[A] number of
205 specialists working in the field of human reproduction have suggested that we stop using the word
206 embryo to describe the developing entity that exists for the first two weeks after fertilization. In its
207 place, they proposed the term pre-embryo. . . . I'll let you in on a secret. The term pre-embryo has been
208 embraced wholeheartedly by IVF [In-Vitro Fertilization] practitioners for reasons that are political, not
209 scientific. The new term is used to provide the illusion that there is something profoundly different
210 between what we nonmedical biologists still call a six-day-old embryo and what we and everyone else
211 call a sixteen-day-old embryo.

212 "The term pre-embryo is useful in the political arena—where decisions are made about whether to
213 allow early embryo (now called pre-embryo) experimentation—as well as in the confines of a doctor's
214 office, where it can be used to allay moral concerns that might be expressed by IVF patients. 'Don't
215 worry,' a doctor might say, 'it's only pre-embryos that we're manipulating or freezing. They won't turn
216 into real human embryos until after we've put them back into your body.'"; now, therefore, be it

217 RESOLVED by the House of Delegates, That the House of Delegates recognizes and finds that the
218 life of the human person commences at conception, also known as fertilization, and that the United
219 States Supreme Court 1973 *Roe* and *Doe* decisions striking down state laws criminalizing abortion,
220 which protected preborn children, are based on false science.