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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, German anatomist and embryologist Erich Blechschmidt worked on and studied for more than 40 years the topic of human form and the way that the human form arises in the course of ontogeny (the development or course of development of an individual organism, also known as ontogenesis) during roughly the eight weeks after fertilization. His findings and conclusions are contained in more than 120 scientific papers and books and are based on the direct study and examination of the human embryo; and

WHEREAS, Dr. Blechschmidt noted in *Beginnings of Human Life* (New York, Heidelberg, and Berlin: Springer Verlag, 1977): "[T]he evidence no longer allows a discussion as to if and when and in what month of ontogenesis a human being is formed. To be a human being is decided for an organism at the moment of fertilization of the ovum. For this reason we have to regard the intrinsic quality of the fertilized ovum as an essential prerequisite, decisive for all future ontogenesis," and wrote in *The Ontogenic Basis of Human Anatomy*, translated by Brian Freeman (Berkeley, CA: North Atlantic, 2004), originally published as *Anatomie und Ontogenese des Menschen* (Heidelberg: Quelle & Meyer, 1978): "Today it is known that the early stages of human development are strikingly different from the early developmental stages of all other species. . . . Ontogeny is phenogenesis. We talk of human development not because a jumble of cells, which is perhaps initially atypical, gradually turns more and more into a human, but rather because the human being develops from a uniquely human cell. There is no stage in human development prior to which one could claim that a being exists with not-yet-human individuality. On the basis of anatomical studies, we know today that no development phase exists that constitutes a transition from the not-yet-human to the human.

" . . . In short, a fertilized human egg (conceptus) is already a human being. . . . The following important statement is valid: that which changes during development is only the phenotype but not the essence"; and

WHEREAS, Joseph B. DeLee, A.M., M.D., and J.P. Greenhill, B.S., M.D., eds., *1940 Yearbook of Obstetrics and Gynecology* (Chicago: Yearbook, 1941, pp. 68, 69): "No physician can say with certainty: if this pregnancy is not terminated promptly, the mother will die or her health be seriously impaired. On the other hand, he cannot say with certainty: if this pregnancy is terminated promptly by abortion, the mother will live.

"A physician has a clear duty to preserve human life, but by what principle can one demonstrate that he is the arbiter of life and death and can therefore decide to kill one human being in order that another may live?

"[All doctors (except abortionists) feel that the principles of the sanctity of human life held since the time of the ancient Jews and Hippocrates and stubbornly defended by the Catholic Church are correct, and we are pained when placed before the necessity of sacrificing it. At the present time, when rivers of blood and tears of innocent men, women and children are flowing in most parts of the world, it seems almost silly to be contending over the right to live of an unknowable atom of human flesh in the uterus of a woman. No, it is not silly. On the contrary, it is of transcendent importance that there be in this chaotic world one high spot, however small, which is safe against the deluge of immorality and savagery that is sweeping over us. That we, the medical profession, hold to the principle of the sacredness of human life and the rights of the individual, even though unborn, is proof that humanity is not yet lost and that we may ultimately attain salvation. - ed.]; and

WHEREAS, "A New Ethic for Medicine and Society" (Editorial, *California Medicine* 113, September 1970, pp. 67-68): "The traditional Western ethic has always placed great emphasis on the

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59 intrinsic worth and equal value of every human life regardless of its stage or condition. This ethic has
60 had the blessing of the Judeo-Christian heritage and has been the basis for most of our laws and much
61 of our social policy. The reverence for each and every human life has also been a keystone of Western
62 medicine and is the ethic which has caused physicians to try to preserve, protect, repair, prolong and
63 enhance every human life which comes under their surveillance. This traditional ethic is still clearly
64 dominant, but there is much to suggest that it is being eroded at its core and may eventually even be
65 abandoned. This of course will produce profound changes in Western medicine and in Western society.
66 There are certain new facts and social realities which are becoming recognized, are widely discussed in
67 Western society and seem certain to undermine and transform this traditional ethic. . . .

68 "What is not yet so clearly perceived is that in order to bring this about hard choices will have to be
69 made with respect to what is to be preserved and strengthened and what is not, and that this will of
70 necessity violate and ultimately destroy the traditional Western ethic with all that this portends. It will
71 become necessary and acceptable to place relative rather than absolute values on such things as human
72 lives, the use of scarce resources and the various elements which are to make up the quality of life or of
73 living which is to be sought. . . .

74 "The process of eroding the old ethic and substituting the new has already begun. It may be seen
75 most clearly in changing attitudes toward human abortion. In defiance of the long held Western ethic of
76 intrinsic and equal value for every human life regardless of its stage, condition or status, abortion is
77 becoming accepted by society as moral, right and even necessary. It is worth noting that this shift in
78 public attitude has affected the churches, the laws and public policy rather than the reverse. Since the
79 old ethic has not yet been fully displaced it has been necessary to separate the idea of abortion from the
80 idea of killing, which continues to be socially abhorrent. The result has been a curious avoidance of the
81 scientific fact, which everyone really knows, that human life begins at conception and is continuous
82 whether intra- or extra-uterine until death. The very considerable semantic gymnastics which are
83 required to rationalize abortion as anything but taking a human life would be ludicrous if they were not
84 often put forth under socially impeccable auspices. It is suggested that this schizophrenic sort of
85 subterfuge is necessary because while a new ethic is being accepted the old one has not yet been
86 rejected"; and

87 WHEREAS, in 1981, some of the world's most prominent scientists and physicians testified before
88 the Subcommittee on Separation of Powers to the U.S. Senate Judiciary Committee that human life
89 begins at conception, which testimony is part of the official government record (S-158, 97th Congress,
90 1st Session, 1981), including that of Dr. Alfred M. Bongiovanni, professor of pediatrics and obstetrics at
91 the University of Pennsylvania: "I have learned from my earliest medical education that human life
92 begins at the time of conception. . . . I submit that human life is present throughout this entire sequence
93 from conception to adulthood and that any interruption at any point throughout this time constitutes a
94 termination of human life. . . . I am no more prepared to say that these early stages [of development in
95 the womb] represent an incomplete human being than I would be to say that the child prior to the
96 dramatic effects of puberty . . . is not a human being. This is human life at every stage"; and

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

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

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

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

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

115 WHEREAS, Dr. Bernard Nathanson, author of *Aborting America* (Garden City, NY: Doubleday,
116 1979) and his film, *The Silent Scream*, states: "Modern technologies have convinced us that beyond
117 question the unborn child is simply another human being, another member of the human community,
118 indistinguishable in every way from any of us"; and

119 WHEREAS, Dr. Bernard Nathanson, author of "Deeper Into Abortion" (*New England Journal of*
120 *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, and who resigned his lucrative position after observing an ultrasound abortion, 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, and whose intrauterine photographs of preborn children appear in over 50 medical textbooks, stated in *Rites of Life* (Grand Rapids, MI: Zondervan, p. 103): "I oppose abortion. I do so, first, because I accept what is biologically manifest, that human life commences at the time of conception, and, second, because I believe it is wrong to take innocent human life under any circumstances. My position is scientific, pragmatic, and humanitarian"; and

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

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

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

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

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

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

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

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

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

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

182 2010); and

183 WHEREAS, "[F]ertilization is the process by which male and female haploid gametes (sperm and
184 egg) unite to produce a genetically distinct individual." (Signorelli et al., Kinases, phosphatases and
185 proteases during sperm capacitation, *Cell Tissue Res.* 349(3):765, Mar. 20, 2012); "The oviduct or
186 Fallopian tube is the anatomical region where every new life begins in mammalian species. After a long
187 journey, the spermatozoa meet the oocyte in the specific site of the oviduct named ampulla, and
188 fertilization takes place." (Coy et al., Roles of the oviduct in mammalian fertilization, *Reproduction*
189 144(6):649, Oct. 1, 2012); "Fertilization, the fusion of gametes to produce a new organism—is the
190 culmination of a multitude of intricately regulated cellular processes." (Marcello et al., Fertilization, *Adv.*
191 *Exp. Biol.* 757:321, 2013); and

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

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

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

203 WHEREAS, Dr. H. Hamlin, "Life or Death by EEG" (*JAMA*, October 12, 1964, p. 113): "At 40 days
204 after conception, brain waves can be read on an EEG, or an electroencephalogram"; and

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

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

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

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

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

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

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

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

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

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

238 WHEREAS, Jan Langman, *Medical Embryology*, 3rd ed. (Baltimore: Williams and Wilkins, 1975, p.
239 3); Douglas Considine, ed., *Van Nostrand's Scientific Encyclopedia*, 5th ed. (New York: Van Nostrand
240 Reinhold, 1976, p. 943): "Embryo: The developing individual between the union of the germ cells and
241 the completion of the organs which characterize its body when it becomes a separate organism. . . . At
242 the moment the sperm cell of the human male meets the ovum of the female and the union results in a
243 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): "[A]mong most scientists, the word 'embryo' includes the time from after fertilization"; and

WHEREAS, T.W. Sadler, *Langman's Medical Embryology*, 7th ed. (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 zygote"; and

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

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

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

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

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

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

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly recognize and find 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.