HOUSE JOINT RESOLUTION 7

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HOUSE JOINT RESOLUTION

1 A House Joint Resolution concerning

Commencement of Life of the Human Person at Conception

FOR the purpose of finding that the life of the human person commences at conception and that certain decisions of the U.S. Supreme Court are based on false science; and generally relating to the commencement of life of the human person at conception.

WHEREAS, Supreme Court Justice Harry Blackmun noted in Roe v. Wade, 410 U.S. 113, 156–57 (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 the 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, during roughly the eight weeks after fertilization; and

WHEREAS, Dr. Blechschmidt's 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

WHEREAS, Dr. Blechschmidt 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"; and

WHEREAS, Dr. Blechschmidt concluded: "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., editors of the 1940 Yearbook of Obstetrics and Gynecology (Chicago: Yearbook, 1941, pp. 68–69), stated: "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"; and

WHEREAS, Drs. DeLee and Greenhill also wrote in that publication: "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?"; and

WHEREAS, Drs. DeLee and Greenhill further maintained in that publication: "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"; and

WHEREAS, The editorial, "A New Ethic for Medicine and Society" (Editorial, California Medicine 113, September 1970, pp. 67–68), observed: "The traditional Western ethic has always placed great emphasis on the intrinsic worth and equal value of every human life regardless of its stage or condition. This ethic has had the blessing of the Judeo-Christian heritage and has been the basis for most of our laws and much of our social policy. The reverence for each and every human life has also been a keystone of Western medicine and is the ethic which has caused physicians to try to preserve, protect, repair, prolong and enhance every human life which comes under their surveillance. This

 traditional ethic is still clearly dominant, but there is much to suggest that it is being eroded at its core and may eventually even be abandoned. This of course will produce profound changes in Western medicine and in Western society. There are certain new facts and social realities which are becoming recognized, are widely discussed in Western society and seem certain to undermine and transform this traditional ethic"; and

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

WHEREAS, That editorial also maintained: "The process of eroding the old ethic and substituting the new has already begun. It may be seen most clearly in changing attitudes toward human abortion. In defiance of the long held Western ethic of intrinsic and equal value for every human life regardless of its stage, condition or status, abortion is becoming accepted by society as moral, right and even necessary"; and

WHEREAS, That editorial further noted: "this shift in public attitude has affected the churches, the laws and public policy rather than the reverse. Since the old ethic has not yet been fully displaced it has been necessary to separate the idea of abortion from the idea of killing, which continues to be socially abhorrent"; and

WHEREAS, That editorial concluded: "The result has been a curious avoidance of the scientific fact, which everyone really knows, that human life begins at conception and is continuous whether intra— or extra—uterine until death. The very considerable semantic gymnastics which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspices. It is suggested that this schizophrenic sort of subterfuge is necessary because while a new ethic is being accepted the old one has not yet been rejected"; 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

WHEREAS, Testimony before the subcommittee included testimony from Dr. Alfred M. Bongiovanni, professor of pediatrics and obstetrics at the University of Pennsylvania, who stated: "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, stated: "[A]fter 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 of the Mayo Clinic stated: "By all the criteria of modern molecular biology, life is present from the moment of conception"; and

WHEREAS, Professor Micheline Matthews—Roth of the Harvard University Medical School stated: "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 of the University of Colorado Medical School stated: "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 other prominent physicians and scientists have published books and articles stating that human life begins at conception; and

WHEREAS, Ashley Montague, a geneticist and professor at Harvard University and Rutgers University, though unsympathetic to the prolife cause, nevertheless affirmed unequivocally in his book Life Before Birth (New York, Signet, 1977) that "[t]he 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 screenwriter of the film The Silent Scream, states: "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, an internationally known obstetrician and gynecologist and cofounder of what became known as the National Abortion Rights Action League, who owned and operated what was at the time the largest abortion clinic in the Western Hemisphere, was directly involved in more than 60,000 abortions, and resigned his lucrative position after observing an ultrasound abortion, wrote in the 1974 New England Journal of Medicine article, "Deeper Into Abortion", that he was deeply troubled by his "increasing certainty that I had in fact presided over 60,000 deaths"; and

WHEREAS, Dr. Landrum Shettles, the 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

3 believe it is wrong to take innocent human life under any circumstances. My position is

4 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 and physicians affirm that individual human life begins at conception, also known as fertilization; and

WHEREAS, Ronan O'Rahilly and Fabiola Muller stated in 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. Persaud stated in 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 stated in 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 stated in 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 stated in Human Embryology, 3rd ed. (New York: McGraw-Hill, 1968, p. 43): "It is the penetration of the ovum by a spermatazoan 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

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WHEREAS, C. Christopher Hook, M.D. of the Mayo Clinic was quoted in a September 24, 1999, Associated Press article, authored by Richard Ostling, as stating: "When fertilization is complete, a unique genetic human entity exists"; and

WHEREAS, David Boonin stated in 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

9 WHEREAS, Wayne Sumner stated in Abortion and Moral Theory (Princeton, NJ: 10 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., an abortionist, was reported in an April 4, 1976, article of the Asheville Citizen–Times as stating: "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"; and

WHEREAS, The finding that life of the human person commences at conception has been made by scientific researchers in a number of publications, see Marsden et al., Model Systems for Membrane Fusion, Chem. Soc. Rev. 40(3):1572, Mar. 2011 (stating that "the fusion of sperm and egg membranes initiates the life of a sexually reproducing organism"); Okada et al., A Role for the Elongator Complex in Zygotic Paternal Genome Demethylation, Nature 463:554, Jan. 28, 2010 (stating that "[t]he life cycle of mammals begins when a sperm enters an egg"); Signorelli et al., Kinases, Phosphatases and Proteases During Sperm Capacitation, Cell Tissue Res. 349(3):765, Mar. 20, 2012 (stating that "fertilization is the process by which male and female haploid gametes (sperm and egg) unite to produce a genetically distinct individual"); Coy et al., Roles of the Oviduct in Mammalian Fertilization, Reproduction 144(6):649, Oct. 1, 2012 (stating that "[t]he oviduct or Fallopian tube is the anatomical region where every new life begins in mammalian species. After a long journey, the spermatozoa meet the oocyte in the specific site of the oviduct named ampulla, and fertilization takes place"); and Marcello et al., Fertilization, Adv. Exp. Biol. 757:321, 2013 (stating that "[f]ertilization, the fusion of gametes to produce a new organism—is the culmination of a multitude of intricately regulated cellular processes"); and

WHEREAS, According to the National Institutes of Health (NIH), Medline Plus, and the 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, As early as 21 days after conception, a baby's heart has begun to beat his or her own unique blood type, often different than the mother's blood type, see Moore & Persaud, The Developing Human, p. 310; Nilsson & Hamberger, A Child is Born, p. 86; and Rugh & Shettles, From Conception to Birth, p. 217; and

WHEREAS, According to Dr. H. Hamlin in "Life or Death by EEG" (JAMA, 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., 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

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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, establishing that the surgeon is performing surgery on one living human being who is residing in the womb of his mother; and

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

WHEREAS, The U.S. Supreme Court in 1857 ruled that Dred Scott, a black slave, was not a "person" with rights but the "property" of his master; and

WHEREAS, 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 that 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 a 1981 Senate hearing that "[p]ro-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" and that "[o]nly one witness said no one can tell when life begins"; and

WHEREAS, Marjorie A. England, in Life Before Birth, 2nd ed. (London: 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) defines an embryo as "[a]n organism in the earliest stage of development" and further states that an embryo is "a man, from the time of conception to the end of the second month in the uterus"; and

WHEREAS, According to William Walters and Peter Singer, eds., Test—Tube Babies (Melbourne: Oxford University Press, 1982, p. 160), an embryo is: "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, Douglas Considine, ed., Van Nostrand's Scientific Encyclopedia, 5th ed. (New York: Van Nostrand Reinhold, 1976, p. 943) defines an embryo as: "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, a senior staff scientist at Jackson Laboratory in Bar Harbor, Maine, stated while serving on the NIH Human Embryo Research Panel on February 2, 1994, that "among most scientists, the word 'embryo' includes the time from after fertilization"; and

WHEREAS, T.W. Sadler stated in 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 of the University of Colorado stated while serving as an expert witness on human embryology before the NIH Human Embryo Research Panel on February 2, 1994, that "life 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, in Before We Are Born: Essentials of Embryology and Birth Defects, 4th ed. (Philadelphia: W.B. Saunders, 1993, p. 1), stated that a zygote, "formed by the union of an ovum and a sperm . . . represents the beginning of a human being" and that "[t]he common expression 'fertilized ovum' refers to the zygote"; and

WHEREAS, According to 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, in Patten's Foundations of Embryology, 6th ed. (New York: McGraw-Hill, 1996, p. 3), stated: "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, According to Lee M. Silver, in Remaking Eden: Cloning and Beyond in a Brave New World (New York: Avon, 1997, p. 39), "animal 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" and that "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"; and

WHEREAS, Mr. Silver further indicated that in place of the term "embryo", the specialists proposed the term "pre-embryo", a term that "has been embraced wholeheartedly by IVF [in vitro fertilization] practitioners for reasons that are political, not scientific"; and

WHEREAS, According to Mr. Silver, "[t]he new term is used to provide the illusion that there is something profoundly different between what . . . nonmedical biologists still call a six-day-old embryo and what we and everyone else call a sixteen-day-old embryo"; and

WHEREAS, Mr. Silver continued: "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 GENERAL ASSEMBLY OF MARYLAND, That the General Assembly finds that the life of the human person commences at conception, also known as fertilization, and that the U.S. Supreme Court's Roe v. Wade and Doe v. Bolton, 410 U.S. 179, decisions in 1973 that struck down state laws that protected preborn children by criminalizing abortion, are based on false science; and be it further

RESOLVED, That a copy of this Resolution be forwarded by the Department of Legislative Services to the Honorable Lawrence J. Hogan, Jr., Governor of Maryland; the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the Honorable Michael E. Busch, Speaker of the House of Delegates.