



Testimony on Maryland Senate Bill 798

Mary Szoch, M.Ed.

Center for Human Dignity at Family Research Council

Honorable Members of the Assembly:

The right to life, one of the three unalienable rights listed in our nation's Declaration of Independence, should never be put to a popular vote. And yet, S.B. 798 would place a question on the ballot allowing Marylanders to determine whether or not an unborn child can be killed on his or her birthday. This initiative would change the Maryland state constitution, cementing the decision for future generations. Although history has taught us that the personhood of a human being should never be left to a vote, S.B. 798's deceptive language ensures that the deck is stacked against counting all human beings as people.

Maryland law is already lacking when it comes to protecting human life. Currently, the state allows the killing of unborn children up until the moment of birth.¹ This policy is more permissive than all but five countries in the world and is on par with the abortion policies of notorious human rights violators China and North Korea.² In addition, Maryland is an abortion tourism state, with people coming from surrounding states to end the life of their third-trimester unborn child. Although Maryland does have a notification law, that requirement can be waived by abortionists—enabling sex traffickers to cover up evidence of their activities. Such coverups are made even easier by the fact that Maryland does not even require the reporting of the number of abortions performed each year.

Sixty-nine percent of Americans believe that unborn children's lives should be legally protected after the first trimester.³ However, the deceptive language of S.B. 798—which uses the euphemistic term

“reproductive freedom” to refer to the ability to kill an unborn child up until the moment of his or her birth—ensures that any ballot measure on this issue will not reflect the actual will of the people. But adding clearer language would not change the fundamental injustice that the state of Maryland would commit by allowing a popular vote to determine whether innocent, living human beings should be protected or eligible to be killed.

Children in the womb are not the first human beings in our nation’s history whose rights as persons have been denied. Between 1619 and 1865, an estimated 10 million enslaved persons lived in the United States, where they were forced to serve about 410 billion hours of labor.⁴ According to one estimate, in 1850, Maryland’s southern counties were home to 50,000 whites, 9,500 free blacks, and over 48,000 enslaved persons.⁵ Each day, the personhood of each of these 48,000 individuals was denied. If the personhood of black human beings living in slavery had been put to a popular vote of white Marylanders in 1850, the outcome would have likely been horrifically unethical.

The institution of slavery once denied the personhood of thousands of human beings in Maryland. Today, S.B. 798 asks the Maryland General Assembly to deny the personhood of unborn children. Such a denial would be archaic and unscientific: a modern, secular understanding of biology affirms that human life begins at fertilization, when sperm and egg meet to form a new, genetically unique human life. A survey conducted for a nonpartisan amicus brief in the U.S. Supreme Court case *Dobbs v. Jackson Women’s Health Organization* (2022) showed that 96 percent of the 5,577 surveyed biologists (representing 1,058 academic institutions) affirm that human life begins at fertilization.⁶ Notably, the American College of Pediatricians also “concur[s] with the body of scientific evidence that corroborates that a unique human life starts when the sperm and egg bind to each other in a process of fusion of their respective membranes and a single hybrid cell called a zygote, or one-cell embryo, is created.”⁷

Denying that African Americans were full persons under the law contributed to the atrocity of slavery. Denying that unborn children are persons has contributed to the atrocity of abortion, and in Maryland, that evil is permitted to occur at nine months gestation. There must not be an opportunity to enshrine this in the state constitution.

Protecting unborn children is not a question of denying women “reproductive freedom”; it is a question of whether humans can be deprived of their rights based on such an arbitrary factor as age or stage of development. S.B. 798 wrongly incorporates the right to kill a child within the bounds of a legally recognized right to “reproductive freedom.”

If the state of Maryland puts a right to abortion on the ballot, the state will have either (1) rejected the scientific reality that unborn children are alive in the womb or (2) accepted that unborn children are alive in the womb but still permitted Maryland’s citizens to vote on whether or not these human beings can be killed. The state of Maryland has a compelling interest to protect innocent human life from destruction. Maryland must not elevate the right to bodily autonomy to such an extent that “bodily autonomy” includes the right to take the life of another innocent human.

S.B. 798 would put the people of Maryland into a position they should never find themselves in: voting on whether a category of human beings will be treated as human beings. This bill undermines the unalienable rights that provide a foundation for every other liberty that Americans enjoy. We must learn from history and acknowledge that every human being deserves the right to life, liberty, and the pursuit of happiness.

The right to life should never be put to a popular vote. For this reason, Family Research Council urges you to reject S.B. 798.

Mary Szoch, M.Ed., is Director of the Center for Human Dignity at Family Research Council.

¹ Maryland Code, Health-General § 20-209.

² Mary Szoch, Connor Semelsberger, and Joy Stockbauer, “U.S. Abortion Law in Comparison with the Globe,” Family Research Council, October 2022, <https://www.frc.org/issueanalysis/us-abortion-law-in-comparison-with-the-globe>.

³ Knights of Columbus, “New 2023 Knights of Columbus–Marist Poll: Post Roe, A Majority of Americans Continue to Support Legal Limits on Abortion,” news release, January 18, 2023, <https://www.kofc.org/en/resources/communications/polls/majority-americans-still-support-abortion-limits.pdf>.

⁴ J. David Hacker, “From ‘20. and odd’ to 10 million: The growth of the slave population in the United States,” *Slavery & Abolition* 41, no. 4 (2020): 840-55, <https://doi.org/10.1080/0144039X.2020.1755502>.

⁵ “A Guide to the History of Slavery in Maryland,” Maryland State Archives, February 2008, 13, https://msa.maryland.gov/msa/intromsa/pdf/slavery_pamphlet.pdf.

⁶ Brief Of Biologists As *Amici Curiae* In Support Of Neither Party, *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. ____ (2022), https://www.supremecourt.gov/DocketPDF/19/19-1392/185346/20210729162737297_19-1392%20BRIEF%20OF%20BIOLOGISTS%20AS%20AMICI%20CURIAE%20IN%20SUPPORT%20OF%20NEITHER%20PARTY.pdf.

⁷ “When Human Life Begins,” American College of Pediatricians, March 2017, <https://acpeds.org/position-statements/when-human-life-begins>.