February 19, 2018

Senate Health and Social Services Committee

RE: SB 124, Abortion Procedures; Child Surrender

Dear Senate Health and Social Services Committee Members,

The Alaska Right To Life Committee Opposes Passage of SB 124

The Alaska Right To Life Committee is urging all Senate Health and Social Services Committee Members to oppose and vote against advancing SB 124 from the Health and Social Services Committee. Please consider:

Opposition to abortion

Every abortion procedure kills an innocent, living pre-born human being – a person. Therefore, The Alaska Right To Life Committee opposes all abortion – the killing of innocent pre-born babies – from the moment of conception to birth.

The Alaska Right To Life Committee also advocates for the protection of all innocent human life from the point of conception to natural death.

Moreover, since every person is created in the image of God, it follows that every person has intrinsic worth and value, and is deserving of the right to life and the legal protections guaranteed in the constitution from the point of conception to natural death.

Furthermore, the right to life isn't a merely religious principle, but it is also firmly rooted in biology, embryology, philosophy, and historical law. Consider:

1. From the point of conception, a new human life is formed, with DNA unique to the newly conceived life, separate from both mother and father, though conceived from the union of paternal and maternal genetic material that are united when the sperm penetrates the oocyte, thereby creating the new life.
2. Because the newly conceived life – pre-born baby – has a human father and a human mother, the pre-born baby is also human – a person.

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3. Because the pre-born baby is human – a person – from the point of conception, the humanity of the pre-born baby cannot be separated from her rights as a person, and therefore from the State's duty to protect the pre-born baby from conception to natural death.

Therefore, every abortion procedure is morally abhorrent and must be opposed by legislation that does not place any conditions on, nor regulate in any way, the perpetuation of any abortion procedure.

Opposition to SB 124

SB 124 fails to meaningfully oppose any abortion procedure, but clearly states that, after determining the pre-born baby to be aborted is under 20 weeks' gestation, the abortionist may kill the baby in the most efficient and profitable manner allowed by American College of Obstetricians and Gynecologists.

But the most profound and immediate concern isn't based on hard core abolitionist rhetoric as would be expected, but it sadly stems from the faulty pro-abortion logic that is used in crafting SB 124. Put simply, SB 124 creates two classes of pre-born babies in Alaska:

1. Pre-born babies with constitutional rights affirmed – and the protections logically follow
2. Pre-born babies with constitutional rights withheld – and the logically following protections also withheld.

SB 124 and Roe vs Wade Oral Arguments and Ruling

Sadly, SB 124 is based on the same logic that Sarah Weddington used when she argued for Roe in the 1973 Roe vs Wade Supreme Court Case when she asserted several times that, "a fetus has no constitutional rights." Ms. Weddington went on to confirm that if pre-born babies do have constitutional rights, then abortion would be tantamount to infanticide.

Likewise, here in SB 124, we see that pre-born babies that have grown beyond the 20th week of gestation, that can survive outside of the womb are somehow persons in the eyes of the law, possessing constitutional rights and protections, and therefore must be provided the same medical care and treatment as a baby that is born naturally at the same gestational age or level of development.

To kill these babies would be tantamount to infanticide based on SB 124's flawed logic that the ability to survive outside of the womb after 20 weeks' gestation somehow confers the constitutional right to life that has, up to this point, been withheld until birth.

However, the pre-born baby that is targeted for abortion prior to the 20th week of gestation, that cannot survive outside of the womb continues to be stripped of her constitutional rights and no protections are provided to her. She is left to die in the manner her killer deems to be the most efficient.

Clearly, the constitutional right to life is withheld from pre-born babies in both the oral arguments and eventual Roe v Wade ruling, and the text of SB 124. The only meaningful difference presented in SB 124 is that the bill's sponsor appears to move the "peg" on which constitutional rights are hung from birth – as argued and ruled in Roe v Wade – to the point of viability as determined by an abortionist, and only after the abortionist has been forced to convert the abortion procedure to a premature – though unnaturally forced – birth.

The resulting protections afforded pre-born babies is the same under Roe v Wade and SB 124: constitutional rights to life and the following legal protections are withheld, both of which are desperately needed by the pre-born baby at risk of being killed by an abortionist.

Ultimately, were SB 124 to become law, it would simply create a race to the abortion mill before the 20 week gestation mark, or it would simply send those women who delayed their abortion decision until after 20 weeks' gestation out of state for their abortions.

Moreover, Alaska Induced Termination Of Pregnancy reports show that, over the past five years, only one pre-born baby over 20 weeks' gestation was killed in the state of Alaska, in contrast with 7,194 babies under 20 weeks' gestation having been killed in the same period.

Not only is SB 124 flawed in its application of constitutional law, it misses the mark of providing any meaningful protections to pre-born babies at risk of being killed by an abortionist when over 99.9% of the babies killed by abortionists die before the 20th week of gestation.

SB 124 also fails to provide adequate protection to pre-born babies beyond the 20 weeks' gestation mark, as noted by infamous abortionist Warren Hern, who claims to perform abortions as late as the 34th week of gestation. Hern asserts that, "The fetus cannot be delivered "alive" in my procedure… because I begin by giving the fetus an injection that stops its heart immediately. I treat the woman's cervix to cause it to open during the next

two days. On the third day, under anesthesia, the membranes are ruptured, allowing the amniotic fluid to escape. Medicine is given to make the uterus contract, and the dead fetus is delivered or removed with forceps. Many variations of this sequence are possible, depending on the woman's medical

condition and surgical indications." In procedures not requiring fetal injection, Dr. Hern reports that while performing another abortion, "…Because of the two days of prior treatment, the amniotic membranes were visible and bulging. I ruptured the membranes and released the fluid to reduce the risk of amniotic fluid embolism. Then I inserted my forceps into the uterus and applied them to the head of the fetus, which was still alive, since fetal injection is not done at that stage of pregnancy. I closed the forceps, crushing the skull of the fetus, and withdrew the forceps. The fetus, now dead, slid out more or less intact."

Dr. Hern's article points out that women seeking abortions – at any stage of pregnancy are contracting with abortionists to kill their babies. Should the terms of their agreement change based on gestational age as SB 124 would affect, the then required premature birthing procedure would likely send the pregnant woman outside of Alaska, as is already the case for roughly 10% of Alaska's women seeking abortions.

SB 124 is so fundamentally flawed that even if it were dramatically amended, it could not possibly be rehabilitated to be made useful for the protection of pre-born babies that are at risk of abortion at any gestational age or level of development, and its passage from the Senate Health and Social Services Committee must therefore be opposed.

Finally, as alluded to in the challenges above, SB 124 attempts to apply the constitutional rights guaranteed to 'born persons' by the currently flawed understanding of the 14th Amendment to pre-born babies whose birth will be prematurely forced should an abortion be pursued beyond the 20th week of gestation.

In light of these considerations and the sincere desire of the majority of Alaskans that the practice of killing pre-born babies come to a swift and permanent end, The Alaska Right To Life Committee urges the Senate Health and Social Services Committee members to oppose SB 124's passage.

For LIFE,

Patrick Martin
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