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## House Bill 107/Ver B. Sponsor Statement

“An Act relating to criminal law definitions.”

HB107 establishes legal definitions of “person” and “life” in AS 11.81.900.

“Person” means a natural person or entity that has the moral right of self-determination.

“Life” is defined as the property or quality that distinguishes a living organism from a dead organism or inanimate matter and that is manifested in the function of a metabolism, growth, reproduction, a response to stimuli, or adaption to the environment, each of which originates within the organism.

The Alaska Constitution, in article I, section 1, says all persons have a natural right to life. Thus, every person’s right to life must be protected by the State. Article 1, section 3, further states that no person is to be denied the enjoyment of any civil or political right because of race, color, creed, sex, or national origin. This is true regardless of age, level of dependency, citizenship, or viability. And this protection must not be denied to any human — even the pre-born. Further, a viability test to determine whether a person’s life is worthy of protection would also be unlawful.

In *Gonzales v. Carhart*, the Supreme Court wrote that the unborn child is a living individual, separate and distinct from the mother. In this 2007 decision, the Court did *not* consider the preborn child as merely a part of the mother’s body.

In *Bonbrest v. Kotz*, Justice McGuire stated: “From the viewpoint of the civil law and the law of property, a child *en ventre sa mere* is not only regarded as human being, but as such from the moment of conception—which it is in fact.

In *Marbury vs. Madison*, the court wrote: “The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury... The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right.” That decision cemented the individuality of the pre-born child and guarantees him or her a civil right to claim protection under the law; this includes the right to privacy found in the Alaska Constitution.

The medical community has long recognized the individual life of the unborn child. The science and experiments of Dr. Theodric Romeyn Beck, found in “*Elements of Medical Jurisprudence*,” written more than 100 years before *Roe v. Wade*, illustrate that the pre-born child is a separate human life from the moment of conception.

Scientist Keith Moore wrote, “[The Zygote] results from the union of an oocyte and a sperm. A zygote is the beginning of a new human being. Human development begins at fertilization, the process during which a male gamete or sperm ... unites with a female gamete or oocyte ... to form a single cell called a zygote. This highly specialized, totipotent cell marks the beginning of each of us as a unique individual.”(Moore, K.L., Ph.d. & T.V.N., *The Developing Human: Clinically Oriented Embryology*, 1998).

Dr. Horatio R. Storer wrote, “Allowing, then, as must be done, that the ovum does not originate in the uterus; that for a time, however slight, during its passage through the Fallopian tube, its connection with the mother is wholly broken; that its subsequent history after impregnation is one merely of development, its attachment merely for nutrition and shelter – it is not rational to suppose that its total independence, thus once established, becomes again merged into total identity, however temporary.” (Storer, M.D., LL.B., Horatio R., *Criminal Abortion*, 1868).

Storer’s conclusion is irrefutable: The life of the unborn human begins independent of the mother’s body.

Following the science then, it is illogical to conclude that the life of the pre-born human being (which was previously independent of the mother) ceases to exist during the time that he/she is in the womb. In other words, the egg, and the sperm, which are now subdividing are an independent life and do not terminate just because they have attached to the mother for nurturing and support. When a male sperm meets a female egg, both cease to exist independently, replaced by a living human in the earliest stage of development: conception. This life has separate DNA and is separate from the mother. Every major medical textbook on the subject teaches this.

Strengthening the scientific argument is the practice of in-vitro fertilization, in which a living human being is inserted into the womb for the support of development of the child, rather than for the purpose of obtaining life. The independent life of the pre-born child is again proven by the fact the pre-born child initiates implantation into the womb. “The mother’s body is entirely passive in the implantation process. It merely responds to the actions taken by the unborn human being.” (Schauf, M.D., Adam, *The Growth of the Placenta*, American Gynecology, 1903).

Life is defined as the condition that distinguishes animals and plants from inorganic matter. We know that “life” includes the capacity for growth, reproduction, functional activity, and continual change.

It’s time we define “person” and “life” for the purpose of our Constitution. It’s time to follow science, open our eyes and ears and recognize the personhood of the pre-born. It’s time to fix our Constitution and statutes, and this bill does that.

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