

Short Bio:

Gualberto Garcia Jones, Esq. is an attorney who practices law in the Commonwealth of Virginia. As general counsel of the Personhood Alliance, Mr. Garcia Jones has collaborated with legislators at the state, federal and international level to propose legislation to defend and protect the inalienable right to life. He has testified before the legislatures of multiple states such as Montana, North Dakota, and Wisconsin and before international bodies such as the Organization of American States. He has written briefs to the US Supreme Court in support of pro-life legislation and is considered an expert on US constitutional law and in international human rights law.

Testimony

Mr. Chairman and members of the committee,

The Life at Conception Act or Preborn Child Equality Act of 2024 is the most fundamental expression of the pro-life movement's guiding principle that all human life is sacred.

As we all know, in 1973, Justice Harry Blackmun single-handedly and in contradiction to all the medical and legal precedent concluded that no preborn human being could be considered a "person" with the right to life because we simply could not define when life begins.

Of course, Harry Blackmun was lying, physicians had long ago determined that life began at conception. Take this discussion of whether life exists before quickening from a textbook used at the Harvard Medical School in 1823:

"The foetus prior to the time of quickening must be either dead or living. Now, that it is not the former is most evident from neither putrefaction nor decomposition taking place, which would be the inevitable consequences of an extinction of the vital principle ... Foetuses do actually die in the uterus before quickening, and then all the signs of death are present. The embryo, therefore, before that crisis, must be in a state different from that of death, and this can be no other than life."

Elements of Medical Jurisprudence.

Harry Blackmun was not just lying about the medical precedent for life beginning at conception, but also about the artificial separation of a human being from a legal person with rights.

The Supreme Court Justice known for laying the foundation for American constitutional law, John Marshall, wrote in 1818 that "the words 'any person or persons' are broad enough to comprehend every human being."

Not only did Roe v. Wade dehumanize an entire class of human beings, it was also an unabashed exercise of judicial activism, which stripped the states of the power to regulate themselves in order to protect the health, safety, and morals of their people.

The Life at Conception Act or Preborn Child Equality Act of 2024 is the fulfillment of the state's duty to guarantee the equal protection of the laws to every human being. As John Bingham, the drafter of the 14th amendment to the U S Constitution argued during the ratification process: "a State has not the right to deny equal protection to any human being under the Constitution of this country in the rights of life, liberty, and property."

Justice Antonin Scalia stated, unequivocally, that "the Constitution contains no right to an abortion" and Chief Justice Rehnquist also stated that, "when it becomes clear that a prior constitutional interpretation is unsound, we are obliged to reexamine the question."

The recent Dobbs opinion proved Justices Scalia and Rehnquist to be correct, and addressed what Justice White originally described as "an exercise in raw judicial power." The US Supreme Court has made clear that "the Constitution does not confer a right to abortion. Roe and Casey must be overruled, and the authority to regulate abortion **must be returned to the people and their elected representatives.**"

Unfortunately, Alaska's own Supreme Court chose to follow the path of judicial activism, which has now been roundly rejected by the highest court in the nation. It is time to correct this grave mistake.

There is not a moment to waste before challenging the Alaska Supreme Court's even more egregious unconstitutional version of Roe v. Wade?

Every day this challenge is postponed, more lives lost. This may be an uphill legal battle, given how the outdated assumptions regarding the judiciary's power in Alaska, but realizing that this is a legal battle worth fighting IS half the battle. The power to correct this grave injustice is in your hands, if you choose to exercise it.

As the Supreme Court of Alaska would have it, the legislature is not able to carry out its democratic duty of representing the citizens of Alaska. Simply put, Alaska's system of government is broken. Broken by the tyranny of an unelected state Supreme Court, appointed by a legal oligarchy directed, not by the people's elected representatives, but by a state bar association that does not accurately represent the fundamental ideals of justice held by the people of Alaska.

It is only appropriate that an issue as fundamental as the protection and defense of the right to life should also lead to a fundamental effort at judicial reform in Alaska. Make no mistake, there is no greater attack on democracy than an unelected and unopposed Supreme Court justice that takes upon itself the power to decide the most fundamental questions of the day. It may be that the court decides the matter of the right to life today, but rest assured that if allowed to do so unopposed, it will eventually take away your gun rights, property rights, religious liberty, medical freedom and every other right the people hold dear.

As Abraham Lincoln wrote in his first inaugural address, "if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal."

With your courage and leadership, the people will peacefully rise up, and the legal culture will begin to change.

Passing the Life at Conception Act or Preborn Child Equality Act of 2024 will fundamentally challenge the flawed decision of the Alaska Supreme Court by:

1. Recognizing the pre-born child as both a legal person and a human being with the inalienable right to life,

2. Asserting the right of the legislature enforce the protections guaranteed in the state constitution in an honest and equitable fashion,

3. And most importantly by providing a basic principle with which to guarantee the equal protection of its laws.

As the world moves further into the 21st century, emerging technologies are stretching the boundaries of medical ethics.

Defining the constitutional right to life to extend to all human beings is imperative as you attempt to prevent the abuse of defenseless human beings for the sake of "scientific advancement." Abortion, euthanasia, cloning, human experimentation, organ harvesting, eugenics, the creation of human and animal hybrids; all of these require a strong definition of the human being which puts a premium on their unique intrinsic value and inalienable right to life.

A Note on Unintended Consequences:

The abortion industry will try to create end-of-the-world scenarios to dissuade pro-life legislators from supporting the Life at Conception Act or Preborn Child Equality Act of 2024.

They will say that women will be prosecuted for miscarriages. Yet, there is not a single instance of this in the over 200 years of time during which pro-life laws were in effect in the United States.

They will say that this legislation will prohibit life saving medical care. Yet this too is provably false, as nations that completely prohibited abortion routinely had lower maternal mortality rates than the United States under *Roe v. Wade*.

They will say that this legislation will outlaw In Vitro Fertilization. Yet countries like Germany, who have suffered the ravages of the eugenic abuses of science, allow IVF while simultaneously protecting the embryo.

They will say that this legislation will outlaw abortion even in cases of rape or incest. But you must ask yourself, if Alaska law forbids the death penalty for

rapists and murderers, why should it impose the death penalty upon the innocent child?

The truth is the abortion industry stands to lose a multi billion-dollar industry if the humanity of the preborn child is recognized and defended.

The Life at Conception Act or Preborn Child Equality Act of 2024 is the embodiment of the sanctity of life. It has been the goal of the pro-life movement since day one, and it is the best hope for a future, which respects the dignity of all human beings without subjecting any one person, or any class of persons to any other.

With this legislation you have the awesome opportunity to leave a mark on the history of this great state and this nation. I pray that you seize the opportunity and blaze the way for a revival of a culture of life and a return of law and order free of judicial tyranny in the great state of Alaska.

An important note on federal law regarding abortion:

In a memorandum dated May 13, 2023, Ms. Claire Redford, Alaska Legislative Counsel discusses Supremacy Clause Issues, noting that “the Supremacy Clause declares that federal law is the supreme law of the land, and it prevents the states from interfering with the federal government's exercise of its constitutional powers. Because secs. 33 - 35 will encourage or mandate state public officials to disregard presidential orders, federal regulations, and federal court orders, the sections violate the Supremacy Clause and are unenforceable.”

Given the clear ruling of the US Supreme Court in Dobbs, recognizing that "the Constitution does not prohibit the citizens of each State from regulating or prohibiting abortion. Roe and Casey arrogated that authority. We now overrule those decisions and return that authority to the people and their elected representatives,” it is clear that Legislative Counsel’s understanding of federal Supremacy post-Dobbs is clearly erroneous. Furthermore, I would encourage the legislature of Alaska to consider currently enforceable federal law, the Comstock Act, that makes it a felony to ship or receive any abortion paraphernalia in interstate commerce.

(1) Federal law imposes felony criminal liability on every person who ships or receives abortion pills or abortion-related paraphernalia in interstate or foreign commerce, see 18 U.S.C. § 1461-62, and all such acts are predicate offenses under the federal Racketeer Influenced and Corrupt Organizations Act (RICO), see 18 U.S.C. § 1961.

(2) The Constitution and laws of Alaska cannot secure a right, privilege or immunity to act in violation of federal criminal statutes such as 18 U.S.C. § 1461-62, or to engage in criminal or racketeering conduct as defined by federal law.

(3) The so-called "fundamental right" described by the Alaska Supreme Court in *Valley Health Association, Inc. v. Mat-Su Coalition for Choice* that the "right to an abortion is the kind of fundamental right and privilege encompassed within the intention and spirit of Alaska's constitutional language" cannot encompass conduct that violates federal criminal statutes such as 18 U.S.C. §§ 1461-62.

(4) The members of the legislature of Alaska are bound by oath to support and defend the Constitution of the United States, and the statutory provisions codified at 18 U.S.C.

§§ 1461-62 are the "supreme Law of the Land" under Article VI of the Constitution and must be obeyed and respected by every person within the state of Alaska and by every judge in the state of Alaska. See U.S. Const. art. VI (The Laws of the United States ... shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.").

(5) Legislators in Alaska would be well within their rights to call upon the United States Attorneys for the District of Alaska, both present and future, to investigate and prosecute all abortion providers and abortion-pill distribution networks under 18 U.S.C. §§ 1461-62 and the Racketeer Influenced and Corrupt Organizations Act (RICO).

(6) Legislators in Alaska should also call upon victims of abortion providers and abortion-pill networks to sue these criminal racketeering enterprises under civil RICO.