

The Federal Personhood Amendment

By Judie Brown

Since my first days in the pro-life movement over 35 years ago, I have learned a great deal about rhetoric and how it can deceive even the most well-meaning of people. I have also learned that there are people, especially on the pro-death side of the debate, who go to great lengths to intentionally misuse words, to mislead the listener.¹ The words used to describe when a human being's life actually begins are very good examples of what I mean. Let's start with "conception."

When I was a novice in this work, I thought—as did everybody I knew—that "conception," the act of conceiving a child, was the beginning of a person's life. So, in the mid-1970s, when I first realized that the word now had a couple of meanings, I looked into it. What I learned horrified me.

You see, many medical dictionaries, doctors and clinical researchers no longer think of the word "conception" as the moment when the human sperm and the human egg unite in the woman's fallopian tube. For example, MedicineNet.com's popular online dictionary defines "conception" thus: "1. The union of the sperm and the ovum. Synonymous with fertilization. 2. The onset of pregnancy, marked by implantation of the blastocyst into the endometrium."

Notice that the first definition differs markedly from the second definition, and that the second ignores conception as defined in the first and tells the reader that the actual pregnancy does not begin until eight days after it has begun—at the moment of implantation in the woman's womb! In other words, the two definitions directly contradict each other. Now there are even states where "conception" is legally defined—erroneously—as beginning at implantation.

So, we pro-lifers have a dilemma, but for every dilemma there is an answer. This must be so, particularly in pro-life work, because words can kill people if used incorrectly. The following details illustrate exactly what I mean.

American Life League was compelled to research this question soon after its founding. Among the facts we found, documented by many of the pro-life cause's most competent researchers, are these:

At a 1959 Planned Parenthood-Population Council symposium, Swedish researcher Bent Boving noted that "the social advantage of being considered to prevent conception rather than to destroy an established pregnancy could depend upon something so simple as a prudent habit of speech."

Obviously, the intent to deceive the public about the abortion-causing nature of anti-fertility drugs and devices was widespread. At the 1964 Population Council symposium, Dr. Samuel Wishik pointed out that acceptance or rejection of birth control would depend on whether it causes an early abortion. Dr. Christopher Tietze, of Planned Parenthood and the Population Council, suggested, as a public relations ploy, "not to disturb those people for whom this is a question of major importance." Tietze added that theologians and jurists have always taken the prevailing biological and medical consensus of their times as factual and that "if a medical consensus develops and is maintained that pregnancy, and therefore life, begins at implantation, eventually our brethren from the other faculties will listen."

And in 1965, the American College of Obstetricians and Gynecologists published a new *Terminology Bulletin* that stated, "Conception is the implantation of the fertilized ovum."

So there you have it. We concluded that we could no longer say "conception" without saying "fertilization." To do otherwise was to agree with the culture of death that, since pregnancy does not begin until implantation, the child prior to implantation is simply not really there at all!

But the plot then thickened. Enter the sadistic scientists who tell us that because there are so many "spare" in vitro fertilization embryos, they have devised a way to put them all to good use. They will use their stem cells—thus killing each of them in the process—to help cure disease, grow extra body parts and stop the aging process, to mention but a few of their bogus claims.

Not only that, but they will manipulate human and animal cells, and in the process, clone or otherwise asexually reproduce human beings or maybe even a human-animal chimera, to use their stem cells as well. Thus, in

today's fast-moving era of science for the sake of profit, the human being is at even greater risk. For those of us working for the pro-life cause, this means that our language now has to be even more precise.

So, what to do? At American Life League, we are doing everything we can to ensure that every human being, regardless of his point of origin, is protected by law and the Constitution. The proposed Federal Personhood Amendment that we support states, therefore, that all human beings, regardless of how they come into existence (whether sexually or asexually, through in vitro or in vivo reproduction) and whether disabled or not, are to be treated as persons, and all of their God-given rights are to be recognized and protected.

As Dr. Dianne N. Irving, an eminent bioethicist and Georgetown University professor, has written recently,

There is quite simply no "mystery" or "doubt" as to when both sexually and asexually reproduced human beings begin to exist. According to properly credentialed world experts for decades now, sexually reproduced human beings begin to exist at the beginning of fertilization (when the sperm penetrates the oocyte)...

As for asexually reproduced human beings, they begin to exist when the DNA in the cells are appropriately differentiated to that of a human organism (rather than that of just a human cell). This would include all naturally occurring human identical twins/triplets formed in the woman's body, as well as all artificially reproduced human embryos *in vitro* (e.g., those reproduced by somatic cell nuclear transfer (SCNT), germ line cell nuclear transfer (GLCNT), "twinning" (blastomere separation, blastocyst splitting, embryo multiplication, etc.), parthenogenesis, pronuclei transfer, mitochondrial transfer, hemi-cloning, the use of artificially constructed genes, chromosomes, nuclei, cells, sperm, oocytes, embryos, etc., and other human genetic engineering and alternative method techniques.² [italics in the original]

The situation has changed dramatically in the past 35 years. Clearly, many have always denied God because they pretend that they are themselves gods, but today that

is more obvious and thus more chilling than even I could have imagined.

It is, therefore, with the greatest pleasure that I introduce the updated, semantically accurate Federal Personhood Amendment, a proposal which American Life League will use as the centerpiece of its legislative strategy now and until the day when it becomes an official amendment to the United States Constitution:

Federal Personhood Amendment to the United States Constitution

Purpose: To establish that legal personhood is granted to all human beings in the United States from the beginning of their biological development.

Section I:

The right to life is the paramount and most fundamental right of a person.

Section II:

With respect to the right to life guaranteed to persons by the fifth and 14th articles of amendment to the Constitution, the word "person" applies to all human beings; irrespective of age, health, function, physical or mental dependency, or method of reproduction; from the beginning of their biological development.

Section III:

Congress and the several States, including territories under United States control, shall have concurrent power to enforce this article by appropriate legislation.

Section IV:

Definitions

Human being: Any organism, including the single-cell human embryo, irrespective of the method of reproduction, who possesses a genome specific for and consistent with an individual member of the human species

Human genome: The total amount of nuclear and extra-nuclear DNA genetic material that constitutes an organism as an individual member of the human species—including the single-cell human embryo

Human embryo: The term is used to define all human beings from the beginning of the embryonic period of their biological development through eight weeks; irrespective of age, health, function, physical or mental dependency, or method of reproduction; whether in vivo or in vitro.

Human fetus: The term is used to define all human beings from the beginning of the fetal period of their biological development (the beginning of nine weeks) through birth; irrespective of age, health, function, physical or mental dependency, or method of reproduction; whether in vivo or in vitro.

Personhood: The legal recognition of a human being's full status as a human person that applies to all human beings; irrespective of age, health, function, physical or mental dependency, or method of reproduction; from the beginning of their biological development

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¹Dianne N. Irving, "Neither, Nor: Bryne's [Byrne's] and Willke's Pseudo-Battle Over Human Embryonic Stem Cells," June 19, 2008, LifeIssues.net, http://lifeissues.net/writers/irv/irv_129bryneandwillke.html (accessed July 2008).

The following excerpt from Dr. Irving's article documents the use of misleading terminology used to describe preborn babies at their earliest stages of life:

Many state laws already define "conception" as "implantation" (or beyond), based on the erroneous term "pre-embryo" or its various substitutes [emphasis added]. See the following:

- Philip G. Peters, Jr., "The Ambiguous Meaning of Human Conception," *University of California Davis Law Review*, 40, no. 1 (2006): 199–228 [available from http://lawreview.law.ucdavis.edu/issues/Vol40/Issue1/DavisVol40No1_Peters.pdf]. See also the abstract, at Social Science Research Network (SSRN), available from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=694102; also available from Westlaw and LexisNexis];
- Elizabeth Spahn and Barbara Andrade, "Mis-Conceptions: The Moment of Conception in Religion, Science, and Law," *University of San Francisco Law Review* 32, (1998): pp. 261–295; erroneously defining "conception" as "implantation."

The term "conception" is also often misdefined even in major professional reports and literature, government regulations, and international laws and regulations as meaning "implantation" (or even beyond), based likewise on the erroneous term "pre-embryo" or its various substitutes. See the following:

- *Miller-Keane Encyclopedia & Dictionary of Medicine, Nursing & Allied Health*, 7th ed. (Philadelphia, Penn. 2003), p. 406—erroneously defines "conception" as "the onset of pregnancy, marked by implantation of the blastocyst";
- John Walton, Paul B. Beeson, Ronald Bodley, eds. *Oxford Companion to Medicine* (Oxford 1986), p. 254—erroneously defines "conception" as "the fertilization of an ovum by a spermatozoon and the implanting of the resulting zygote";
- Richard Sloane, *Sloane-Dorland Annotated Medical-Legal Dictionary*, 1992 Supplement (St. Paul 1992), p. 13—erroneously defines "conception" as "the onset of pregnancy, marked by implantation of the blastocyst";
- American Fertility Society Ethics Committee, "Ethical Considerations of the New Reproductive Technologies," *Fertility and Sterility* 46, Supplement 1 (September 1986): 27S;
- American College of Obstetricians and Gynecologists, *Ethics in Obstetrics and Gynecology*, 2nd ed., No. 97 (2004), pp. 957, 958—erroneously defines "preembryo" as the "product of fertilization before 14 days and the arrival of the primitive streak";
- American Medical Association Council on Ethical and Judicial Affairs, *CEJA Report* 1–I–94, "Pre-Embryo Splitting" (1994);
- American Society of Reproductive Medicine Ethics Committee Report, "Human Somatic Cell Nuclear Transfer," *Fertility and Sterility* 74, no. 5 (November 2000): 873–876;

- American Society of Reproductive Medicine, "Chapter 16: Experimentation on the Preembryo," *Fertility and Sterility* 87, no. 4, Supplement 1 (April 2007): S52–S58;
- British House of Lords, *The Human Fertilisation and Embryology (Research Purposes) Regulations* 2001, no. 188;
- California Advisory Committee, *Cloning Californians: Report of the California Advisory Committee on Human Cloning* (Sacramento, Calif., January 11, 2002)—chaired by Irving Weissman, terms "preembryo" and "ball of cells" (to refer to the early embryo) used throughout report;
- Institute of Medicine and National Research Council, Committee on the Basic Science Foundations of Medically Assisted Conception, *Report of a Study and Workshop Papers*, "Medically Assisted Conception: An Agenda for Research" (1989);
- National Academy of Sciences, Commission on Life Sciences, "Comparison of Stem Cell Production With Reproductive Cloning," in *Stem Cells and the Future of Regenerative Medicine* (2002);
- National Academy of Sciences, Committee on Science, Engineering, and Public Policy, *Scientific and Medical Aspects of Human Reproductive Cloning: How Is Reproductive Cloning Done?* (2002);
- National Bioethics Advisory Commission, *Cloning Human Beings: Report and Recommendations of the National Bioethics Advisory Commission*, (Rockville, Md., June 1997);
- National Institutes of Health, *Human Embryo Research Panel Meetings* (Washington, D.C. 1994)—using term "pre-embryo" in February 2 meeting, pp. 27, 31, 50–80, 85–87, 104–106; February 3 meeting, pp. 6–55; April 11 meeting, pp. 23–41, 9–22;
- National Institutes of Health, Office of Science Policy Analysis, *Cloning: Present Uses and Promises* (Washington, D.C. January 29, 1998);
- National Science Foundation and U. S. Dept. of Commerce, *Converging Technologies for Improving Human Performance: Nanotechnology, Biotechnology, Information Technology and Cognitive Science*, edited by Mihail C. Roco and William Sims Bainbridge (Washington, D.C., June 2002);
- New Zealand Parliament, *Human Assisted Reproductive Technology Bill (1996); Supplementary Order Paper 2005*, no. 80, May 14, 2003, Bills Digest No. 972;
- The Twins Foundation, "New Ways to Produce Identical Twins—A Continuing Controversy," *Research Update* 9, no. 1 (1994).

And that is just a minuscule sampling of what is out there.

²Ibid.