



Georgia Human Life Amendment Talking Points

Amendment Wording:

1. The rights of every person shall be recognized, among which in the first place is the inviolable right of every innocent human being to life. The right to life is the paramount and most fundamental right of a person.
2. With respect to the fundamental and inalienable rights of all persons guaranteed in this Constitution, the word “person” applies to all human beings, irrespective of age, race, sex, health, function, or condition of dependency, including their unborn children at every state of their biological development, including fertilization.¹

The Purpose of the Amendment:

1. It establishes and affirms that Georgia is a “pro-life” state that protects all human life from fertilization as a matter of constitutional law.
2. It provides a direct challenge to the central holding of *Roe v. Wade*, 410 U.S. 113 (1973).

Talking Points:

- In the *Roe v. Wade* decision, Justice Harry Blackmun wrote that, “(If the) suggestion of personhood [of the preborn] is established, the [abortion rights] case, of course, collapses, for the fetus’ right to life is then guaranteed specifically by the [14th] Amendment.” Thus, the personhood of the preborn child is the single point on which the entire debate turns.
- Since *Roe*, the U.S. Supreme Court has found, “the authority of States to exercise...its sovereign right to adopt in its own Constitution individual liberties more expansive than those conferred by the Federal Constitution.” 447 U.S., 74,81 (1980)
- The proposal establishes a constitutional principle; it does not enact criminal or civil legislation.
- Contrary to the view of some critics, no one can say with absolute certainty that the United States Supreme Court would NOT review the case. What we can say with absolute certainty, however, is that the Supreme Court will NOT reverse *Roe* without a case to do so. Thus, a challenge to the amendment will provide the vehicle to challenge *Roe*.
- The proposed constitutional amendment would provide the opportunity for the case to be made that human life begins at conception. In fact, detailed and compelling evidence exists which places beyond any doubt the conclusion that human life begins at conception.² Such evidence would be particularly meaningful and relevant in this case because it goes to the heart of the question that will be presented to the Court by a challenge to the proposed amendment.

¹ There is some debate whether the term “fertilization” should be used in place of “conception.” For purposes of this memorandum, however, the terms will be used interchangeably. Moreover, although the Georgia legislative service may make revisions to the proposed amendment, this response will focus on the proposed language, which is the subject of the objections.

² After eight days of hearing consisting of 57 witnesses, including world-renowned geneticists, biologists, and practicing physicians, the Senate Subcommittee of Separation of Powers concluded in a report published in 1981 the following: “The testimony of these witnesses and the voluminous submissions received by the Subcommittee points to a clear conclusion: the life of a human being begins at conception.” (U.S. Senate Subcommittee on Separation of Powers, Report on The Human Life Bill – S. 158 (Dec. 1981)



- Human dignity is being challenged by science in ways barely imagined a decade ago. Some examples:
 - **Human/animal hybrids:** Research labs [are moving forward](#) on the creation of embryos that will be part human and part animal. Three groups eagerly await the arrival of these hybrid embryos: 1) [scientists](#) who will use them for grisly medical research, 2) [transhumanists](#) who wish to alter the biological nature of human beings in hopes of radically advancing our evolutionary development, and 3) [radical animal rights advocates](#) who consider any claim of human exceptionalism to be dangerous and intolerant. There are a lot of bioethical concerns with this, and one obvious one is diseases. There are diseases that animals get that humans can't get, and if we remove the line dividing the species, we could cause an epidemic plague.
 - **Scathing attacks on human dignity, once restricted largely to academia, are now featured prominently in popular media:** [Peter Singer](#), who thinks killing disabled newborns is only wrong if it adversely impacts other interested parties, writes in [The Dallas Morning News](#): *"During the next 35 years, the traditional view of the sanctity of human life will collapse under pressure from scientific, technological and demographic developments. By 2040, it may be that only a rump of hard-core, know-nothing religious fundamentalists will defend the view that every human life, from conception to death, is sacrosanct."*
 - **Scientism is trumping morality in debates over cloning and embryonic stem-cell research (ESCR).** The idea is that if we *can* do it, we *should* do it. Even some so-called 'pro-life' politicians are falling for this dangerous idea. For example, Senator [Orrin Hatch](#), defending ESCR, writes, "It would be terrible to say because of an ethical concept that we can't do anything for you." Does Senator Hatch realize what he just said? If science trumps morality, how is he going to condemn the [Tuskegee Experiments](#) where black men, suffering from Syphilis, were promised a cure only to have it secretly withheld so scientists could study how the disease kills people? How will he decry the medical holocaust of Jews in Nazi Germany? With embryonic stem cell research being conducted all over the world, our society is becoming accustomed to using embryos for body parts. With human cloning only years away, we're looking at creating human beings for the express purpose of killing them for their body parts.
 - **Infanticide:** It's obvious to think about how the Human Life Amendment could effect abortion, but another issue we don't think about often is infanticide. In September of 1983, TIME magazine reported this story: On April 9, 1982, an infant who became known to the world only as Baby Doe was born in Bloomington, Indiana to a middle-class family with 3 kids. Baby Doe was born with Down Syndrome and an incomplete esophagus – something that is correctible through surgery now. Against the wishes of their pediatrician and hospital, they chose to let their child die of starvation. The parents' right to this choice was twice challenged in the courts by the hospital and twice upheld. On April 15, after the doors to the hospital room were welded shut to prevent hospital staff from interfering, Baby Doe cried himself to death. If you think this is a one-time case that won't ever happen again, think again. A case is being investigated at an Atlanta abortion mill where the staff has complained that a baby survived an abortion and was allowed to die.
 - **A majority of Americans [strongly favored](#) the direct killing of Terri Schiavo** simply because her [cognitive abilities](#) were less than our own. The whole ordeal put in place a premise that it's okay to kill people who don't improve. Truth is, Terri had no duty to get better. Pro-lifers failed to make that case and we're still paying for it. Politically, anyone



who thinks pro-life lawmakers weren't punished in 2006 for intervening on her behalf is living in a dream world. Further punishment likely awaits them in 2008.

- **Advanced Directives:** There is a loophole in Georgia regarding advanced directives so big you can drive a Mac truck through it. An advance directive is a document that states what medical procedures you want done in case you have a serious illness or accident and are unable to speak for yourself. However Georgia allows physicians or administrators to *override* the wishes or desires of an advanced directive!

- The Human Life Amendment would establish a “pro-life bias” for cases like this and legislation to be enacted.