

2018 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 71

BY REPRESENTATIVES EDMONDS, BAGLEY, CHANEY, COX, HENSGENS,
HOFFMANN, HORTON, AND JACKSON AND SENATOR MILLS

A CONCURRENT RESOLUTION

To urge and request Attorney General Jeff Landry to prepare and file an amicus brief in federal court to support the state of Mississippi's litigation efforts to ban elective abortions after fifteen weeks gestation.

WHEREAS, the Legislature of Louisiana commends the efforts of the state of Mississippi to limit abortion in a manner consistent with its state interests, including the ban of abortions after fifteen weeks gestation which was enacted in 2018 by the Mississippi Legislature; and

WHEREAS, modern human embryology textbooks and peer-reviewed scientific literature establish that "the union of an oocyte and a sperm is the beginning of a new human being", as was cited by Keith L. Moore in *Before We Are Born: Essentials of Embryology* 2 (Saunders ed., 7th ed. 2008); and

WHEREAS, abortion ends the life of a unique, individual, unborn human being whose heartbeat can be detected as early as week six of gestation, who has distinct fingers and toes by ten weeks gestation, and who at twelve weeks gestation has taken on "the human form" in all relevant aspects, as is cited by the United States Supreme Court in *Gonzales v. Carhart*, 550 U.S. 124, 160 (2007); and

WHEREAS, the majority of abortion procedures after fifteen weeks gestation are performed by a method known as dilation and evacuation, which involves the use of surgical instruments that dismember the limbs and sometimes crush the skull of the unborn child to remove the child from the narrowly dilated opening to the womb; and

WHEREAS, Act No. 264 of the 2016 Regular Session, which is now being defended in federal court by the Louisiana office of the attorney general, bans the brutal and violent dismemberment abortion procedure that can be used even before fifteen weeks gestation; and

WHEREAS, Louisiana has a compelling state interest to ban abortion by dismemberment based on the state's duty to safeguard the well-being of its citizens against the medical and psychological health risks to the mother, to prevent the demeaning effects on the ethics and integrity of the medical profession, and to prevent the barbaric cruelty and pain inflicted on the living unborn human being; and

WHEREAS, R.S. 40:1061.8, in pertinent part, declares that "the longstanding policy of this State is to protect the right to life of the unborn child from conception by prohibiting abortion impermissibly only because of the decisions of the United States Supreme Court and that, therefore, if those decisions of the United States Supreme Court are ever reversed or modified or the United States Constitution is amended to allow protection of the unborn then the former policy of this state to prohibit abortions shall be enforced"; and

WHEREAS, it is the longstanding policy of this state to express a preference for childbirth over abortion because of the state's valid interests in both the medical and psychological health of the pregnant woman, as well as the life of the unborn child as recognized by the United States Supreme Court in *Planned Parenthood v. Casey*, 505 U.S. 833, 883 (1992); and

WHEREAS, the United States Supreme Court has made clear that abortion is a "unique act" (*Casey*, 505 U.S. at 852) and is "inherently different from other medical procedures" (*Harris v. McRae*, 448 U.S. 297, 325 (1980)), because in abortion, "the fetus will be killed" (*Gonzales v. Carhart*, 550 U.S. 124, 159 (2007)); also unique is the impact of the abortion on the woman herself because, unlike other medical procedures, "[w]hether to have an abortion requires a difficult and painful moral decision which some women come to regret"; and

WHEREAS, in furtherance of Louisiana's unqualified interest in the preservation of human life, the Legislature of Louisiana is in agreement with the words of Thomas Jefferson that "[t]he care of human life and happiness, and not their destruction, is the first and only legitimate object of good government" (Letter to the Republican Citizens of Washington

County, Maryland, March 31, 1809, *The Writings of Thomas Jefferson*, vol. 8 at 165, ed. H.A. Washington (1871)).

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request Attorney General Jeff Landry to file an amicus brief in support of the efforts by the state of Mississippi in the defense of the Mississippi statute which prohibits elective abortion after fifteen weeks gestation to the extent consistent with Louisiana state interests, and that the filing be made to the United States District Court for the Southern District of Mississippi and, if necessary, to the United States Court of Appeals for the Fifth Circuit and in the United States Supreme Court.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to Jeff Landry, Attorney General of Louisiana.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE