SLS 18RS-2723

ORIGINAL

2018 Regular Session

SENATE CONCURRENT RESOLUTION NO. 81

BY SENATOR MILLS

ATTORNEY GENERAL. Requests Attorney General Jeff Landry to prepare and file an amicus brief in federal court to support the state of Mississippi in their litigation efforts to ban elective abortions after fifteen weeks.

1	A CONCURRENT RESOLUTION
2	To urge and request Attorney General Jeff Landry to prepare and file an amicus brief in
3	federal court to support the state of Mississippi's litigation efforts to ban elective
4	abortions after fifteen weeks.
5	WHEREAS, the Louisiana Legislature commends the efforts of the state of
6	Mississippi to limit abortion in a manner consistent with its state's interests, including the
7	ban of abortions after fifteen weeks gestation which was enacted in 2018 by the Legislature
8	of Mississippi; and
9	WHEREAS, modern human embryology textbooks and peer-reviewed scientific
10	literature establishes that "the union of an oocyte and a sperm is the beginning of a new
11	human being," as was cited by Keith L. Moore in Before We Are Born: Essentials of
12	Embryology 2 (Saunders ed., 7th ed. 2008); and
13	WHEREAS, abortion ends the life of a unique, individual, unborn human being
14	whose heartbeat can be detected as early as week six of gestation and who has distinct
15	fingers and toes by ten weeks gestation, and who, at twelve weeks gestation, has taken on
16	"the human form" in all relevant aspects, as is cited by the U.S. Supreme Court in
17	Gonzales v. Carhart, 550 U.S. 124, 160 (2007); and
18	WHEREAS, the majority of abortion procedures after fifteen weeks gestation are

SLS 18RS-2723

ORIGINAL SCR NO. 81

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 264 of the 2016 Regular Session of the Legislature bans the brutal
and violent dismemberment abortion procedure which can be used even before fifteen weeks
gestation and which Act is now being defended in federal court by the Louisiana office of
the attorney general; and

8 WHEREAS, Louisiana has a compelling state interest to ban abortion by 9 dismemberment based on the state's duty to safeguard the well-being of its citizens against 10 the medical and psychological health risks to the mother, to prevent the demeaning effects 11 on the ethics and integrity of the medical profession, and to prevent the barbaric cruelty and 12 pain inflicted on the living unborn human being; and

WHEREAS, as stated in Louisiana R.S. 40:1061.8, "the Legislature finds and 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 and 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

1	to regret"; and	
2	WHEREAS, in furtherance of Louisiana's unqualified interest in the preservation of	
3	human life, the Legislature of Louisiana is in agreement with the words of Thomas Jefferson	
4	that "[t]he care of human life and happiness, and not their destruction, is the first and only	
5	legitimate object of good government." (Letter to the Republican Citizens of Washington	
6	County, Maryland, March 31, 1809, The Writings of Thomas Jefferson, vol. 8 at 165, ed.	
7	H.A. Washington (1871)).	
8	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby	
9	urge and request Attorney General Jeff Landry to file an amicus brief in support of the	
10	efforts by the state of Mississippi in the defense of the Mississippi statute which prohibits	
11	elective abortion after fifteen weeks to the extent consistent with Louisiana state interests,	
12	and that the filing be made to the United States District Court for the Southern District of	
13	Mississippi and, if necessary, to the United States Court of Appeals for the Fifth Circuit and	
14	in the United States Supreme Court.	
15	BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to	
16	Louisiana Attorney General Jeff Landry.	

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

	DIGEST	
SCR 81 Original	2018 Regular Session	Mills

Requests that Attorney General Jeff Landry aid the state of Mississippi in the defense of the Mississippi statute which prohibits elective abortion after fifteen weeks to the extent consistent with Louisiana state interests, including the filing of an amicus brief to the U.S. District Court for the Southern District of Mississippi and, if necessary, the U.S. Court of Appeals for the Fifth Circuit and in the U.S. Supreme Court.