

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

1 performed by a method known as dilation and evacuation, which involves the use of surgical  
2 instruments that dismember the limbs and sometimes crush the skull of the unborn child to  
3 remove the child from the narrowly dilated opening to the womb; and

4 WHEREAS, Act 264 of the 2016 Regular Session of the Legislature bans the brutal  
5 and violent dismemberment abortion procedure which can be used even before fifteen weeks  
6 gestation and which Act is now being defended in federal court by the Louisiana office of  
7 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

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

20 WHEREAS, it is the longstanding policy of this state to "express a preference for  
21 childbirth over abortion", because of the state's valid interests in both the medical and  
22 psychological health of the pregnant woman and the life of the unborn child as recognized  
23 by the United States Supreme Court in *Planned Parenthood v. Casey*, 505 U.S. 833, 883  
24 (1992); and

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

