

Testimony in Support of The Life at Conception Act

Kristi Brown, J.D.

Thank you, Madam Chair and Members of the Committee. My name is Kristi Brown. I am testifying personally as an attorney in support of this bill.

It is a proper legal principle that "my rights end where another person's begin." There are certain basic constitutional rights that take precedence over other rights. In every area of our law, with the exception of abortion, the constitutional right to life of innocent persons is elevated above the lesser rights of others.

No one here would debate the right of women to make choices about their own bodies. Yet the equation is necessarily different when we are talking about another body as well. With abortion, we are talking about two separate, unique, individual human beings. The science on this has been established. There is no legitimate question as to whether the unborn child is human or a living being. She is both.

Abortion requires us to balance rights. Is my right to liberty and privacy, as a woman, so great that it enables me to remove another human being's right to life? Throughout the law, we can find innumerable examples of the rights to liberty and privacy being rightfully limited when they infringe on another person's basic rights. A man's right to liberty over his own body is not so great that he can rape a woman. He is constrained by the reality of her basic rights. A parent's right to privacy is not so great that they can abuse their children behind the closed door of their home. They are constrained by the reality of their children's basic rights.

The 14th Amendment says that no State shall "deprive any person of life, liberty, or property, without due process of law" and that there must be "equal protection" under the law. The authors of the 14th Amendment clearly spelled out what their intent was: they designed this amendment to prevent the oppression of a voiceless, powerless class of humans by a more dominant class.

Rep. John Bingham, House Sponsor of the 14th Amendment, stated that the Constitution is "based upon the equality of the human race. Its primal object must be to protect each human being within its jurisdiction..." Representative H.D. Scott said: "The strength of this Government...is in its willingness as well as ability to do equal and exact justice to every human being within its jurisdiction..."

The very nature of oppression is to call another human being "less than." To call a fellow human "less than" a person in some way is to open wide the door to my ability to oppress them.

Human beings have been discriminated against and viewed as "non-persons," throughout history simply based on their race, gender, class, or perceived abilities. When our nation finally realized that Blacks, Japanese, Native Americans, Hawaiians, Eskimos, and women were not receiving the full protection guaranteed by our Constitution to every human being, we did

something that both common sense and the law would dictate: we *extended the protection of the Constitution to them*. That is what the Supreme Court must do today for unborn human beings, and we can give them that opportunity by passing The Life at Conception Act.

In closing, while we are all aware of *Roe v. Wade*, few are aware of another case decided 100 years prior by the U.S. Supreme Court. *Bradwell v. Illinois* recognized the right of Illinois to directly discriminate against women. In fact, the Court said it was constitutional for the state to deny women the right to take the bar exam, simply because they were women. The U.S. Supreme Court that said it was constitutional to prefer men over women is the same Court that said that 100 years later it was constitutional to prefer women over children in *Roe v. Wade*.

In his rightful dissent in *Plessy v. Ferguson*, Justice John Marshall Harlan wrote, "The law regards man as man..." Today, that would be translated, "The law regards humans as humans..." and we can conclude that it should, therefore, treat them as such. And in our just society, we do not rip our fellow human beings apart limb from limb and watch their heart beat out as they slowly bleed to death. Except that we do – and the ones we choose to do this to are the smallest, weakest, and most vulnerable among us. Can there be a worse discrimination?