

d. Abortion doctors and proponents of abortion rights commonly admit fetuses are human beings.

It might be difficult to defend abortion rights while agreeing that a fetus is a biological human being,²¹ but many practitioners of abortion and supporters of abortion rights do so.²² For example, Dr. Leroy Carhart, who was the abortion doctor at the center of *Gonzales v. Carhart*, 550 U.S. 124 (2007), was recently interviewed by the BBC and referred to a fetus as a “baby” on multiple occasions. When asked if he had a problem killing a baby in an abortion, he suggested that he has “no problem if it’s in the mother’s uterus.”²³ In another interview with an abortion doctor, Dr. Curtis Boyd explained that he also holds this understanding of abortion: “Am I killing? Yes, I am. I know that.”²⁴

²¹ “[It’s] been necessary to separate the idea of abortion from the idea of killing . . . The result has been a curious avoidance of the scientific fact, which everyone really knows, that human life begins at conception,” *A New Ethic for Medicine and Society*, CALIFORNIA MEDICINE, Sep. 1970.

²² Derek Smith, *Pro-Choice Concedes: Prominent Abortion Proponents Concede The Barbarity Of Abortion*, HUMAN DEFENSE INITIATIVE, Nov. 7, 2018, <https://humandefense.com/prochoice-concedes> [<https://perma.cc/GXH8-MAUU>].

²³ *BBC Interview of Dr. LeRoy Carhart*, at 0:31, YOUTUBE, Aug. 14, 2019, <https://www.youtube.com/watch?v=Sx2nhx98mfs> [<https://perma.cc/C7WC-EY8E>].

²⁴ *KVUE Austin Interview of Dr. Curtis Boyd*, at 0:23, YOUTUBE, Nov. 6, 2009, <https://www.youtube.com/watch?v=bfWB7tcAdhw> [<https://perma.cc/GYB2-3YFY>].

Abortion rights supporter and ethicist Peter Singer has written that being “a member of a given species is something that can be determined scientifically, by an examination of the nature of the chromosomes in the cells of living organisms. In this sense there is no doubt that from the first moments of its existence an embryo conceived from human sperm and eggs is a human being.”²⁵

Dr. Alan Guttmacher, former Planned Parenthood President and namesake of the Guttmacher Institute, also acknowledged this straightforward scientific fact, “We of today know that man . . . starts life as an embryo within the body of the [pregnant] female; and that the embryo is formed from the fusion of two single cells, the ovum and the sperm. This all seems so simple and evident to us that it is difficult to picture a time when it was not part of the common knowledge.”²⁶

²⁵ Peter Singer, *Practical Ethics*, 2nd ed., CAMBRIDGE UNIVERSITY PRESS, 85-86, 1993.

²⁶ Alan F. Guttmacher, *Life in the Making: The Story of Human Procreation*, VIKING PRESS, 3, 1933.

e. Views opposing the position that human life starts at fertilization are unscientific and ideological.

While some oppose the consensus view that human life begins at fertilization, the few counter arguments made are unscientific (philosophical or ideological) or examples of special pleading. In point of fact, no viable alternative to the consensus view has been propounded.²⁷

One opposing argument conflates the ontogenetic question (When does a human being's life begin?) with the phylogenetic question (When did all life begin?).²⁸ But the two questions are obviously distinct. Another is to argue that biological principles are incapable of classifying humans²⁹ despite the fact that scientific authorities that have done so for countless other animal species on Earth.

Other opponents argue that a human zygote cannot be considered a human individual because it is

²⁷ *Supra* at 16.

²⁸ Thomas D. Gelehrter, M.D., in his letter to Senator Max Baucus in opposition to "Human Life Bill," wrote: "[T]he question you have posed is beyond the reach of science. Scientific evidence would suggest that life is a continuum, that living cells including both sperm and egg all contain the essential elements of life." *The Human Life Bill Appendix*, U.S. GOVERNMENT PRINTING OFFICE, 414, 1982.

²⁹ Richard J. Paulson, *The unscientific nature of the concept that "human life begins at fertilization," and why it matters*, FERTILITY AND STERILITY, Volume 107, Issue 3, Mar. 2017, [https://www.fertstert.org/article/S0015-0282\(17\)30036-5/fulltext](https://www.fertstert.org/article/S0015-0282(17)30036-5/fulltext) [<https://perma.cc/QDE5-C5C4?type=image>].

physiologically dependent on another human. Setting aside the fact that infants are also wholly dependent on other humans for survival, this definition of human rejects the humanity of conjoined twins who are physiologically dependent on each other's bodies for survival. It is also sometimes claimed that a human zygote is not yet a human being because many fetuses fail to survive pregnancy and childbirth. But this view is fallacious because whether a human being is able to continue in life is not a condition of his or her status as a human being. A human life is always a life with potential, which may or may not be realized.

In sum, opposing arguments to the scientific consensus that a human's life begins at fertilization typically are fallacious or focus on aspects of biology that are not relevant to the biological classification of human beings.

3. Changes in law demonstrate that the human fetus is recognized as a human being.

a. Enactment of fetal homicide laws in almost 80% of the states demonstrates that outside of the abortion context a human fetus is legally recognized as a human being.

In 1973, the *Roe* Court claimed that “the unborn have never been recognized in the law as persons in the whole sense.” 410 U.S. at 162. That situation has changed markedly since 1972. Legislators in 38 of 50