

1 WHEREAS, Amendment No. 5 to the Constitution of the United States provides that
2 no person shall be "...*deprived of life, liberty, or property, without due process of law...*"; and

3 WHEREAS, Amendment No. 8 of the federal constitution prohibits the infliction of
4 "... *cruel and unusual punishments...*"; and

5 WHEREAS, President Obama has issued executive orders to close secret prisons
6 operated by the Central Intelligence Agency and shut down the Guantanamo Bay detention
7 camp, and he has declared that the United States will not use torture in pursuit of
8 intelligence, announcing, "We must leave these methods where they belong—in the past.
9 They are not who we are. They are not America."; and

10 WHEREAS, in President Barack Obama's speech on detainee policy and national
11 security at the National Archives Museum, he stated, "I can stand here today, as President
12 of the United States, and say without exception or equivocation that we do not torture...And
13 if we cannot stand for those core values, then we are not keeping faith with the documents
14 that are enshrined in this hall"; and

15 WHEREAS, President Obama has acknowledged that in our world "the strong too
16 often dominate the weak" and "find all manner of justification" for injustice and he has
17 talked about health policies grounded "not only in sound science" but in "clear ethics" as
18 well; and

19 WHEREAS, the Partial Birth Abortion Act of 2003 does not outlaw the fetal
20 dismemberment procedure to terminate a pregnancy, which causes similar pain and suffering
21 to the fetus, allowing for torture and dismemberment; and

22 WHEREAS, at least by twenty weeks after fertilization, an unborn child has the
23 physical structures necessary to experience pain; and

24 WHEREAS, there is substantial evidence that by twenty weeks after fertilization,
25 unborn children draw away from certain stimuli in a manner which in an infant or an adult
26 would be interpreted as a response to pain; and

27 WHEREAS, expert testimony confirms that by twenty weeks after fertilization an
28 unborn child may experience substantial pain even if the woman herself has received local
29 analgesic or general anesthesia; and

30 WHEREAS, anesthesia is routinely administered to unborn children who have

1 developed twenty weeks or more after fertilization who undergo prenatal surgery; and

2 WHEREAS, there is substantial evidence that the method to terminate pregnancy
3 most commonly used twenty weeks or more after fertilization cause substantial pain to an
4 unborn child, whether by dismemberment, poisoning, penetrating or crushing the skull, or
5 other methods including, but are not limited to, the dilation and evacuation (D and E)
6 method which is commonly performed in the second trimester of pregnancy, in which the
7 unborn child's body parts are grasped with a long-toothed clamp, the fetal body parts are then
8 torn from the body and pulled out of the vaginal canal, the remaining body parts are grasped
9 and pulled out until only the head remains, and the head is then grasped and crushed in order
10 to remove it from the vaginal canal; and

11 WHEREAS, partial-birth abortion is a termination of pregnancy in which the
12 practitioner delivers an unborn child's body until only the head remains inside the womb,
13 punctures the back of the child's skull with a sharp instrument, and sucks the child's brains
14 out before completing the delivery of the dead infant, and as further defined in federal law;
15 and

16 WHEREAS, there is a valid federal government interest in preventing or reducing
17 the infliction of pain on sentient creatures with examples being laws governing the use of
18 laboratory animals and requiring pain-free methods of slaughtering livestock; and

19 WHEREAS, there is a valid federal government interest in preventing harm to
20 developing human life at all stages and examples of this include regulations protecting fetal
21 human subjects from risks of "harm or discomfort" in federally funded biomedical research.

22 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana memorializes
23 the Congress of the United States to enact legislation to prohibit fetal torture and
24 dismemberment.

25 BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted
26 to the secretary of the United States Senate and the clerk of the United States House of
27 Representatives and to each member of the Louisiana delegation to the United States
28 Congress.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry J. Guillot.

DIGEST

Broome

SCR No.

Memorializes Congress to enact legislation to prohibit fetal torture and dismemberment.