

2018 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 71

BY REPRESENTATIVES EDMONDS AND HOFFMANN

ATTORNEY GENERAL: Requests the attorney general to file an amicus brief in federal court to support Mississippi in that state's litigation to ban elective abortions after fifteen weeks gestation

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 gestation.

5 WHEREAS, the Legislature of Louisiana commends the efforts of the state of
6 Mississippi to limit abortion in a manner consistent with its state interests, including the ban
7 of abortions after fifteen weeks gestation which was enacted in 2018 by the Mississippi
8 Legislature; and

9 WHEREAS, modern human embryology textbooks and peer-reviewed scientific
10 literature establish that "the union of an oocyte and a sperm is the beginning of a new human
11 being", as was cited by Keith L. Moore in *Before We Are Born: Essentials of Embryology*
12 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, who has distinct fingers
15 and toes by ten weeks gestation, and who at twelve weeks gestation has taken on "the human
16 form" in all relevant aspects, as is cited by the United States Supreme Court in *Gonzales v.*
17 *Carhart*, 550 U.S. 124, 160 (2007); and

18 WHEREAS, the majority of abortion procedures after fifteen weeks gestation are
19 performed by a method known as dilation and evacuation, which involves the use of surgical

1 instruments that dismember the limbs and sometimes crush the skull of the unborn child to
2 remove the child from the narrowly dilated opening to the womb; and

3 WHEREAS, Act No. 264 of the 2016 Regular Session, which is now being defended
4 in federal court by the Louisiana office of the attorney general, bans the brutal and violent
5 dismemberment abortion procedure that can be used even before fifteen weeks gestation; and

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

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

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

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

29 WHEREAS, in furtherance of Louisiana's unqualified interest in the preservation of
30 human life, the Legislature of Louisiana is in agreement with the words of Thomas Jefferson

1 that "[t]he care of human life and happiness, and not their destruction, is the first and only
2 legitimate object of good government" (Letter to the Republican Citizens of Washington
3 County, Maryland, March 31, 1809, *The Writings of Thomas Jefferson*, vol. 8 at 165, ed.
4 H.A. Washington (1871)).

5 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
6 urge and request Attorney General Jeff Landry to file an amicus brief in support of the
7 efforts by the state of Mississippi in the defense of the Mississippi statute which prohibits
8 elective abortion after fifteen weeks gestation to the extent consistent with Louisiana state
9 interests, and that the filing be made to the United States District Court for the Southern
10 District of Mississippi and, if necessary, to the United States Court of Appeals for the Fifth
11 Circuit and in the United States Supreme Court.

12 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to Jeff
13 Landry, Attorney General of Louisiana.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 71 Original

2018 Regular Session

Edmonds

Requests the attorney general to file an amicus brief in federal court to support Mississippi in that state's litigation to ban elective abortions after fifteen weeks gestation.