

TESTIMONY to House Human Services re: H-57

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Madame Chair and committee members, thank you for hearing my questions and observations about [H.57](#), titled “preserving the right to abortion.” This bill asserts:

- (a) **Every individual** has the fundamental right to choose or refuse contraception or sterilization.
- (b) Every individual who becomes pregnant has the fundamental right to choose to carry a pregnancy to term, give birth to a child, or to have an abortion.
- (c) A fertilized egg, embryo, or **fetus shall not have independent rights** under Vermont law.

Please provide clarity, either now or in writing before you hold a committee vote, on these questions:

- 1) If H.57 becomes law, would any subsequent legislative, judicial or administrative action requiring **parental notification** of an impending abortion to be performed upon their minor child be prohibited? Given the bill’s prohibitions placed on including all three branches of government, would a legislator proposing a bill or a judge ruling in support of parental notification be breaking the law?
- 2) In similar fashion, would H.57 immunize practitioners of **partial-birth abortion** from any civil or criminal recourse?
- 3) If abortion is codified in statute as a fundamental right, would **health care providers have an affirmative duty** to participate in abortions? If so this creates an obvious violation of conscience for those who take literally their oath to “first, do no harm.”
- 4) In Middlebury, some supporters of legal abortion are [petitioning for the closure of an abortion-free pregnancy counseling service](#). Would this law in any way inhibit the operation of such counseling services, on a “human rights” or any other basis?
- 5) If the answer to any of the above questions is yes, please include language protecting these important rights. Finally, despite the fact that infants born as young as 24 weeks are routinely cared for in the UVM neonatal intensive care unit, and even *Roe V. Wade* protects abortion only until viability, why have you taken the **extreme step of declaring a viable fetus has no independent rights**?

Also, please consider that the societal earth on which the legalization of abortion rested in January 1973 has shifted considerably since then:

- 1) **Population control is no longer a driving concern.** The Burlington Free Press reported in May, 2018 that [live births in Vermont in 2017 were the lowest since 1857](#), the culmination of a 30-year decline. Vermont is now paying young people to come here because there aren’t enough workers. First-world fertility is already below the level of replacement in most countries. The UN expects worldwide [fertility to stabilize or decline after 2050](#). The population bomb fizzled. The world eats more now than ever , thanks to

the Green Revolution driven by technology that didn't exist in 1973. As for the future - last November the Vermont Artificial Intelligence Commission discussed how robotics are likely to improve productivity on Vermont farms.

- 2) **Shame is no longer a driving concern.** I was 15 on Jan. 22, 1973. I remember that back then, young people who were gay, dating interracially, or pregnant were ostracized. I remember it well. 46 years later, society has changed, for which I am thankful.
- 3) **Contraception access, knowledge and options have increased.** I'm not an expert, but I think today's girls and boys generally know more and can get contraception more easily than in 1973.
- 4) **Thanks to science, we know more about the individuality of the fetus.** Compared to now, in 1973 there was a greater perception that a fetus was a mere mass of cells indistinct from its mother. We know more about fetal DNA, its many unique differences from its mother, its pain sensitivity. Viability after premature birth has greatly increased. Yet while awareness of individuality has increased, still this bill insists the fetus is a non-person. That subjective judgment has terrible resonance in humanity's history and terrible future implications not only for the unwanted fetus, but for all categories of individuals deemed unwanted by society. Human justice is built on the bedrock that it is wrong to take an innocent life.

Finally, this law acknowledges the right to choose or refuse sterilization. This is a tacit recognition that a past Vermont Legislature, in 1931, got it wrong – horribly and historically wrong – when it [legalized compulsory sterilization](#) on those deemed incompetent to choose for themselves. Last year, with a sense of shame [UVM voted to remove the name](#) of eugenics supporter and former president Guy Bailey from Bailey-Howe Library. This law might someday receive similar condemnation by more enlightened descendents.