

The Vermont Reproductive Liberty Amendment: Prop 5

My name is Paul Manganiello MD, MPH. I am a retired Professor Emeritus of the Geisel School of Medicine at Dartmouth, the Department of Obstetrics and Gynecology. I was the Medical Director of Advanced Reproductive Technologies (ART) at the Dartmouth Hitchcock Medical Center (DHMC) in Lebanon, New Hampshire. My home of residence is Norwich, VT.

I am here tonight to speak in favor of Prop 5, the Reproductive Liberty Amendment (RLA), and my concern about what is happening federally and in many state legislatures across our nation. I know the Prop 5 encompasses more than just abortion, but as a health care provider of women's health that will be my focus.

I would like to begin by saying that throughout my professional career, I have never encountered a woman who sought to become pregnant, and who would then expect to make a decision on whether or not to have an abortion. It would not be unusual, when I was practicing Obstetrics, that during the course of a given day, I would need to comfort a woman who had a nonviable pregnancy and who would shortly be experiencing an abortion; then go across the hall to comfort a woman who had an unplanned pregnancy, who would need to decide whether or not to continue with that pregnancy? We have to approach these discussions with empathy, we need to be able to try and put ourselves in the shoes of the women who are confronted with making these vital decisions.

The core conflict surrounding abortion is the issue of personhood. When should the developing fetus be considered a "human being", a person?

Is it science's role to define personhood? No one is denying that a fertilized egg (a zygote) is "human tissue". It has the same DNA as an individual human skin cell, but should it be considered a "human being", should it be considered a person? Does it deserve the same designation of human being as the child who was just given birth? We need to be clear that an embryo is not an unborn child/baby, it is an embryo; a fetus is not an unborn child/baby, it is a fetus. By definition an embryo is a human organism during that period extending from conception to approximately the eighth week after fertilization, while a fetus is a human organism developing from the end of the eight-week following fertilization. A fetus is capable of existing outside the uterine environment from approximately the 22nd - 24th week of gestation.

Well, is it the government's role to define personhood? We live in a religiously pluralistic society. Some individuals believe that a fertilized egg is a "person", while others do not, and believe that fetus is not fully "human" until it has functional lungs, which enables the child to take it's first breathe at birth. Our founding fathers had the foresight to build into the Constitution a formal separation of church and state, the first amendment to the Constitution. The government needs to respect the

religious, spiritual beliefs of all its citizens and residents. No one individual, or religious institution, has a monopoly on morality. The government should not overreach its role and define when a developing zygote/embryo/fetus attains personhood.

Vermont has laws, which help assign individuals to become a health care agent for a person who is deemed incapable of making their own health care decisions. We usually think of a surrogate healthcare agent for the elderly, but they may also be required shortly after birth or even into adolescence. During a pregnancy, the mother is the best person to consider all of the ramifications needed in making medical decisions affecting a given pregnancy, even if it means, "removing life support" for a fetus who does not have the capacity to make their own health care decisions.

Laws, which limit the mother's decision making, are not life affirming, but are actually paternalistic, infantilizing mothers and indeed punitive for the woman who needs to face the decision of whether or not to terminate her pregnancy. It is the pregnant woman who is best positioned to be the health care agent for her pregnancy.