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EXHIBIT 1
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 HB 238

WHY CAN'T WE LOVE THEM BOTH

by Dr. and Mrs. J.C. Willke

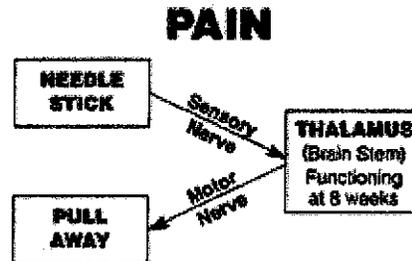
CHAPTER 14

FETAL PAIN

YES AND BY 8 WEEKS

By 8 weeks? Show me!

By this age the neuro-anatomic structures are present. What is needed is (1) a sensory nerve to feel the pain and send a message to (2) the thalamus, a part of the base of the brain, and (3) motor nerves that send a message to that area. These are present at 8 weeks. The pain impulse goes to the thalamus. It sends a signal down the motor nerves to pull away from the hurt.



Give an example.

Try sticking an infant with a pin and you know what happens. She opens her mouth to cry and also pulls away.

Try sticking an 8 week old human fetus in the palm of his hand. He opens his mouth and pulls his hand away.

A more technical description would add that changes in heart rate and fetal movement also suggest that intrauterine manipulations are painful to the fetus. Volman & Pearson, "What the Fetus Feels," *British Med. Journal*, Jan. 26, 1980, pp. 233-234.

O.K., that is activity that can be observed, but is there other evidence of pain? After all, the fetal baby can't tell us he hurts.

Pain can be detected when nociceptors (pain receptors) discharge electrical impulses to the spinal cord and brain. These fire impulses outward, telling the muscles and body to react. These can be measured. Mountcastle, *Medical Physiology*, St. Louis: C.V. Mosby, pp. 391-427 "Lip tactile response may be evoked by the end of the 7th week. At 11 weeks, the face and all parts of the upper and lower extremities are sensitive to touch. By 13 1/2 to 14 weeks, the entire body surface,

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except for the back and the top of the head, are sensitive to pain." S. Reinis & J. Goldman, *The Development of the Brain* C. Thomas Pub., 1980

Give me more proof.

* In 1964 President Reagan said: "*When the lives of the unborn are snuffed out, they often feel pain, pain that is long and agonizing.*" President Ronald Reagan to National Religious Broadcasters, *New York Times*, Jan. 31, 1984

* This provoked a public reaction from pro-abortion circles and a response from an auspicious group of professors, including pain specialists and two past presidents of the American College of Obstetrics and Gynecology.

* They strongly backed Mr. Reagan and produced substantial documentation. Excerpts of their letter (2/13/84) to him included:

* "Real time ultrasonography, fetoscopy, study of the fetal EKG (electrocardiogram) and fetal EEG (electroencephalogram) have demonstrated the remarkable responsiveness of the human fetus to pain, touch, and sound. That the fetus responds to changes in light intensity within the womb, to heat, to cold, and to taste (by altering the chemical nature of the fluid swallowed by the fetus) has been exquisitely documented in the pioneering work of the late Sir William Lily — the father of fetology."

* We state categorically that no finding of modern fetology invalidates the remarkable conclusion drawn after a lifetime of research by the late Professor Arnold Gesell of Yale University. In *The Embryology of Behavior: The Beginnings of the Human Mind* (1945, Harper Bros.), Dr. Gesell wrote, "and so by the close of the first trimester the fetus is a sentient, moving being. We need not speculate as to the nature of his psychic attributes, but we may assert that the organization of his psychosomatic self is well under way."

* Mr. President, in drawing attention to the capability of the human fetus to feel pain, you stand on firmly established ground. Willke, J & B, *Abortion: Questions & Answers*, Hayes, 1991, Chpt. 10

What of The Silent Scream?

* A *Realtime* ultrasound video tape and movie of a 12- week suction abortion is commercially available as, *The Silent Scream*, narrated by Dr. B. Nathanson, a former abortionist. It dramatically, but factually, shows the pre-born baby dodging the suction instrument time after time, while its heartbeat doubles in rate. When finally caught, its body being dismembered, the baby's mouth clearly opens wide — hence, the title (available from Heritage House '76 at <http://www.heritagehouse76.com>). Proabortionists have attempted to discredit this film. A well documented paper refuting their charges is available from National Right to Life, 419 7th St. NW, Washington, DC 20004, \$2.00 p.p. A short, 10-minute video showing the testimony of the doctor who did the abortion in *Silent Scream* definitely debunks any criticism of *Silent Scream's* accuracy. *The Answer*, Bernadel, Inc., P.O. Box 1897, Old Chelsea Station, New York, NY, 10011.

Pain? What of just comfort?

 "One of the most uncomfortable ledges that the unborn can encounter is his mother's backbone. If he happens to be lying so that his own backbone is across hers [when the mother lies on her back], the unborn will wiggle around until he can get away from this highly disagreeable position." M. Liley & B. Day, *Modern Motherhood*, Random House, 1969, p. 42

But isn't pain mostly psychological?

There is also organic, or physiological pain which elicits a neurological response to pain. P. Lubeskind, "Psychology & Physiology of Pain," *Amer. Review Psychology*, vol. 28, 1977, p. 42

But early on there is no cerebral cortex for thinking, therefore no pain?

The cortex isn't needed to feel pain. The thalamus is needed and (see above) is functioning at 8 weeks. Even complete removal of the cortex does not eliminate the sensation of pain. "Indeed there seems to be little evidence that pain information reaches the sensory cortex." Patton et al., *Intro. to Basic Neurology*, W. B. Saunders Co. 1976, p. 178

How about during an abortion?

This really hit the fan during the 1996 debate in the U.S. Congress over a law to ban partial birth abortions. Pro-abortionists had claimed that the anaesthetic had already killed the fetal baby. Top officials of the U.S.

Society for Obstetric Anaesthesia & Perinatology vigorously denied this explaining that usual anaesthesia did not harm the baby. D. Gianelli, Anaesthesiologists Question Claims in Abortion Debate, *Am. Med. News*, Jan. 1, '96

This brought the issue of fetal pain into the news, and testimony was given to the Subcommittee on the Constitution of the U.S. House of Representatives.

"The fetus within this time frame of gestation, 20 weeks and beyond, is fully capable of experiencing pain. Without doubt a partial birth abortion is a dreadfully painful experience for any infant. R. White, Dir. Neurosurgery & Brain Research, Case Western Univ.

Also, "Far from being less able to feel pain, such premature newborns may be more sensitive to pain"...that babies under 30 weeks have a "newly established pain system that is raw and unmodified at this tender age." P. Ranalli, Neuro. Dept., Univ. of Toronto

Give me more research data.

Data in the British Medical Journal, *Lancet*, gave solid confirmation of such pain. It is known that the fetal umbilical cord has no pain receptors such as the rest of the fetal body. Accordingly, they tested

fetal hormone stress response comparing puncturing of the abdomen and of the cord.

They observed "the fetus reacts to intrahepatic (liver) needling with vigorous body and breathing movements, but not to cord needling. The levels of these hormones did not vary with fetal age." M. Fisk, et al., Fetal Plasma Cortisol and B-endorphin Response to Intrauterine Needling, *Lancet*, Vol. 344, July 9, 1994, Pg. 77

Another excellent British study commented on this:

"It cannot be comfortable for the fetus to have a scalp electrode implanted on his skin, to have blood taken from the scalp or to suffer the skull compression that may occur even with spontaneous delivery. It is hardly surprising that infants delivered by difficult forceps extraction act as if they have a severe headache." Valman & Pearson, "What the Fetus Feels," *British Med. Jour.*, Jan. 26, 1980

WHY CAN'T WE LOVE THEM BOTH

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