

Proponent testimony for H.B. 403 to 2007 Montana Legislature
February 2, 2007

EXHIBIT 8
DATE 2/2/07
403

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Father, Barry Johnston, long time resident of
Deer Lodge, Montana
Brother, Jonathan, graduate of Montana State
University in 2005



Dr. Johnston, clockwise, Elizabeth, Charity, James, Grace,
Daniel, Anna (new baby, Elijah, not pictured)

Educational achievements:

Graduated with B.S. Biology from Florida State University, 1993
Recipient of the McAllister Award in biological research in 1997
Graduated with doctorate in medicine from Nova Southeastern University,
Ft. Lauderdale, Florida, 1998
Graduate from Ohio University family practice residency 2001
On staff at Good Samaritan Hospital & Bethesda Hospital in Zanesville, Ohio
Founder of the Association of Pro-Life Physicians - www.ProLifePhysicians.org

Chart 2

As this committee considers House Bill 403, the personhood amendment, we must focus on the primary question to be asked in this debate: "When Does Life Begin?" This question can be answered conclusively in scientific terms.

There is a diverse array of religious, philosophical, and social opinions on this subject, but it is my object to set before you the unambiguous scientific facts proving when life begins. The only religious presupposition I bring to the table is one with which everybody in this room, I am sure, find themselves in complete agreement, the validity of the divine commandment that forbids intentionally killing innocent people (sixth commandment, Protestant Bible, and fifth commandment for Catholics).

Chart 3

Unfortunately, you will rarely find the question of when life begins debated in scientific terms. It is important to be circumspect to identify and avoid the "smoke and mirrors" in this debate.

This debate is not primarily about:

1. Personal autonomy – "I have a right to my own personal choices"
2. Women's rights – "I have a right to do what I want with my own body"
3. What's most beneficial for women – "An abortion of an unwanted pregnancy is best for my career, my relationship, my well-being, etc." or "An abortion of my pregnancy caused me great emotional distress and illness..."
4. The right to privacy

5. Subjective and arbitrary calculations on the quality of another human life

As proof, I offer the following argument: If someone were to argue that they have a right to terminate their day-old infant because “I have a right to my own personal choice” or “This will help my career and improve my health” or “It’s unwanted and unloved” or “I have a right to privacy,” *how would you respond?* Not one of us would concur with these justifications for terminating a one-day-old infant. If we were convinced that, in fact, the *fetus* is just as alive and just as human as the infant whose life you would defend, then we would not accept these justifications for aborting human *fetuses* any more than we would accept them for aborting one-day-old infants. This proves that the question to which we must give our attention is “When Does Life Begin?” Issues of personal autonomy, women’s rights, privacy rights, and pragmatic considerations are “smoke and mirrors,” distractions from the real issue.

Chart 4

When Does Life Begin?

I am aware of the nature by which we listen defensively to such claims as when life begins, always measuring what is said by whether or not it challenges our views on abortion. Let me challenge each of you to keep an open mind as you weigh the scientific evidence.

What is “life?” The definition that follows holds a tremendous consensus in the scientific community.

The Basics of Biology, a scientific textbook for elementary students, gives five characteristics of living things (as do all public elementary science textbooks).

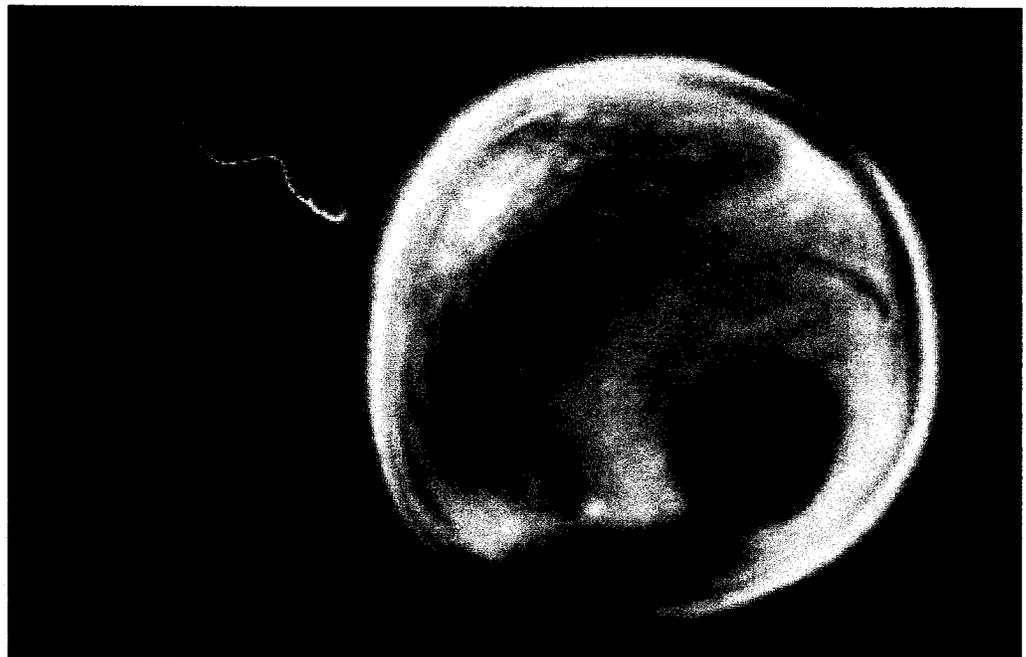
1. Living things are highly organized.
2. All living things have an ability to acquire materials and energy.
3. All living things have an ability to respond to their environment.
4. All living things have an ability to reproduce.
5. All living things have an ability to adapt.

Chart 5

If we to trace your existence to when your life first began, when you were first highly organized, when you could first acquire and metabolize nutrients and oxygen, when you could first begin to grow, where would that point be?

According to this elementary definition of life,

life begins at fertilization, when a sperm unites with an oocyte. From this moment of fertilization, the being is highly organized – it’s sex, hair and skin color, and facial features are already determined.



From the moment of fertilization, the being has the ability to acquire materials and energy, has the ability to respond to his or her environment, and has the ability to reproduce (the cells divide, then divide again, etc., and barring pathology and pending reproductive maturity has the potential to reproduce other members of the species.) Non-living things do not do these things. Even before the mother is aware that she is pregnant, a distinct, unique life has begun his or her existence.

Chart 6

Furthermore, that life is unquestionably human. When humans procreate they make more humans. The new human being is not a part of the mother's body, but is a distinct living entity that is dependent upon the mother for nutrition. Since when does a woman's body have two human brains, two hearts, four kidneys, male genitals? No arbitrary point or stage of development after this point makes us any more human or any more alive. *We're all just fertilized ovas grown up!*

Chart 7

Quotes from famous, well-known physicians

The "Father of Modern Genetics" who identified Downs Syndrome as Trisomy 21, Dr. Jerome Lejeune, M.D., University of Descarte, Paris:

"To accept the fact that after fertilization has taken place a new human has come into being is no longer a matter of taste or opinion... it is plain experimental evidence."



According to the universally-accepted five scientific criteria that define life, she's been alive for 8 weeks. Her heart has been beating her own blood type since 21 days after conception and measurable brain waves could be documented as early as 40 days after conception. (Moore & Persaud, *The Developing Human*, p.310; Dr. H. Hamlin, *Life or Death by EEG*, *JAMA*, Oct.12, 1964, p.113)

Chart 8

The "Father of *In Vitro* Fertilization," Dr. Landrum Shettles, M.D. Professor of Obstetrics & Gynecology at Columbia University's College of Physicians and Surgeons, and Director of Research at the New York Fertility Research Foundation:

"Conception confers life and makes that life one of a kind."

Dr. Hymie Gordon, M.D., Chairman of the Department of Genetics at the Mayo Clinic:

"By all the criteria of modern molecular biology, life is present from the moment of conception."

Chart 9

Dr. McCarthy de Mere, M.D., law professor, University of Tennessee:

"The exact moment of the beginning of personhood and of the human body is at the moment of conception."

Dr. Alfred Bongiovanni, M.D., University of Pennsylvania School of Medicine:

"I am no more prepared to say that these early stages represent an incomplete human being than I would be to say that the child prior to the dramatic effects of puberty ... is not a human being."



Chart 10

Dr. Micheline Matthews-Roth, M.D., Professor at Harvard University Medical College:

"Each individual has a very neat beginning, at conception."

Dr. Matthews-Roth gave confirming testimony, supported by references from over 20 embryology and other medical textbooks that human life began at conception.

Chart 11

Life Educational Reprint, 1965
(revealing the scientific consensus at the time)

"The birth of a human life really occurs at the moment the mother's egg cell is fertilized by one of the father's sperm cells."

Williams Obstetrics textbook,
Sixteenth Edition: *"Happily, we have*



Samuel Armas is surgically treated *in utero* at 21 weeks gestation for spina bifida. (Note the obvious: Samuel is alive, and he is a human being.) Photographer M. Clancy

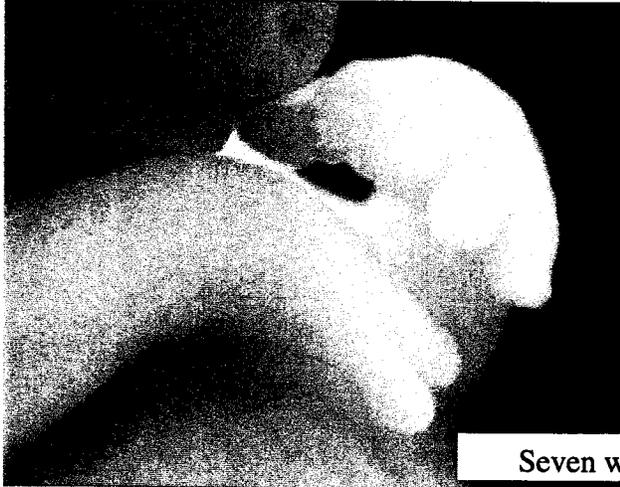
entered an era in which the fetus can be rightfully considered and treated as our second patient. Who would have dreamed – even a few years ago – that we could serve the fetus as a physician.” (from the Preface)

Chart 13

Quotes from science textbooks stating conclusively when life begins:

"Fertilization is a sequence of events that begins with the contact of a *sperm* with a *secondary oocyte* and ends with the fusion of their pronuclei ... and the mingling of their chromosomes to form a new cell. This fertilized ovum, known as a *zygote*, is a large diploid cell that is the beginning of a human being." (Moore, Keith L., *Essentials of Human Embryology*. Toronto: B.C. Decker, Inc., 1988, p.2.)

Most of the accompanying intrauterine photographs were taken under the direction of Professor Andrzej Skawina of Collegium Medicum Jagiellonian Univ., Krakow, Poland, and Antoni Marsinek, M.D. of the Czerwiakowski Gynecological and Obstetrics Hosp., Krakow, Poland



Seven weeks alive

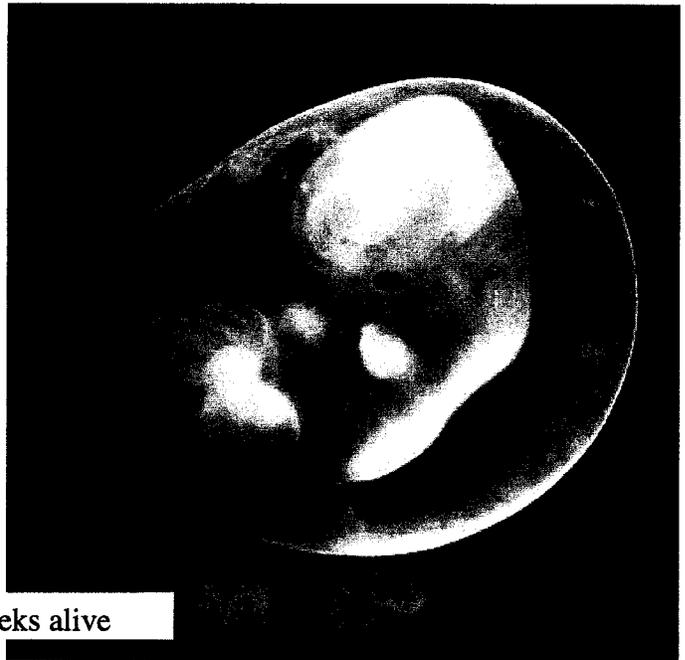


Chart 14

"Although human life is a continuous process, fertilization is a critical landmark because, under ordinary circumstances, a new, genetically distinct human organism is thereby formed." (O'Rahilly, Ronan and Müller, Fabiola. *Human Embryology and Teratology*, 2nd edition. New York: Wiley-Liss, 1996, pp. 8, 29).

Chart 15

"Almost all higher animals start their lives from a single cell, the fertilized ovum (zygote). ... The time of fertilization represents the starting point in the life history, or ontogeny, of the individual." (Carlson, Bruce M., *Patten's Foundations of Embryology*, 6th edition. New York: McGraw-Hill, 1996, p.3.)

Chart 16

Original Hippocratic oath, 460-377 B.C. "I will neither give a deadly drug to anybody if asked for it, nor will I make a suggestion to this effect. Similarly, I will not give to a woman an abortive remedy."



Sixteen weeks alive