

MAR 08 2010

---

---

# SENATE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATURE TO DEFINE PERSONHOOD AND PROTECT THE  
STATUS AND LEGAL RIGHTS OF A NATURAL PERSON.

1           WHEREAS, the term "person" grants human beings certain  
2 innate rights, such as the right to life, liberty, and the  
3 pursuit of happiness; and  
4

5           WHEREAS, in 1973, Justice Harry Blackmun wrote in the  
6 majority opinion for *Roe v. Wade*:  
7

8           "The appellee and certain amici [pro-life advocates] argue  
9 that the fetus is a 'person' within the language and  
10 meaning of the Fourteenth Amendment. In support of this,  
11 they outline at length and in detail the well-known facts  
12 of fetal development. If this suggestion of personhood is  
13 established, the appellant's case, of course, collapses,  
14 for the fetus' right to life would then be guaranteed  
15 specifically by the Amendment."; and  
16

17           WHEREAS, during Justice Blackmun's time, the well-known  
18 facts of fetal development were a far cry from what is known  
19 today; and  
20

21           WHEREAS, in 1973, most people held the belief that life  
22 began at quickening, or when a woman first feels movement of the  
23 baby in the womb at eighteen to twenty-four weeks; and  
24

25           WHEREAS, some people even held to the "recapitulation  
26 theory" -- the scientifically debunked notion that the human  
27 baby underwent an entire evolutionary cycle in the womb, being  
28 first a simple one-celled creature, then later a fish, mammal,  
29 and finally a human; and  
30

31           WHEREAS, the science in 1973 was not able to prove, as it  
32 can now, that a fully human and unique individual exists at the  
33 moment of fertilization and continues to grow through various



1 stages of development in a continuum, until natural death from  
2 old age; and  
3

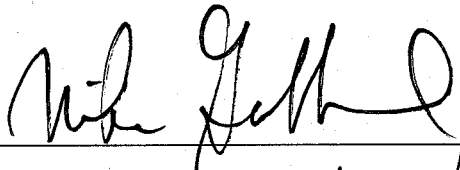
4 WHEREAS, a clear definition of a pre-born baby as a person  
5 will provide it with the same right to life as all human beings  
6 and will satisfy the "Blackmun hole", an admission by the United  
7 States Supreme Court that if personhood could be established for  
8 a pre-born, the arguments in *Roe v. Wade* would collapse; now,  
9 therefore,  
10

11 BE IT RESOLVED by the Senate of the Twenty-fifth  
12 Legislature of the State of Hawaii, Regular Session of 2010, the  
13 House of Representatives concurring, that the Legislature is  
14 requested to take necessary steps to define and guarantee  
15 personhood -- that every person, from the beginning of  
16 biological development including fertilization, is provided all  
17 the rights and protections as a human being; and  
18

19 BE IT FURTHER RESOLVED that certified copies of this  
20 Concurrent Resolution be transmitted to the President of the  
21 United States, each member of Hawaii's congressional delegation,  
22 the Governor, the President of the Senate, and the Speaker of  
23 the House of Representatives.  
24

25  
26

OFFERED BY:

  
\_\_\_\_\_  
Norman Sakamys

