

In 1973, at the time of the Roe v. Wade decision, arguments for life beginning at conception and consideration of personhood were made, but could not be scientifically demonstrated. Our understanding at that time regarding the DNA molecule of a human chromosome was only just beginning. Today, the human genome project has been completed and it gives us a detailed map of each chromosome. Given such a great achievement, we find ourselves at a crossroads with cause to re-examine the evidence for personhood.

It is a demonstrable scientific fact that when the 23 chromosomes carried by a sperm encounter the 23 chromosomes carried by an ovum, all of the information necessary and sufficient to produce all of the characteristics of a new and unique human being are organized into one place and structure we call the human genome. This unrepeatable human genome comprised of 46 chromosomes, assembled at the moment of conception, carries the constitution of a human person. In 1989, Dr. Alec Jeffreys, in England, developed a technique whereby genetic information could be extracted from the nucleus of one cell. Dr. Jeffreys went on to demonstrate, through scientifically provable procedures, the ability to verify, through DNA, that all of life's messages are written in the very first cell. The possibility exists now to recognize a characteristic sequence of the Y chromosome from a single cell of the youngest embryo.<sup>1</sup> Basically, it can be determined if there is a boy or a girl embryo only several days old. Medical diagnoses can also be determined with what is called preimplantation genetic diagnosis. In 1999, the first successful use of preimplantation genetic diagnosis was made when sickle cell disease was reported. Bear in mind, a medical diagnosis in the case of human diseases are made by physicians on human beings or persons and this can be what is done with an embryo. A doctor-patient relationship could be formed between a physician and an embryo. This information is not theoretical, but is information which the science of genetics knows beyond any doubt.

This information led Judge Dale Young to make his judgment on September 21, 1989 in a case regarding the custody of seven human embryos in frozen storage. It was the trial of Junior L. Davis v. Mary Sue Davis in the Circuit Court for Blount County and the State of Tennessee in Marysville, Tennessee. Two conclusions of the court were rendered after expert scientific testimony. The two conclusions were: (1) From fertilization, the cells of a human embryo are differentiated, unique, and specialized to the highest degree of distinction (2) Human life begins at conception.<sup>2</sup> The Marysville judgment is now part of universal jurisprudence and is especially noteworthy in revealing that the scientific evidence considered was adequate to make a determination.

At the time of the Roe v. Wade decision in 1973, Justice Blackmun stated, "the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer" regarding when life begins.<sup>3</sup> It is clear that as of 1989, the courts no longer need to speculate after confronted with scientific fact. That same scientific evidence confronts us today.

With all of the current evidence, the real question today is not when human life begins or about the issue of personhood, but whether to give value to a human life or a person especially at their beginning and most vulnerable stages of existence. In the 1981 Senate Hearings on the beginning of human life, the many medical and scientific witnesses who testified disagreed on many things, including the value to place on a human life at its earliest beginnings, but not on the scientific evidence that the preborn child is alive, is a distinct individual, and a member of the human species. There is no cause more important for preserving freedom than affirming the personhood of all human beings. The Legislature has exclusive and ample power to determine the public policy of the state.<sup>4</sup> It is long overdue for the Legislature of Kansas to recognize the right to full human personhood for all human beings, born and preborn, and affirm the inalienable right to life of all human beings guaranteed by Section 1 of the Bill of Rights of the Kansas Constitution. Let it be recognized in our public policy that the State of Kansas does indeed place a great value on all human life.

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<sup>1</sup> A.H. Handyside et al., *Nature* 344 (1990): 768-70.

<sup>2</sup> *Tennessee Code Annotated* 20-5-106(b).

<sup>3</sup> *Roe v. Wade*, 410 U.S. 113, 159 (1973)

<sup>4</sup> *Cavender v. Hewitt*, 239 SW 767 (1922)