

## IT'S JUST COMMON SENSE

**GEORGE D. MULLEN**

## **A PURELY SECULAR ARGUMENT AGAINST ABORTION**

### **The Age of Individual Rights**

*"We hold these truths to be self-evident, that all men are created equal, that they are endowed... with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness."*

This one sentence clearly defines the spirit of the U.S. Declaration of Independence, one of the most influential documents in human history. This spirit of the Declaration is so important because it is what ushered in the current era of individual rights. In the 226 years since 1776 the injustices

that have plagued mankind from its very beginning have largely crumbled before our eyes: most monarchies and dictatorships have collapsed and have been replaced by democracies, bills of rights have been enacted in most nations establishing individual rights such as freedom of speech, the institution of slavery has been nearly eradicated, and women have gained equality in the eyes of the law in many nations. New injustices have reared their heads since 1776, but most have crumbled as well due to their inconsistency with the spirit of the Declaration, most notably Nazism, Communism, and apartheid. The world is far from being a perfect place, but it certainly has come a long way with respect to individual rights since the 18th century. Yet despite all this progress there is one injustice, gravely at odds with the spirit of the Declaration, that has risen to notorious heights right before our eyes: ABORTION.

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### **The Truth We Seek**

We all recognize that the killing of human life is the most egregious wrong we could commit in society, because it is a clear violation of the inalienable right to life, where "inalienable right" is defined

as a privilege that *cannot* be legitimately transferred, taken away, or surrendered. We also recognize that the inalienable right to life of a fellow human being will *always* supersede our secondary rights: liberty, privacy, freedom of choice, etc. After all, there is no liberty, privacy, or choice without life first. Our liberty, privacy, and choice end where the line of another life begins. Therefore, the issue as it pertains to abortion is not one of liberty, privacy, or choice, but solely one of when the human life form becomes a human life. Or, more succinctly, when does life begin? This is the “truth” we seek, and it is a “truth” that does exist, for physical human life certainly has both a beginning and an end. Once we know when life begins, we must henceforth agree that killing a human being after that point is homicide.

Belief, opinion, and viewpoint are of no importance when it comes to a question that has an answer, a “truth.” Belief, opinion, and viewpoint only have jurisdiction in subjective areas where no “truth” exists, such as electing a national leader, choosing an education system, or deciding upon the necessary number of police officers a community needs. Because the question of when life begins has an answer (a “truth”), opinions have no bearing or influence upon what that “truth” is — yet people erroneously act as if it does. “I think it is, therefore it is,” has unfortunately become the mantra of those willing to think their “beliefs” determine “truth.” However, just because a majority of individuals once believed the earth was flat did not make it the truth. Likewise, how many times have we heard people say, “I believe life begins at conception” or “My opinion is that life begins at three months” or “My viewpoint is that life begins at birth”? Life certainly begins at some given point, and no opinion or even majority opinion will determine the “truth” of when that point is.

### Science and Reason

The primary question remains when does one become a human being — at conception or at some definable point thereafter? The debate over when life begins is a hotly contested issue by both scientists and non-scientists alike. The most thought-provoking evidence of when life begins is the scientific fact that upon the creation of a single cell zygote, an entire cascade of events is set in motion. At conception, the zygote, by its inherent genetic program,

begins a maturation process that will lead it through every stage of its life, from the embryonic stage to birth to childhood to adulthood. That is to say, every child, adolescent, and adult today was at one point a single cell zygote. Furthermore, at the point the zygote is formed, it is endowed with a complete set of 46 chromosomes, the same number that adult humans have, 23 coming from the egg and 23 from the sperm. This chromosome combination is unique from that of its mother or father. Whatever form a human life takes, be it a zygote, morula, blastula, late stage embryo, neonate, infant, child, or adult, the issue is still one of life, *not* size or stage. Science and reason suggest, therefore, that at the point of conception, a distinct and unique human being has been created.

### The Supreme Tragedy

We have entrusted the Supreme Court, comprised of the greatest legal minds in the land, with the profound duty of interpreting our Constitution and defending our rights. Yet in 1973, in the case of *Roe v. Wade*, the Court chose to err on the side of extreme risk when “life,” the most sacred of our inalienable rights, was clearly at risk. The Court avoided the only question that could possibly solve the abortion issue, stating, “We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man’s knowledge, is not in a position to speculate as to the answer” (*Roe v. Wade* majority opinion). Remarkably, the question of when life begins was ignored. It in fact is the only one of importance, because once we know the answer, then we will know that abortion *cannot* be practiced because it is homicide. Yet without the answer to this critical question, the Court arrogantly proceeded to make a “life and death” decision based on their personal opinions and/or that of the majority, in effect establishing a fundamental right to abort human fetuses. As previously pointed out though, opinions do *not* have jurisdiction in a realm where a “truth” exists.

The constitutional rationale for the *Roe v. Wade* decision was based on two suspect interpretations: First and foremost was the Supreme Court’s claim that the “right of privacy” took precedence in the abortion decision. The right of privacy is never

explicitly mentioned in the U.S. Constitution, but was only interpreted to exist as a constitutional right in 1965 in the case of *Griswold v. Connecticut*. This ruling remains very controversial due to its broad nature and its seemingly borderless applications. For example, do we have the right to use illegal drugs, engage in spousal abuse, or commit suicide if we are in the *privacy* of our own home? Therein lies the problem. Irrespective of the controversy of this ruling, and as discussed earlier, the right of privacy does *not* supersede the far more important inalienable right to life of another person. This fact was obvious to everyone involved, which leads us to the second questionable interpretation by the Court: the spurious decision to exclude the unborn in the Court's newly created definition of "person," leaning heavily on a dubious assessment of the Fourteenth Amendment. While reason tells us that the answer to when life begins is at the very root of the definition of person, why then did the Court choose a circuitous route to avoid this answer? The Court certainly recognized the constitutional protection of "life" guaranteed each "person" by both the Fifth and Fourteenth Amendments, yet it also understood that it could never successfully judge life to begin at any given point, so it proceeded by ignoring the vital question of when life begins altogether. The Court instead sought refuge in a cowardly new definition of "person" that excluded the unborn. This action safely allowed the Court to disqualify the unborn from the constitutional protection of life, and cleared the way for the "right of privacy" to supersede the interests of the unborn, whom the Court had constitutionally re-classified as non-persons. (How eerily reminiscent this is of the African-American slaves and the Jews in Nazi Germany, who were treated as non-persons under the law as well.) This is how the Court disgracefully eliminated the "inalienable right to life" from what may be life, and arrived at the decision of establishing abortion as a fundamental right. *Roe v. Wade* is a tragic example of an opinion-based judicial agenda and/or of judicial cowardice in the face of elite public opinion. It is *not* an example of justice.

*Roe v. Wade* overturned a million-plus years of human nature with the help of the medical ability to terminate the unborn — a medical procedure based not on therapy or prevention, but on destruction. In the wake of this tragic decision, there have been

over 40 million abortions in the U.S., and over 30 percent of all new pregnancies in America now end by abortion. Worldwide it is estimated that there are currently over 50 million abortions *annually*.

### **To Err on the Safe Side**

*"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."*

This segment of the Fourteenth Amendment, as well as a similar section of the Fifth Amendment, list "liberty" as the second most important aspect of our lives, second only to "life" itself. Because liberty is so revered, we uphold a criminal justice system based on the principle of "innocent until proven guilty," where the burden of proof is on the accuser to prove guilt "beyond a reasonable doubt." We do so because we would rather suffer the consequences of not convicting every criminal in society in order to avoid the risk of taking away the "liberty" of one innocent person. To "err on the safe side" is a far better choice than the alternative of empowering an individual, or a group of individuals, with the authority to remove "liberty" at will.

In the case of abortion, the issue in question is "life," the most sacred of our inalienable rights. The risk of erring on the wrong side when "life" is on the line is the most horrific gamble a government can undertake, because it means risking the death of the very people it is empowered to protect. Since it has not yet been proven that a human fetus is not human life, abortion *is exactly the same* as giving the death penalty to a person who has not been proven guilty. The unborn, because they are "unseen" and "unheard," have been wrongfully denied "the equal protection of the laws" guaranteed by the Fourteenth Amendment. Proof beyond a reasonable doubt as to when life does or does not begin does not yet exist, and because of that, we who support justice and recognize our constitutional responsibility have no choice but to "err on the safe side"; no spurious definitions of "person" should stand in the way. This means we must uphold a policy that will protect all human life from its earliest detectable point. The principle here is to avoid killing even one innocent human life.

## **Life at Conception Until Proven Otherwise**

Where do we go from here?

A. Do we stay with the current “err on the side of extreme risk” policy by maintaining the legality of abortion and risking the death of innocent human life?

OR

B. Do we change course by outlawing abortion, and follow the prudent “err on the safe side” policy of protecting all that could possibly be human life until evidence “beyond a reasonable doubt” proves otherwise?

Without clear “proof of truth” as to when life begins, on which side should a civil society dare to err?

The “err on the safe side” policy is completely in sync with the spirit of the Declaration of Independence and its core principle of defending the inalienable right to life. It is also in agreement with our prudent criminal justice system, which is based on an “err on the safe side” policy as well. Furthermore, it safeguards the original intent of “life” in the Fifth and Fourteenth Amendments from the opinion-based agendas of the judiciary or the majority. To “err on the safe side” is *not* a religious-based policy, nor is it one based on the beliefs, opinions, or viewpoints of any person or group of persons. It is a policy based solely on the search for “truth,” one that

recognizes that when innocent life hangs in the balance and we cannot find the truth, we must choose the policy to protect even what some or many may question to be human life. In other words, “Life at Conception, Until Proven Otherwise.”

## **Farewell Abortion, Hello Life**

Injustice, once defined, must not be allowed to stand. The injustice of the 1973 *Roe v. Wade* decision must be reversed, and it is the responsibility of the Supreme Court to accept the challenge to do so. It is their sacred constitutional responsibility to defend our rights, not to play guessing games with them, and if that means overturning an “unjust precedent” set by a misguided prior Court, then it must be done. Recognizing the Supreme Court’s monumental failure on the issue, the President, Congress, and citizens should immediately take up the issue as well in a push for a Constitutional Amendment to outlaw abortion. We call upon those of you who disagree to re-think your position and recognize that no beliefs, opinions, or viewpoints — yours, ours, or anyone else’s — matter whatsoever when innocent life is at risk. “Proof beyond a reasonable doubt” is the only legitimate principle we can rely upon. Every single day of delay means more lives are lost. ■