THE LEGAL STORY OF ABORTION IN THE UNITED STATES

Sheffet, David

Table of Content

- Method
- Abortion Overview
  - What is a Abortion
- History of Abortion - Case by Case
  - The Case by Case History of Abortion in the United States
  - Reviewing the major landmark cases that have shaped the current abortion landscape
- What that Means Today
  - Standards as of June 2021
  - A summation of current state of abortions availability as of today
- What Could Happen
  - Potential Outcomes
- Conclusion
  - Final Thoughts

Method

This paper will begin by discussing what a abortion is. For the vast majority of the people reading this this will be unnecessary to even peruse. This strictly has the purpose of informing the reading of what exactly a abortion is. This section should be considered the most bias part of this paper as it was written from a very anti-abortion stance and will include many pro-life sources. I will then give a case by case description and analysis of the major and some lesser know abortion cases through the years. I be doing this to establish todays landscape of abortion in America and will explicitly explain the current climate from the federal level. I will then discuss any upcoming cases (as of June 31, 2021), and how this could potentially change or cement the landscape. For this paper I used a plethora of legal analysis along with the original cases opinions. References are placed as footnotes throughout this paper negating the need for a formal bibliography section. I am not a practicing attorney nor have I ever had any formal legal training. I am personally pro-life and have in the pass advocated for heart-beat bills. While I am patinate about this subject I to a great degree attempt to not inject and of my preconceived notions or bias into this paper.

Abortion: What is it?

A abortion is defined as, “a medical procedure to end a pregnancy. It uses medicine or surgery to remove the embryo or fetus and placenta from the uterus.

In the first trimester there are two types of abortion.

The first is Abortion Pills or a First Trimester Medical Abortion. This is “A medical (or chemical) abortion is a non-surgical form of abortion in which the woman takes pills containing Mifepristone (RU-486) and Misoprostol (or Cytotec) to end the life of the baby. This procedure

is performed during the first trimester of pregnancy. The drugs are approved by the FDA for use up to ten weeks since the first day of her last menstrual period (LMP)."[1]

The second is a Aspiration Abortion or a First Trimester Suction D&C. This is where, "a suction, or aspiration, D&C abortion is a procedure in which a suction catheter is inserted into the mother's uterus to extract the preborn baby. Tools are then used to scrape the lining of the uterus to remove any remaining parts. This procedure is performed during the first trimester, typically during five and thirteen weeks LMP (that is five to thirteen weeks after the first day of the woman's last menstrual period)."[2]

In the second trimester there is only one way to abort a baby. This being said only 6.9% of abortions take place during this time period as over 92% of abortions take place in the first trimester (before 13 weeks).[3]

This type of abortion is Dilation & Evacuation Abortion.

"A dilation (dilatation) and evacuation abortion, D&E, is a surgical abortion procedure during which an abortionist first dilates the woman's cervix and then uses instruments to dismember and extract the baby from the uterus. The D&E abortion procedure is usually performed between thirteen and twenty-four weeks LMP (that is thirteen to twenty-four weeks after the first day of the woman's last menstrual period)."[4]

A third trimester abortion is a Induction Abortion.

[1] https://youtu.be/lRDnVSMr5j0
[2] https://youtu.be/5THDmys8z30
[3] https://www.cdc.gov/reproductivehealth/data_stats/abortion.htm
[4] https://youtu.be/jgw4X7Dw_3k

“A third trimester induction abortion is performed at 25 weeks LMP (25 weeks since the first day of the woman’s last period) to term. At 25 weeks, a baby is almost fully-developed and is considered viable, meaning he or she could survive outside the womb. For this reason, the abortionist will usually first kill the baby in utero by injecting a substance that causes cardiac arrest, and induces the mother’s labor to deliver her baby stillborn.”[5] While this is not a exhaustive list and does not include some of the most egregious forms[6] of abortion, i.e. partial birth abortion, it is a list of common types of abortions with basic descriptions as to give you a idea of what a abortion is.

The Case by Case History of Abortion in the United States

Abortion has been a hotly contested political issue since the mid 1960s, when states began liberalizing their abortion laws. The first major abortion case was Roe v Wade. Roe v. Wade (1973) established and absolute constitutional protection against state regulation in 1st trimester abortions.[7] The court decided that outlawing abortion violated a woman’s constitutional right of privacy, which is found to be implicit in the liberty guarantee of the due process clause of the Fourteenth Amendment.[8] This ruling also established the trimester system we now know. Declaring that the first three months are solely at the discretion of the woman. In the second trimester, the states can regulate abortions in the interests of the woman's health. In the last three months, states can prohibit abortions in the interest of the fetus, provided the pregnancy will not bring harm to the pregnant woman.[9]

---

5 https://youtu.be/r5Af8vIym2o
6 https://www.abortionprocedures.com/
7 https://pubmed.ncbi.nlm.nih.gov/1798604/
8 https://www.britannica.com/event/Roe-v-Wade
9 https://www.the-sun.com/news/2904633/what-is-roe-v-wade-abortion-court-decision/

The first challenge was launched immediately after the ruling came down. This resulted in Doe v. Bolton (1973). This completely backfired on right to life advocates as Instead of abortion being legal only for rare circumstances, Doe — which came out of Georgia — opened the door wide to it for literally any reason.[10] While the Court began by saying that abortion would now be legal for reasons of the mother's "health," it then defined health very broadly stating:

> "We agree with the District Court… that the medical judgment may be exercised in the light of all factors – physical, emotional, psychological, familial, and the woman's age – relevant to the well-being of the patient. All these factors may relate to health."

This was a unpredictable triumph for pro-choice advocates because when Roe and Doe are combined, abortion is legal in all 50 states, at all ages of the child, for any reason whatsoever. Physical, emotional, psychological, familial, and age factors really do cover the entire spectrum of reasons. This is what is colloquially referred to on the right of center as "abortion on demand."[11]

In Planned Parenthood of Central Missouri v. Danforth (1976) the Supreme Court invalidated a spousal/parental consent requirement.[12] This was a stunning rebuke of what was becoming known as the pro-life movement and major step forward in advancing the pro-choice agenda. The next step for pro-life advocated was to attempt to at least limit the funding for abortion. This resulted in the Hyde Amendment: a legislative provision barring the use of federal funds to pay for abortion except to save the life of the woman, or if the pregnancy arises from incest or

[10] https://www.liveaction.org/news/3-cases-shaped-abortion-law/
[11] https://www.liveaction.org/news/3-cases-shaped-abortion-law/
[12] https://pubmed.ncbi.nlm.nih.gov/1798604/

rape.[13] The original Hyde Amendment was passed in 1976 on September 30 by the House of Representatives with a 312–93 vote to override the veto of a funding bill for the Department of Health, Education, and Welfare (HEW). It was named for its chief sponsor, Republican Congressman Henry Hyde of Illinois. The measure represents one of the first major legislative gains by the United States pro-life movement, especially the National Committee for a Human Life Amendment led by lobbyist Mark Gallagher.[14] This was instantly challenged by the pro-choice advocates.

In Harris v. McRae (1980) the Court upheld the Hyde Amendment prohibiting the use of Medicaid funds for abortions.[15] This was a major victory for the pro-life movement and limited federal funding for abortions.

In City of Akron v. Akron Center for Reproductive Health Inc. (1983) the Court held as unconstitutional the requirement of hospitalization for all 2nd and 3rd trimester abortions, that unmarried minors under 15 obtain parental consent, that physicians give detailed lectures on fetal status, and that women wait 24 hours before an abortion.[16] This was yet again another major setback for limiting abortion. This is however one of the more interesting cases as this is one ruling pro-lifers still resist. 38 states require an abortion to be performed by a licensed physician. 19 states require an abortion to be performed in a hospital after a specified point in the pregnancy, and 17 states require the involvement of a second physician after a specified point. 43 states prohibit abortions after a specified point in pregnancy, with some exceptions

---

[13] https://en.wikipedia.org/wiki/Hyde_Amendment
[14] https://en.wikipedia.org/wiki/Hyde_Amendment
[15] https://pubmed.ncbi.nlm.nih.gov/1798604/
[16] https://pubmed.ncbi.nlm.nih.gov/1798604/

provided. The allowable circumstances are generally when an abortion is necessary to protect the patient's life or health. 21 states have laws in effect that prohibit “partial-birth” abortion. 3 of these laws apply only to post-viability abortions. 16 states use their own funds to pay for all or most medically necessary abortions for Medicaid enrollees in the state. 33 states and the District of Columbia prohibit the use of state funds except in those cases when federal funds are available: where the patient's life is in danger or the pregnancy is the result of rape or incest. In defiance of federal requirements, South Dakota limits funding to cases of life endangerment only. 12 states restrict coverage of abortion in private insurance plans, most often limiting coverage only to when the patient's life would be endangered if the pregnancy were carried to term. Most states allow the purchase of additional abortion coverage at an additional cost. 45 states allow individual health care providers to refuse to participate in an abortion. 42 states allow institutions to refuse to perform abortions, 16 of which limit refusal to private or religious institutions. 18 states mandate that individuals be given counseling before an abortion that includes information on at least one of the following: the purported link between abortion and breast cancer (5 states), the ability of a fetus to feel pain (13 states) or long-term mental health consequences for the patient (8 states). 25 states require a person seeking an abortion to wait a specified period of time, usually 24 hours, between when they receive counseling and the procedure is performed. 12 of these states have laws that effectively require the patient make two separate trips to the clinic to obtain the procedure. 37 states require some type of parental involvement in a minor’s decision to have an abortion. 27 states

require one or both parents to consent to the procedure, while 10 require that one or both parents be notified.[17]

In Thornburgh v. American College of Obstetricians and Gynecologists (1986) the Court held as unconstitutional mandatory statements about alternatives to abortion, and particularized medical risks.[18]

Then around the turn of the decade the pro-life movement finally began gaining ground. The first case the pro-life movement won was a United States Supreme Court decision on upholding a Missouri law that imposed restrictions on abortion.[19] Webster v. Reproductive Health Service (1989) upheld a state's right to protect life beginning at conception, withhold use of public employees, facilities, and funds for counseling a woman about, or performing, a nontherapeutic abortion, to encourage birth over abortion. Subsequent cases established a state's right to require parental notification for minor's abortion when a judicial hearing exists as an alternative.[20] This was a resounding victory for the pro-life movement.

Rust v. Sullivan (1991) upheld regulations prohibiting medical staff from talking about abortion with family planning patients when the facility receives funding under Title X of the Public Health Service Act, and requires objective physical and financial separation of facilities from programs that offer abortion information. These regulations have been denounced by medical groups and pro-choice organizations, for "compromising ethics".[21] Many physicians and clinics

[17] https://www.guttmacher.org/state-policy/explore/overview-abortion-laws#
[18] https://pubmed.ncbi.nlm.nih.gov/1798604/
[19] https://en.wikipedia.org/wiki/Webster_v._Reproductive_Health_Services
[20] https://pubmed.ncbi.nlm.nih.gov/1798604/
[21] https://pubmed.ncbi.nlm.nih.gov/1798604/

challenged the regulation, arguing that it violated their First Amendment right to free speech and the right of women to seek an abortion.[22]

The case that pretty much settled the abortion argument was Planned Parenthood v. Casey (1992). Casey changed the trimester framework of Roe. The Court discussed "viability" instead. "Viability" is the point in time at which a child could survive outside the womb. Still, the abortion industry continues to argue that it should be allowed to abort without state interest even after viability — and a number of facilities do exactly that. Abortion remains legal in many states throughout all 40 weeks, for any reason.[23] Casey acknowledged that viability might move as modern science advanced — and this has indeed happened, with babies surviving as young as 21 weeks.[24] The Court in Casey also ruled that a state regulation on abortion in any trimester could not impose "an undue burden" on a woman.[25] So, while Casey allowed states to regulate some aspects of abortion even in the first trimester (contrary to Roe), it created a difficult standard states were required to abide by. The "undue burden" standard is both widely and differently interpreted, and it has created mass confusion regarding what limits states will be allowed to enact.[26]

This brings up a very important situation with the supreme court. They tend to shift their position to a stance that fits with the public opinion instead of just deliberating what the constitution and federal laws says. This has been termed to be judicial activism. Which is defined as, "an interpretation of the U.S. constitution holding that the spirit of the times and

[22] https://en.wikipedia.org/wiki/Rust_v._Sullivan
[23] https://www.liveaction.org/news/3-cases-shaped-abortion-law/
[24] https://www.liveaction.org/news/baby-born-just-21-weeks-thriving-three-years-later/
[25] https://www.liveaction.org/news/3-cases-shaped-abortion-law/
[26] https://www.liveaction.org/news/3-cases-shaped-abortion-law/

the needs of the nation can legitimately influence judicial decisions (particularly decisions of the That's legislating from the bench. It's articulating an intention to be an activist justice on an activist court." Proponents of this will argue that this allows the will of the people to be reflected upon the constitution and they can do this by righting about the "spirit of the law". Detractors of this idea would say that the courts should interoperate the constitution as it is written and not read their own values into the law; instead people should create legislation that reflects their points of view and that is what should govern these hot button issues. Either way Roe v. Wade was a piece of judicial activism that allowed the supreme court to legislate from the bench the right to a abortion. The problem with this is that when in the 90's when public opinion shifted towards limiting abortions they then needed to legislate from the bench yet again. When the Supreme Court decided Planned Parenthood v. Casey in 1992, the political preferences of federal and state lawmakers as well as the American people had coalesced around a limited right to abortion.[27] Two decades earlier, Roe v. Wade served as a critical trigger to judicial recognition of abortion rights,

overcoming politically potent pro-life interests that had stood in the way of populist abortion reform.[28] But Roe was "inflexibly legislative,"[29] preventing states from imposing a range of politically popular restrictions on abortion rights. From 1973 to 1992, federal and state officials as well as the American people engaged in a constitutional dialogue on abortion rights which

[27] https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1364&context=facpubs

[28] See DAVID J. GARROW, LIBERTY AND SEXUALITY: THE RIGHT TO PRIVACY AND THE MAKING OF RoE v. WADE 370-71, 576-77 (1994) (highlighting defeat of pro-choice legislative reform proposals and pro-choice ballot initiatives); Neal Devins, The Countermajoritarian Paradox, 93 MICH. L. REv. 1433, 1445-48 (1995) (review GARROW, supra).

[29] This is how Justice Potter Stewart, who concurred in Roe, depicted Justice Blackmun's draft opinion. See Bob Woodward, The Abortion Papers, WASH. POST, Jan. 22, 1989, at D1.

pushed the Court away from the poles of pro-choice and pro-life absolutisms and toward the middle that reflected the beliefs of most Americans.[30]

Americans support first trimester abortions[31] but with only 26% of Americans supporting second trimester abortions, Roe's trimester test was a bust.[32] From 1973-1989, 48 states passed 306 antiabortion measures. Pennsylvania regularly challenged the Roe standard during this period, enacting fourteen antiabortion statutes.[33] The Supreme Court rejected most of these initiatives (including waiting periods and informed consent laws). This fueled the rise of the religious right and, with it, the Reagan Revolution.[34] So during Casey the supreme court need to all allow states to institute more restrictive policy on abortion but also need to preserve women's ability to have one. Thus, the very forces that pushed the Supreme Court to embrace the undue burden test make it extremely unlikely that the Court will disavow Casey in favor of pro-choice or pro-life absolutism. With more than 8o% of Americans embracing some type of abortion rights, pro-life absolutism would trigger a ferocious backlash.[35] This created what would be known as super-precedent.

As a result of the Court's decision in Planned Parenthood of Southeastern Pennsylvania v. Casey, the battle over abortion moved beyond the question of whether Roe v. Wade would be overturned, to focus on what conditions truly constitute an American woman's right to safe, legal abortion.[36] The Supreme Court went on to decided a number of different cases

---

[30] https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1364&context=facpubs
[31] http://balkin.blogspot.com/2008/09/roes-backlash.html
[32] http://balkin.blogspot.com/2008/09/roes-backlash.html
[33] https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1364&context=facpubs
[34] Barry Friedman, Will of the People 489-90 (Oct. 28, 2008)
[35] https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1364&context=facpubs
[36] https://legal-dictionary.thefreedictionary.com/After+Planned+Parenthood+v.+Casey

surrounding the issue of anti-abortion protests, many of which made it more difficult for anti-abortion groups to disrupt the operations of family planning clinics.[37] In Madsen v. Women's Health Center, 512 U.S. 753, 114 S. Ct. 2516, 129 L. Ed. 2d 593 (1994), the Court upheld a regulation barring abortion protesters within 36 feet of a Melbourne, Florida, clinic. In another 1994 decision, National Organization for Women v. Scheidler, 510 U.S. 249, 114 S. Ct. 798, 127 L. Ed. 2d 99, the Court upheld the use of the Racketeer Influenced and Corrupt Organizations (RICO) chapter of the Organized Crime Control Act of 1970 (18 U.S.C.A. §§ 1961–1968) against militant anti-abortion groups.[38]

In May 1994, President Clinton signed into law another tool to be used against anti-abortion militants, the Freedom of Access to Clinic Entrances Act (FACE), which allows for federal criminal prosecution of anyone who, "by force or threat of force or by physical obstruction, intentionally injures, intimidates, or interferes… with any person … obtaining or providing reproductive health services" (18 U.S.C.A. §248). The law also makes it a federal crime to intentionally damage or destroy the property of any reproductive health facility, and it permits persons harmed by those engaging in prohibited conduct to bring private suits against the wrongdoers. The law imposes stiff penalties as well for those found guilty of violating its provisions.[39]

These cases slowed Stenberg v. Carhart (2000) which the court stated laws that ban partial-birth abortion are unconstitutional if they do not make an exception for the woman's health or

[37] https://legal-dictionary.thefreedictionary.com/After+Planned+Parenthood+v.+Casey

[38] https://legal-dictionary.thefreedictionary.com/After+Planned+Parenthood+v.+Casey
RICO, which was originally designed to combat Mafia crime, gives the government a potent tool to convict those involved in violence against abortion providers and their clinics.

[39] https://legal-dictionary.thefreedictionary.com/After+Planned+Parenthood+v.+Casey

if they cannot be reasonably construed to apply only to the partial-birth abortion procedure and not to other abortion methods.[40] But by Gonzales v. Carhart (2007) The Partial-Birth Abortion Ban Act of 2003 was reworded and made constitutional because it is less ambiguous than the law that was struck down in Stenberg.[41] The court stated "It is not vague or overbroad, and it does not impose an undue burden on a woman's right to choose to have an abortion."[42]

In Burwell v. Hobby Lobby Stores, Inc., (2014) it was established that for-profit private corporations have free exercise rights under the Religious Freedom Restoration Act of 1993.[43] Thus exempting religious corporations from the requirement of the Patient Protection and Affordable Care Act that employers provide their female employees with no-cost access to contraception.

The last major case was Whole Woman's Health v. Hellerstedt, (2016). This was a Texas law that requires abortion providers to have admitting privileges at a hospital within 30 miles and to meet the same standards as ambulatory surgical centers. This was declared to be unconstitutional as it "places a substantial obstacle in the path of a woman seeking a pre-viability abortion."[44] But even so ever since Planned Parenthood v. Casey the argue has stayed at what restrictions are acceptable and who is allowed to pay for it.

---

[40] https://en.wikipedia.org/wiki/List_of_landmark_court_decisions_in_the_United_States#Birth_control_and_abortion

[41] https://en.wikipedia.org/wiki/List_of_landmark_court_decisions_in_the_United_States#Birth_control_and_abortion

[42] https://en.wikipedia.org/wiki/List_of_landmark_court_decisions_in_the_United_States#Birth_control_and_abortion

[43] https://en.wikipedia.org/wiki/List_of_landmark_court_decisions_in_the_United_States#Birth_control_and_abortion

[44] https://en.wikipedia.org/wiki/List_of_landmark_court_decisions_in_the_United_States#Birth_control_and_abortion

Standards as of June 2021

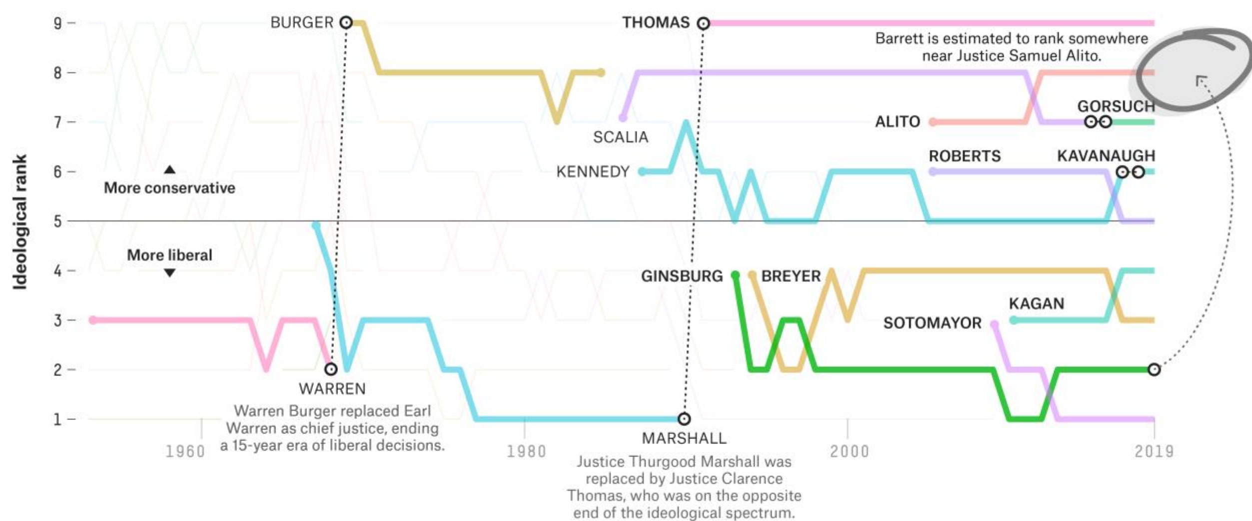
So, thanks to Roe, Doe, and Casey, abortion remains legal and on demand in all states around the nation.

Potential Outcomes

In 2020 Donald Trump was a able to appoint 3 justices to the supreme court. This has created a right learning Court. This is somewhat deceiving though. While there is a 6-3 conservative appointed court it simply isn't that simple. The most obvious is Chief Justice Roberts who has run to the left since Amy Comey Barrett (ACB) has been appointed to the court. Roberts is said to have done this to retain the integrity of the court and try to make it more balanced. Further than this Justices Kavanaugh and Gorsuch have ruled together on the vast majority of their cases and have created a more or less slightly right of center voting block. ACB has seemed to be slightly to the right of them but on most issues has sided with them. Then entrenched on the right are Justices Alito and Thomas and on left are Justices Keagan, Breyer, and

Sotomayor.[45] So while Justices Thomas and Alito as are ready to strike down abortion and make it a states issue once again pro-lifers still need 3 more votes. The line for "Overturning Roe" seems to be just to the right of ACB.[46] Maybe if she was the 5th vote needed she would

[45] Where people expected ACB to vote on the supreme court

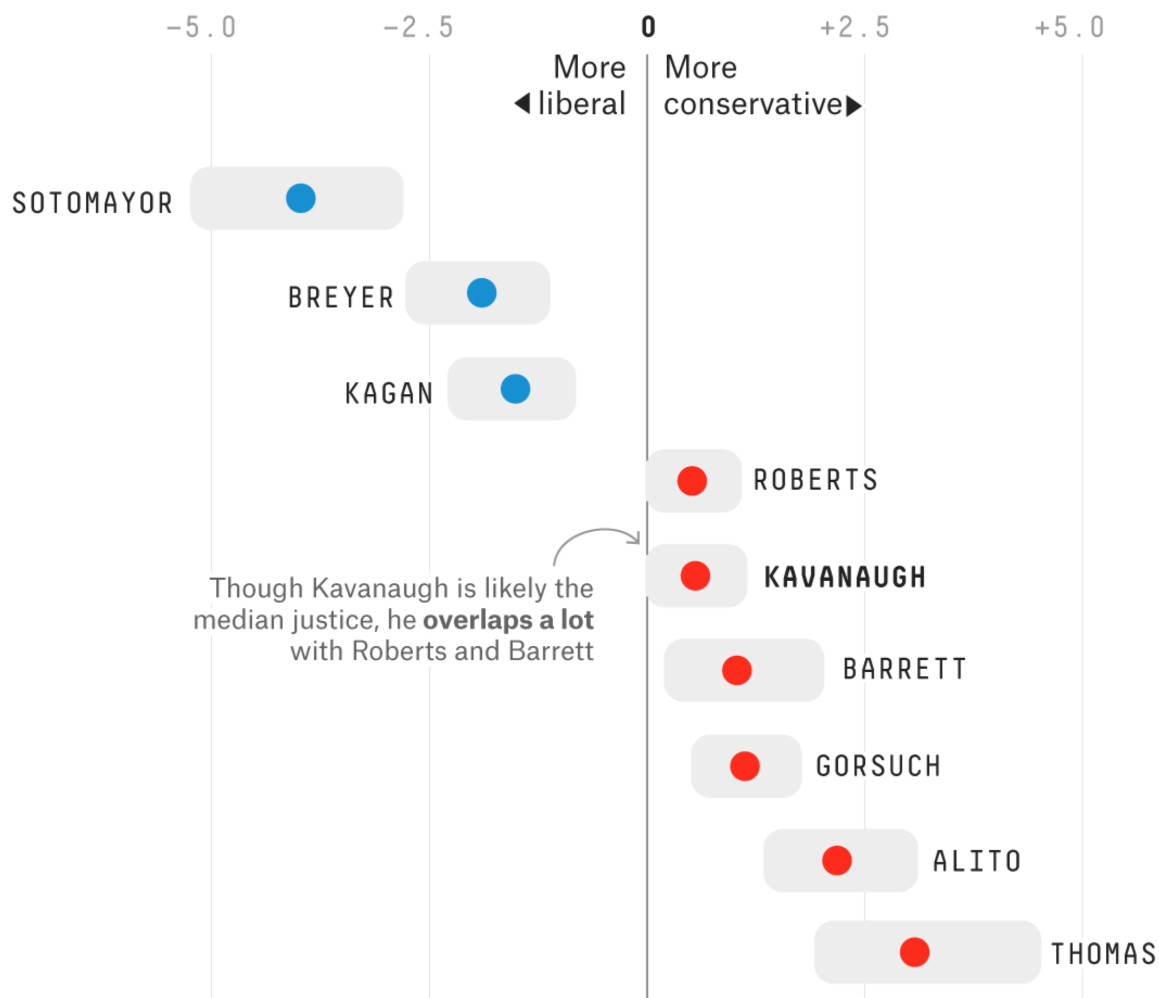


[46] Where ACB has so far voted. While judges have tried to be more centrist at the beginning of their tenure and then moved away from the center this usually isn't super significant. That

sign on[47], but Justice Kavanagh and Gorsuch are not going to go for it. So this begs the question what do I, David Sheffet think will happen.

Currently there are a few abortion related cases sitting on the supreme court docket. Well, I definitely do not see the Supreme Court "Overturning Roe" I do see them beginning to roll back

being said even if ACB moves more to the right it is clear she is not the next Clarence Thomas



[47] But even that seems unlikely as she has written extensively about how even though Roe might be bad president it does fall under super president just like cases like Brown v. Board

“protections” of abortion. I think that the Supreme Court will continue to make these changes as medical science improves more and more and babies are born younger and younger. That being said I don’t think the Supreme Court ever will fully overturn Roe v. Wade. I do eventually think abortions will be severely restricted and made a state issue but I think this will be done through legislative action at the federal level I am not from a court decision. I think this will be propelled by two things, the first being the slow roll of people becoming more and more pro-life. Ever since Roe v. Wade people have become more and more pro-life as babies become viable at younger and younger ages. I think medical science will continue to propel this.
Ever since the Roe v. Wade decision is science has gotten better peoples opinion of abortion has gotten less favorable. There is no better example for this than public opinion on late term abortion. I think this will continue and eventually will result in a few hundred abortions a year as opposed to 1 million which is where we are currently at.[48] The second possible way I see abortion being outlawed it’s by the radical push towards pro-abortion.[49] Certain groups on the left of center have moved from pro-choice Jordan Peterson esque position of, “Abortion is clearly wrong, but it's not that simple.”[50] This seems to be where the majority of Americans stand an abortion as of today but a radical push towards being pro abortion and away from pro choice. If this move does in fact a place it will undoubtedly push people who remain pro-choice towards the pro life camp as they are closer to them then they are to pro abortion advocates.

---

[48] (Even 1 million is a falling statistic as there have been about 60 million abortions since Roe v. Wade less than 50 years ago.)
[49] (ie Women going on SNL same shout your abortion or glorification of abortions)
https://en.wikipedia.org/wiki/ShoutYourAbortion
https://www.youtube.com/watch?v=5w955V6ULd4
https://time.com/4608364/lena-dunham-wish-abortion-comments/
[50] https://www.youtube.com/watch?v=q5k9EDgY8UM

This in my mind is the only possible way abortion will become fully illegal in the United States in my lifetime.

Final Thoughts

That being said I do think abortion will eventually become fully illegal and viewed as the antiquated unscientific idea it is.

At conception that is a human life.[51] It is a unique human being inside a women. A new creature with its own genetics, blood type, and its own body.[52] By week 8 there is a nervous system, unique finger print, eyes legs and hands. Any standard other than conception simply doesn't hold up to muster. It simply is not just a ball of cells because if we found the same ball of cells on mars, we would confidently exclaim that we have found life. Brain development is not a consistent standard as person with down syndrome is still a human with rights. Feeling pain is not a consistent standard as full grown adults have genetic conditions that prevent them from feeling pain are still humans with rights.[53] A heart beat is not a consistent standard as full grown adults like my grandfather has a pacemaker and our former vice-president who was so heartless he didn't have a pulse, isn't he still a human with rights.[54] Viability is not a consistent standard as many people only live with the assistance of machines, are they not still a human with rights. Implementation is not a consistent standard as many children of lesbian and gay parents are fertilized outside the womb, are they not still a human with rights.[55] Brain activity

---

[51] Micheline Mathews-Roth Harvard Medical School
[52] Hymie Gordon, Professor of Emeritus, Mayo Clinic
[53] https://www.verywellhealth.com/cipa-disease-when-a-person-can-t-feel-pain-4122549#:~:text=Congenital%20insensitivity%20to%20pain%20and,type%20IV%20(HSAN%20IV).
[54] https://www.discovermagazine.com/technology/heart-device-keeps-dick-cheney-alive-but-takes-away-his-pulse
[55] https://www.baltimoresun.com/news/bs-xpm-1991-07-20-1991201006-story.html
https://www.verywellfamily.com/what-does-in-vitro-mean-1960211

is not a consistent standard as people in a coma have little to no brain activity, are they not still a human with rights.[56] Sentience is not a consistent standard as we all go to sleep at night, are we then not still a human with rights. Regulation of body temperature is not a consistent standard as babies and old people can not regulate their own body temperature, are they not still a human with rights.[57] Thus if preservation of human life is the standard the only correct standard is protection of life beginning at conception.

This may seem at odds with my stated stance in my method however I sure you it's not. I think there are many things that we currently do that we were not doing the future remove you as antiquated. Examples of this are fossil fuel use and eating meat. In the long run fossil fuel use absolutely contributes to climate change (too what extent is still unknown) and our treatment of animals is immoral particularly things like factory farming. However that does not mean that I think that we should immediately stop either of these things. While they might be a immoral it would be worse to immediately cease this activity as in both the fossil fuel and meat consumption example millions of humans would die. That's why it is a utilitarian argument to which I am diametrically opposed in order to prevent future death of children you need to allow unlimited amount in a present.

[56] https://www.nhs.uk/conditions/coma/

[57] https://myhealth.alberta.ca/health/Pages/conditions.aspx?hwid=tw9031 - :~:text=They can't regulate their,conserve body heat as easily.