CATHOLIC HEALTH CARE LEADERSHIP ALLIANCE

CHRIST CENTERED CARE

April 2024 Newsletter

President's Column

"Development begins at fertilization when a sperm fuses with an ovum to form a zygote, this cell is the beginning of a new human being."

The Developing Human: Clinically Oriented Embryology, W.B. Saunders Co 2003

Dear Friends in Christ,

The science of embryology proves what we all know to be true by common sense - that every human beings life begins at the beginning - at fertilization. Therefore, despite the outrage expressed by abortion advocates and the muddled response by many in the pro-life community, the recent Alabama Supreme Court's majority opinion in Lepage v. Center for Reproductive Medicine was spot-on. The court ruled that under Alabama's Wrongful Death of a Minor Act, the definition of a child includes all pre-born human beings, including intrauterine and extrauterine human embryos.

Acknowledging the biological reality that human life begins at fertilization (a.k.a. conception) the court concluded that, regardless of a pre-born human being's location, whether in the mother's womb or in a test tube, they are all to receive the same legal protection. In the majority opinion Justice Jay Mitchell wrote,

> The central question presented in these consolidated appeals, which involve the death of embryos kept in a cryogenic nursery, is whether the [wrongful death] Act contains an unwritten exception to that ruled for extrauterine children– that is, unborn children who are located

> outside of a biological uterus at the time they are killed… the answer to that question is no: the Wrongful Death of a Minor Act applies to all unborn children regardless of their location.

The immediate, apoplectic response to the court's decision from pro-choice advocates was predictable since it represents a threat to their radical abortion advocacy and exposes the grim reality of the massive destruction of innocent pre-born human life since 1973. But unique to this case are the issues raised regarding artificial reproductive technologies (ART) including the loss of life and callous disregard for embryonic human beings (a.k.a. human children) manufactured by the in vitro fertilization (IVF) industry.

It is telling that although Associate Justice Gregory Cook disagreed with the court's decision, he admitted in his dissent that all parties agreed on the issue of when human life begins. He wrote, "there is no dispute in these cases about when life begins. All parties agree on that issue" and he went on to say that the defendants' counsel conceded this point in oral argument: "... I think that the… embryo is a life, but the issue today is whether an embryo is a child protected under the Wrongful Death Act."

The question raised here is eerily reminiscent of the one considered in the case of Dred Scott in 1857. There the United States Supreme Court ruled that Mr. Scott, although a human being, was someone else's property and therefore was not due the same liberty rights as other men. In the Alabama case, while acknowledging an embryonic human being as a human life, defense counsel suggests he or she is not due the same rights as other children. So are they to be regarded as the mere property of those who manufactured them?

The American Society for Reproductive Medicine (ASRM) made the following response to the court's decision:

> Among the many "take-aways" of the case will be the potential wide-spread consequences in the currently politically charged post-Dobbs environment. While the opinion strictly applies only to Alabama, for states with anti-abortion laws that define life beginning at fertilization, this case offers a roadmap for advancing similar arguments over IVF embryos and ART practices to the detriment of providers, patients, and the families they all seek to create.

The ASRM response reveals a striking similarity between the competing interests found in abortion and IVF, between the competing rights of a mother and her child in abortion, and those of "providers, patients and families" and the children they "create" in IVF. In each case, adult human

beings presume the right to decide which preborn human beings live or die. This hubris has led to countless deaths of innocent human beings.
While some abortion opponents vigorously voice support for IVF citing a clear difference in intent – one to end a life and the other to create a life – the fact is the IVF process consistently results in the death of most of the human embryos manufactured in the laboratory. Available data reveals that only 3% to 40% of embryo transfers survive depending on the mother's age and other factors.

And then there are those who are destroyed after pre-implantation testing identifies a genetic abnormality e.g., Downs Syndrome, which is a form of eugenics. Others are used as raw material for experimentation, some are selectively aborted when multiple gestations occur while some are simply discarded as "leftovers" unwanted by their "creators." A false, underlying premise exists in both abortion and IVF that man has a right to determine the fate of pre-born human beings, who lives and who dies. Both interventions contradict natural law with deadly consequences.

Further information and insight into the problems associated with IVF can be gleaned from the real-life experience and knowledge of a pro-life Catholic Ob-Gyn, as well as the personal and painful experience of a patient who has gone through the whole process.

So how do we respond to the significant suffering experienced by married couples with infertility? Are we limited to condemning IVF? Are there effective medical alternatives to artificial reproductive technologies that are morally acceptable?

The good news is a resounding YES! There are, in fact, ethical alternatives, and they are not only more effective, but their intent is to discover, and when possible to correct the underlying medical cause of a couple's infertility thereby restoring both good health and fertility.

I encourage those interested in further information regarding alternative medical and surgical options for treatment of infertility to read about Natural Procreative Medicine (NaPro). We have also included an article this month by Dr. Paul Carpentier, Vice President of the International Institute for Restorative Reproductive Medicine on the emerging field of restorative reproductive health care. And for a review of the Catholic moral/ethical perspective on reproductive health care, visit the USCCB.

Finally, in response to the growing attention given to ART in the wake of the Alabama case, Bishop Burbidge of Arlington, V.A., Chairman of the USCCB Committee on Pro-Life Activities, summarizes well the Church's concern:

> The national conversation in the news about laws related to in vitro fertilization and other technologies creates an opportunity and a necessity to speak about protecting the gift of life itself. Each of our lives has immeasurable value from the moment of conception… It is precisely because each person's life is a unique gift that we cannot condone procedures that violate the right to life or the integrity of the family. Certain practices like IVF do both… The fact is that, in the IVF industry, many embryos are never transferred to a mother's womb, but are destroyed or indefinitely frozen, and, of those who are transferred, only a fraction survive… This cannot be the answer to the very real cross of fertility challenges.

If we all actually agree to "follow the science," the current evidence supports a shift in focus from artificial reproductive interventions to further development of the natural restorative reproductive healthcare model in the treatment of infertility, which will restore health and improve outcomes while respecting the right to life of the preborn and the integrity of human procreation.

God Bless,
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