

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3017

2005 HOUSE CONSTITUTIONAL REVISION

HCR 3017

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR3017

Constitutional Revision

☐ Conference Committee

Hearing Date 02-15-05

Tape Number	Side A	Side B	Meter #
1	x		40.6 --- end
		x	0.1 ---- 4.5
Committee Clerk Signature <i>Mike Haan</i>			

Minutes:

**Rep Kerzman, Dist 31:** (40.6) appeared in favor of HCR3017. (See attached testimony)

**Stacey Pflieger, Ex Dir of the ND Right to Life Assoc:** (41.9) appeared in support of HCR3017. (See attached testimony) Due to time constraints, the testimony was passed out & an overview given. The cloning issue had been inadvertently left out & we believe that this amendment would take care of that. The wording on the amendment basically says biological development.

**Rep Meier:** (41.9) How many other states are urging Congress to do this also?

**Phliiger:** I don't have that number, but I'll get back to you.

**Christina Rondeau, ND Family Alliance:** (44.4) appeared in support of HCR3017. (See attached testimony)

**Rep Conrad:** (44.4) How is your organization funded?

**Rondeau:** We're a nonprofit organization, funded primarily through private donations & contributions from people all around the state. We basically serve as an advocate for family values because we're finding increasingly that they value their traditional values & that they're under represented.

**Rep Conrad:** (44.8) How many members do you have?

**Rondeau:** We have a constituency list of close to 3,000 households & churches around the state.

**Christopher Dobson, Ex Dir of ND Catholic Conf:** The Catholic Bishop established a national committee for Human Life Amendment in 1974 & that remains an active office pursuing a number of issues & dedicated to the eventual adoption of a Human Life Amendment to the US Constitution. On behalf of our Bishops we support this resolution.

**Rep Kretschmar:** (47.4) There is a provision in the Federal Constitution that if 2/3 of the states petition the Congress, the Congress will \_\_(can't understand)\_\_\_ propose amendments to the Constitution. \_\_(can't understand)\_\_\_?

**Dobson:** I've heard of the proposal b/4, but it didn't come from the US District's office. RE: to amendments to the Constitution, determination is based on each individual proposal. We have issues now that we didn't have before (ie:cloning) so it's looked at in a new light.

**Carol Two Eagle:** (49.3) appeared in opposition to HCR3017. I'm a pipe carrier & have people come to me for counseling on this matter. I tell them, because our traditions provide, that the only person who can carry the responsibility either way, is the woman ... it's her right to choose. I would like to take out L.1, on P.2, where it talks about involuntary servitude. This bill would condemn women in involuntary servitude, both physical & spiritual & the results are well documented as to it's reality & it's results on children. **I will provide written testimony later &**

it will have more information. How can the woman be deprived of the chance to choose? On one hand, she needs to be wise & intelligent enough to raise a child, then when she becomes pregnant, this bill maintains that she automatically become brainless. The conflict is, you have a definition of life, regarding imposition of one's person's (or groups) will on another person, regarding their sexual organs. *(side B)* That body of law refers to gross sexual imposition, which is rape. You can't force a woman to remain pregnant without committing a form of gross sexual imposition on her if she doesn't want to remain so. I ask you for a "do not pass" on this bill.

**Rep Kasper:** (1.2) In your personal opinion or spiritual feeling & beliefs, when does human life begin & should there be any limitation on a woman to have an abortion at any time during the pregnancy?

**Two Eagle:** It varies, depending on the Indian Culture, it's always @ birth or later. With some of us, including a traditional tribe in Canada, it's 4 yrs. They're technically not a real person until 4 yrs, so they guard it because it's a potential (like the medicine bundle). As for having an abortion at any time during the term, I think it's self defining, & it would not be from within our spiritual way. Traditionally, if we were in a condition of war or starvation, there have always been ways to induce an abortion; mainly they're herbal. The woman may do that as a matter of responsibility. There is a point in the pregnancy (roughly the 1st third), is considered an acceptable time & after that it's a matter for more debate in most cultures. Within my own, it's not a human being until it's born, until it's living on it's own. My own personal view is shaped by my tradition; I am a preacher of my tradition; I am a standard bearer of it.

**Chairman Koppelman:** I will reopen the hearing to allow those of you who gave us written testimony & didn't have time to explain it & others who are not here the opportunity. I believe

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our next meeting will be next Wednesday, the 23rd of February. We will recess the hearing on

HCR3017 at this time.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR3017

Constitutional Revision

☐ Conference Committee

Hearing Date 2-23-05

Tape Number	Side A	Side B	Meter #
2		X	51.0 ---- End
Committee Clerk Signature <i>Diane Wain</i>			

Minutes:

**Chairman Koppelman:** (51.0) reopened the hearing on HCR3017. There was no further oral testimony. Written testimony that was sent prior to the hearing was distributed. Hearing closed on HCR3017.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR3017

Constitutional Revision

☐ Conference Committee

Hearing Date 2-28-05

Tape Number	Side A	Side B	Meter #
1	x		36.3 ---- 43.2
Committee Clerk Signature <i>Maureen Haan</i>			

Minutes:

**Chairman Koppelman:** (36.3) We'll take a look at HCR3017. This is not a resolution to amend the Constitution of ND, but it's a resolution to urge Congress to pass a human life amendment to the Constitution of the US. Are there any comments?

**Rep Meier moved a "Do Pass"**

**Rep Kasper seconded it**

**Rep Meier:** (36.8) It's a good thing to do (*can't hear the rest*).

**Rep Klemin:** (37.2) I'm going to vote in favor of this, but I disagree with some of the language.

I don't know that it's actually correct to say, for instance, on P.1, L. 21 "no person may be deprived of life without due process of law". I think it's more accurately reflected in the equal protection amendment. Also P. 2, L. 12, "deprived of equal protection of law without due process". In my opinion, it's not very well drafted.

**Rep Koppelman:** (37.9) Would you like to offer an amendment?



**Rep Klemin:** No, I just don't think it's technically correct as far as from a Constitutional standpoint.

**Rep Koppelman:** (38.3) Since this will be heard in the other chamber. if there are concerns there, maybe they'll amend it & we are up against a deadline here.

**Rep Klemin:** (38.6) If I was to amend this, I would recommend that on P. 2, L. 12, the words "without due process" would be deleted. The "due process" is a separate clause.

**Rep Conrad:** (39.0) I will be voting against this because of P. 2, beginning on L. 10, ".... the inalienable right to life is vested in each human at the moment of fertilization ...." There is disagreement about that, we had some testimony during hearing & that's a religious decision or a philosophical decision.

**Rep Meier:** (39.8) In ref to what Rep Klemin was saying ".... remove without due process". I don't know if *(can't understand)*.

**Chairman Koppelman:** We do have a motion for a "Do Pass" on the floor, so in order to do that, we'd have to withdraw that motion & the 2nd. Rep Klemin indicated he wasn't really interested in offering an amendment now, but just pointing out what he perceived as flaws in the resolution. Rep Klemin, are you interested in an amendment?

**Rep Klemin:** (41.1) The only change I'd make would be on P. 2., L. 12.

**Rep Kasper:** (41.2) By taking those phrases out without the benefits of the pros & cons, I'd feel much more comfortable if it was battled out on the Senate side, on those particular words. There may be a reason for the proponents wanting it & I don't know what it is.

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**Chairman Koppelman:** Given Rep Kasper's reluctance to withdraw his second, the motion is on the floor & we need to move on & again that can be addressed on the Senate side if it passes in the House.

We'll ask the clerk to call the **roll on a "Do Pass"** recommendation on HCR3017

5 Yes    1 No    1 Absent & Not Voting    Carrier: Rep Meier

**Chairman Koppelman:** (43.2) Closed the committee meeting on HCR3017.

Date: 2-28-05  
Roll Call Vote #:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HCR 3017

House CONSTITUTIONAL REVISION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken To Pass

Motion Made By Meier Seconded By Kasper

Representatives	Yes	No	Representatives	Yes	No
Chair Koppelman	✓		Rep. Conrad		✓
Rep. Kretschmar, Vice Chair	✓		Rep. Sandvig	A	B
Rep. Kasper	✓				
Rep. Klemin	✓				
Rep L. Meier	✓				

Total (Yes) 5 No 1

Absent 1

Floor Assignment Meier

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
March 1, 2005 4:24 p.m.

**Module No: HR-37-3912**  
**Carrier: L. Meier**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HCR 3017: Constitutional Revision Committee (Rep. Koppelman, Chairman)**  
recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HCR 3017  
was placed on the Eleventh order on the calendar.

2005 SENATE HUMAN SERVICES

HCR 3017

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3017

Senate Human Services Committee

☐ Conference Committee

Hearing Date March 21, 2005

Tape Number	Side A	Side B	Meter #
1		X	10.3 - 20.3
Committee Clerk Signature <i>Janet James</i>			

Minutes:

**Senator Judy Lee**, Chairman of the Senate Human Services Committee opened the hearing on HCR 3017 urging Congress to pass a human life amendment to the Constitution of the United States.

All members of the committee were present.

**Representative James Kerzman** of District 31, cosponsor of HCR 3017 introduced the resolution stating the resolution developed as a result of the pro-life caucus wanting to portray the feelings of the majority of North Dakotans. A number of other states are working on similar resolutions before Congress to require a constitutional change. There is a concern from the Right to Life movement that cloning was not included in the resolution, even though an attempted amendment failed in the House. He further stated his supported the cloning amendment as it was written.

**Stacey Pflieger**, Executive Director of the North Dakota Right to Life Association testified in support of HCR 3017. See written testimony (Attachment #1). She also proposed an amendment that would include cloning (See attachment #1A).

**Christopher Dodson**, representing the North Dakota Catholic Conference, testified in support of HCR 3017 stating the United States Bishops established an office called the National Committee for Human Life Amendment in the early 1980s. It has remained committed to life as a first and fundamental right protected by the constitution. Only in the last few years has cloning been included in the efforts to protect life.

**Senator Lee** asked if the speaker had a opinion as to why the House did not adopt the cloning amendment.

**Christopher Dodson** admitted he did not have any idea as they were not included in the discussions.

**Senator Dick Dever** asked if cloning is illegal in the United States and North Dakota.

**Christopher Dodson** answered that there is no federal law against human cloning, although it has been proposed.

Discussion was held as to the meaning of "suicidal ideation" meaning that some one has thoughts of suicide.

**Senator Dever** pointed out that in the resolution on Line 17, there is a typo and the word "by" should probably read "but".

Testimony in opposition to HCR 3017 from **Jessica McSparron-Bien** representing the North Dakota Council on Abused Woman's Services, was distributed to the committee. See written testimony (Attachment #2).

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Senate Human Services Committee

Bill/Resolution Number HCR 3017

Hearing Date 3-21-05

**Senator Lee** asked for testimony in a neutral or opposition to HCR 3017, and hearing non,  
closed the hearing on HCR 3017.



2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HCR 3017**

**Senate Human Services Committee**

☐ Conference Committee

Hearing Date March 22, 2005

Tape Number	Side A	Side B	Meter #
1		x	3495-4080
Committee Clerk Signature <i>Diane Davis</i>			

**Concurrent resolution urging Congress to pass a human life amendment to the  
Constitution of the United States**

(meter #3495, tape 1, side B)

**Senator Dever** - Moved for do pass on amendment

**Senator Warner** - Seconded

Roll taken for do pass

**Senator Dever** - Moved for do pass as amended

**Senator Warner** - Seconded

Roll taken for do pass, 3-2

**Senator Dever** will carry

Date: 3-22-05  
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HER 3017

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass Amendment

Motion Made By Sen Dever Seconded By Sen Warner

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee - Chairman	✓		Sen. John Warner	✓	
Sen. Dick Dever - Vice Chairman	✓				
Sen. Richard Brown	✓				
Sen. Stanley Lyson	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

right to life organization

Date: 3-22-05  
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HCR 3017

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Further Do Pass as amended

Motion Made By Sen. Dever Seconded By Sen. Warner

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee - Chairman		✓	Sen. John Warner	✓	
Sen. Dick Dever - Vice Chairman	✓				
Sen. Richard Brown		✓			
Sen. Stanley Lyson	✓				

Total (Yes) 3 No 2

Absent 0

Floor Assignment Sen. Dever

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HCR 3017: Human Services Committee (Sen. Seymour, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3017 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "begins at" with "should be protected at every stage of biological development; and"

Page 1, remove lines 7 through 10

Page 1, line 17, replace "by" with "but"

Page 2, line 11, remove "at the moment of fertilization"

Renumber accordingly

**2005 TESTIMONY**

HCR 3017



North Dakota  
**FAMILY  
ALLIANCE**

DEDICATED TO STRENGTHENING FAMILIES

2-15-05  
HCR 3017

3017

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*Christina Kindel*  
EXECUTIVE DIRECTOR

TO: Constitutional Revision Committee  
FROM: Christina Rondeau, North Dakota Family Alliance  
DATE: February 15, 2005

Mr. Chairman and committee members, my name is Christina Rondeau with the North Dakota Family Alliance.

North Dakota Family Alliance fully supports the findings and facts outlined in HCR 3017. Therefore, I ask you to give HCR 3017 a strong DO PASS recommendation.

It remains an important principle in a democratic process that the citizens are able to maintain accurate representation of their own governing principles through their elected representatives. Current research shows a clear and continuing shift toward life-affirming views among American citizens, including our youth<sup>1</sup>. Recent Congressional elections have also demonstrated a stronger determination on the part of Americans to elect pro-life representation to Congress. HCR 3017 provides North Dakotans with an important opportunity to ask members of Congress to accurately reflect that important shift in our nation's views regarding human life and abortion.

In addition, many people believe that North Dakotans possess even stronger pro-life views than the American average. One place this belief is reflected is in the strong, life-affirming language found in our state statutes governing abortion: Section 14-02.1-01 of the North Dakota statute, the leading section of the abortion control act, reads, "The purpose of this chapter is to protect unborn human life and maternal health within present constitutional limits. It reaffirms the tradition of the state of North Dakota to protect every human life whether unborn or aged, healthy or sick." The resolution before you today is an affirmation of this section of state statute. It also provides North Dakota citizens with the opportunity to urge Congress to support a human life amendment, thereby providing states like North Dakota the opportunity once more to enact laws that are in keeping with our pro-life culture. Therefore, I urge you again to give HCR 3017 a positive, DO-PASS recommendation. Thank you.

<sup>1</sup> In 2003, a Gallup Poll showed 72% of teens between ages 12-17 believe abortion is morally wrong. In addition, the UCLA's Higher Education Research Institute conducted a survey of American college freshman and found a 10% decrease of support for legalized abortion between 1991 and 2003, from 65% to 55%.



*North Dakota Right to Life Association*

Testimony before the HOUSE CONSTITUTIONAL REVISIONS COMMITTEE  
House Concurrent Resolution 3017  
February 15, 2005 3:15 pm

Chairman Koppelman, members of the committee, I am Stacey Pflieger, Executive Director of the North Dakota Right to Life Association. I am here today in support of House Concurrent Resolution 3017 urging Congress to pass a human life amendment to the Constitution of the United States.

In a civilized society, the necessary and legitimate function of law is to provide legal protection to the right to life of each human being, born and unborn, irrespective of origin or condition. As Thomas Jefferson so eloquently stated, "The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government." We agree - as did all those who signed our Declaration of Independence, which boldly declares, "We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among those are life, liberty, and the pursuit of happiness."

We therefore reaffirm what we have always known to be true but which medical technology continues to show - that human life should be protected at all stages of development, whether that child's life began at fertilization when the human sperm united with the human ovum or whether that child's life began by human cloning or asexual reproduction. We call upon Congress to defend those who cannot defend themselves, to return society to one in which the most vulnerable among us will find refuge and protection under the Supreme Law of the Land. The Human Life Amendment will force rogue judges who set this ball in motion to cease their defenseless attempts to further enshrine this so called right to kill an unborn child. The Human Life Amendment is necessary to ensure that judges will begin interpreting the Constitution from the premise that the right to life is supreme, not optional. Finally, North Dakota officially declares that abortion is bad for women, and calls upon Congress to recognize the same by passing the Human Life Amendment. Let us say goodbye to a society that has told women they cannot attain success or equality without the ability to kill their child. Instead, let us embrace a culture of life and reaffirm the equality and dignity of women, not despite, but *because of*, their unique ability to bring forth life.

I urge the committee to give HCR 3017 a **DO PASS** recommendation.

Testimony  
*HCR* ~~HRC~~ 3017  
By: Representative Kerzman

Mr. Chairman and Members of the Constitutional Revision Committee:

HRC 3017 is coming forward from the Pro-Life Caucus. Members of the Pro-Life caucus would like to see this legislature recommend this resolution, that Congress adopt an amendment to the US Constitution recognizing life beginning at conception and protecting that life under law.

It is our understanding that a number of states will be doing similar resolutions. We also see this as a way to address the concerns of abortion on the national scale. We also believe that the majority of North Dakotans agree with the contents of this resolution.

Upon reviewing this resolution, Right to Life Attorneys found that "cloning" had been inadvertently left out. Please consider amending to address the concern.

I'll try to answer any questions, but if they are too technical I may have to refer to the experts on this issue.

Thanks for your favorable consideration.

Many future members of society, potential citizens of this fine country thank you also.

Representative James Kerzman



Page 1, lines 6 thru 10 strike out

Page 1, line 6 insert : "Whereas, the Legislative Assembly finds that the life of a human being should be protected at every stage of biological development; and

pick up with line 11

On page 2, line 11, delete "at the moment of fertilization"

Hau mitakuyapi. Hello my relatives. For the record, my name is Carol Two Eagle. I stand in opposition to HCR 3017 for the following reasons:

Page 1, line 6-7 - While the Legislative Assembly may find that human life begins at fertilization, that is not necessarily true from all cultural viewpoints. Before missionaries, our American Indian Traditional view was that life begins when someone is born & takes their first breath. Even today, *authentic* Traditional People still believe this way, including me, & I am a college-educated person with a degree in the hard sciences.

While I am not a member of the Legislature, I have no doubt that there are many members of the Legislature who agree with me & the authentic Traditional view; but they are afraid to speak about it because of the bullying tactics of the so-called 'right to life or pro life' people.

In reality, the so-called 'right to life or pro life' people are not so much concerned with the living as with birthing. They are in reality 'pro birth'. If they were truly concerned with 'life', they would be concerned more with quality of life than with mere quantity. Every additional human born puts that much more pressure on our Holy Mother, the Earth, & on all of the other kinds of People who live on Her with us - the Standing People (plants), the Winged People, the Four-Legged People, and so on. Because of human over-population, *there are, right this minute, some 40,000 species of Other People who are endangered on this planet* which is our Holy Mother. Their very survival hangs by threads because of human over-population. If they become extinct, our own extinction is not that far away. Those who only concern themselves with having more humans on the planet is irresponsible, disrespectful to our neighbors, and therefore is wrong. Their argument is one of illusion.

Also - Stillborns give the lie to the contention of this bill on Pg. 1 lines 6 7, also. I know this personally because I had more than one stillborn despite a very healthy lifestyle. I wondered about stillborns so I did hanblecheya (vision quest) & prayed on the matter. The spirits told me that the human body works like a robot; when a woman gets pregnant, her body makes another body, *but life does not occur unless or until a spirit takes up residence in that body & it is born & it lives on its own*; regardless of the length of time it lives. So if the spirits think a woman has other things to do that are more important (as they said of me), or if for any reason they don't think she should raise a child, then no spirit will take up residence in that house her body is building, & it will be born dead. They said this is not a problem; it is that humans see it as one.

On Page 1, Lines 11-12, there is another inaccuracy. Abortion procedures only pose risks to the mother that are more significant than those of birthing during the last 2 trimesters of pregnancy. *During the first trimester, the risks are considerably less than during birthing.* After the first trimester, the risks increase as time goes on, of course, but it is well documented that birthing is very dangerous for both mother & child.

On Page 1, Lines 13-15, the risks listed are not true for all women. Women who are forced to become mothers by denying them access to hospital or clinical abortions are at much greater risk of death because they will be forced to back-alley abortionists, as was the case in the old days. Women who are denied access to hospital or clinical abortions suffer severe depression & rancor, which results in all manner of child abuse, self-abuse, spousal abuse, & man-hating

speech & behaviors. These things are all well-documented. None of this is healing to the sacred hoop of the world; which is the focus of my vow that brings me to you on this matter.

Page 1, Lines 16, 20, and 21 only apply to those who are already born; and the papers of the founders clearly show that they never meant to include not-yet-living individuals under the protections of the Constitution. *Nowhere* in the papers associated with the Constitution or the founding of the U.S.A. is this issue in any way addressed.

Page 1, Line 25 and Page 2, Line 1 speak of involuntary servitude occurring to fetuses if abortion occurs. This is completely false. Involuntary servitude means enslavement. *The only persons enslaved* if HCR 3017 were to pass and an Amendment to the U.S. Constitution were to occur *would be women*, who would be forced to become mothers, with all that that entails. The rancor resulting from such involuntary servitude is well-documented as to its reality and results on children & society in general, all of which are abusive.

Page 2, Lines 3-5 this argument argues itself, and so defeats it, because its basic premise is false. The correct argument would be, Whereas, *denying women their right to choose* abortion is a deprivation of *their* right to life, liberty, and *their* pursuit of happiness guaranteed under the Constitution, along with their right to equal protection of the law, and is the ultimate manifestation of the involuntary servitude of one human being to another.

Page 2, Lines 6-7; *Not* every member agrees therein. Those who don't agree simply don't have the courage to do so, there being such a witch hunt mentality regarding this subject, in the people of the so-called 'right to life or pro-life' movement. Moreover, when running a campaign, the bullies in the so-called 'right to life or pro life' movement would make the campaign of anyone who disagrees with this bill a one-issue campaign, which does not serve the best interests of either the populace at large, or of democracy, and is grossly unfair. But of course, bullies don't care about fairness, by definition. Therefore, those who disagree with this amendment duck the issue as best they can. What a pity. It is a lie that "everyone" wants this bill - or even that "the majority" does.

*Because the woman is the only one who carries all spiritual responsibility for the prospective person when she is pregnant, whether she opts to remain pregnant or not, the woman is the only person who has any right to any say in this matter at all.* Any other approach violates her First Amendment Constitutional Right to Privacy, deprives her of her liberty and right to build her life as she sees fit, etc., no matter what.

Past that, how can anyone justify the claim that women are automatically assumed to be intelligent and wise enough to raise a child to productive adulthood when they are not pregnant, but when they become pregnant, their brains, intelligence, and wisdom suddenly disappear? This is ridiculous. It is a lie. Women who already have children then would be simultaneously able to be successful mothers until they become pregnant, and then they could not do their jobs as mothers. Impossible. Society would disintegrate due to the huge overload of suddenly-brainless, stupid, incompetent women, all of whom would need full-time caretakers in order to survive. This simply does not happen, as we all know. Women who are already mothers who do not want to birth more children would not be able to take care of their existing children, and would thus require care-takers for those children. This does not happen, either, as we all know.

This mythical sudden loss of mental competence can't be put off to hormonal fluctuations, or all of us would be born mentally unfit & unable to learn. As we all know, birth to age 3 or 4 is the time of greatest speed of learning in children; and the time of greatest effect on the fetus is before birth.

When we speak of pregnancy in any culture, we say, we are *going to have* a baby. Future tense. In my & many other cultures, a baby is a person *after* they are born, not before. Before, a woman is admonished to think good thoughts, eat well, and do other things to make sure she attracts a good spirit to the baby body her body is building, so she births a healthy baby. Logically, this is true in any culture. Among the Cree, for example, even after birth, babies are not really people until they are four, when they are named. And isn't baptism the Christianity way of making a person real that is when they are given their names, after all. Otherwise, even in that spiritual view, the baby isn't a real person, and can't go to heaven, because it doesn't have a name.

Last, there is another conflict in logic to consider. This conflict occurred to me during a hearing before House Human Service Committee on a similar bill, and I took it to the Committee. It is this:

In existing law, there is a body of law that deals with imposition of one person or groups will on another person with respect to that persons sexual organs. There is nothing more sexual than pregnancy, of course. The term referred to in the definition is gross sexual imposition. The one-word name for this is rape. How can this Committee or this Legislature reconcile the above definition with the concepts of HCR 3017? It cannot. They are in direct opposition to each other in concept, and therefore cancel each other out. Either one set of laws is true, or the other is, but both cannot be, by definition. No logical definition can be made which will allow both to exist, either.

Moreover, how will the body of law as a whole reconcile this conflict within itself? It cannot. Passage of this bill or any other like it is, by definition, promoting gross sexual imposition on women as socially desirable, as normal, as good.

During this week of February 14<sup>th</sup> on, the Abused Adults Groups have displays in the Great Hall of the Capitol building. They have the definition of sexual abuse posted. That definition specifies that if one person or group of persons impose their will on another relative to any sexual activity, the imposers commit abuse. No one here would deny that they are absolutely right – therefore, how can this Committee or this Legislature seriously consider this bill? None of you would intentionally commit sexual abuse, but that is what this bill promotes.

Decisions regarding pregnancy are tough enough as it is. The subject is one of the most intimate subjects for any woman, because she *and she alone carries all spiritual responsibility for the results, either way*. It is no one's business other than hers. Leave it that way, & kill this bill. Thank you for hearing me in a good way now. Mitakuye oiasin.

What have you done today to help heal the Sacred Hoop, of which you, too, are a part? Is it kind? Is it helpful? Is it needed?

2-23-05  
HCR 3017

TO: Constitutional Revision Committee  
FROM: Christina Rondeau, North Dakota Family Alliance  
DATE: February 23, 2005

Mr. Chairman and committee members, again for the record, my name is Christina Rondeau with the North Dakota Family Alliance.

As an addendum to the written testimony that I submitted to you on February 15 regarding HCR 3017, and in view of the shortened public hearing on HCR 3017 that limited some of the testimony, I simply wanted to add a few comments that I believe are worthy of your consideration, and again urge a DO PASS recommendation of HCR 3017.

Little doubt remains among those either for or against abortion that the controversy surrounding Roe v. Wade has not, and will not, go away. Just a week ago, over 30 years past the Roe v. Wade ruling, members of our own House of Representatives voted on another piece of legislation that some members of the pro-life community had presented. That piece of legislation was killed on the House floor. Much of the opposition stemmed from strategic and ideological differences among pro-life groups and legislators themselves.

As a representative of an organization whose constituency represents members from both sides of that controversy, I found it impossible to take a position on that bill. However, in looking at HCR 3017, I find none of the reasons that caused North Dakota Family Alliance to respectfully remain neutral on the previous bill. This resolution is a solid piece of pro-life work, because it represents the common ground that all pro-life groups share – an understanding that any change to Roe v. Wade must ultimately be decided at the federal level, and by the legislative branch of government.

As a resolution urging members of Congress to pass a Human Life Amendment to the United States Constitution, HCR 3017 encourages a process to be enacted that would allow every state to be included in this national controversy, from the Congressional level to the state level. It would place the controversy back in the proper sphere – that of the elected representatives of the people, beginning at the federal level, which is, ultimately, where any challenge to Roe v. Wade must be decided.

I again urge members of this committee to give HCR 3017 a strong DO PASS recommendation.



*North Dakota Right to Life Association*

Testimony before the HOUSE CONSTITUTIONAL REVISIONS COMMITTEE  
House Concurrent Resolution 3017  
February 23, 2005

Chairman Koppelman, members of the committee. I am Stacey Pfliger, Executive Director of the North Dakota Right to Life Association. Again, I am here today in support of House Concurrent Resolution 3017 urging Congress to pass a human life amendment to the Constitution of the United States.

Today I would like to again reiterate that human life should be protected at all stages of development, whether that child's life began at fertilization when the human sperm united with the human ovum or whether that child's life began by human cloning or asexual reproduction (also known as cloning). We believe it is important to send a message from the State of North Dakota to call upon Congress to defend those who cannot defend themselves, to return society to one in which the most vulnerable among us will find refuge and protection under the Supreme Law of the Land.

During last week's hearing, Rep. Meier asked how many other states were doing this (resolution)? In checking with the National Right to Life Committee, I was told all fifty state affiliates of the National Right to Life Committee were aware of this resolution, but the number of states actively pursuing this type of resolution is unknown.

North Dakota Right to Life also supports the amendment proposed by Rep. Kerzman that strengthens the language of the resolution.

Again, I urge the committee to give HCR 3017 a **DO PASS** recommendation.



*North Dakota Right to Life Association*

Testimony before the SENATE HUMAN SERVICES COMMITTEE  
House Concurrent Resolution 3017  
March 21, 2005 10:15 am

Chairman Lee, members of the committee, I am Stacey Pflieger, Executive Director of the North Dakota Right to Life Association. I am here today in support of House Concurrent Resolution 3017 urging Congress to pass a human life amendment to the Constitution of the United States.

In a civilized society, the necessary and legitimate function of law is to provide legal protection to the right to life of each human being, born and unborn, irrespective of origin or condition.

We therefore reaffirm what we have always known to be true but which medical technology continues to show- that human life should be protected at all stages of development, whether that child's life began at fertilization when the human sperm united with the human ovum or whether that child's life began by human cloning or asexual reproduction. We call upon Congress to defend those who cannot defend themselves, to return society to one in which the most vulnerable among us will find refuge and protection under the Supreme Law of the Land. The Human Life Amendment is necessary to ensure that judges will begin interpreting the Constitution from the premise that the right to life is supreme, not optional. Finally, North Dakota officially declares that abortion is bad for women, and calls upon Congress to recognize the same by passing the Human Life Amendment. Let us say goodbye to a society that has told women they cannot attain success or equality without the ability to kill their child. Instead, let us embrace a culture of life and reaffirm the equality and dignity of women, not despite, but *because of*, their unique ability to bring forth life.

I urge the committee to give HCR 3017 a **DO PASS** recommendation.



HCR 3017  
Proposed Amendments

Page 1, strike lines 6-10 and replace with "Whereas, the Legislative Assembly finds that the life of a human being should be protected at every stage of biological development; and;"

Page 2, line 11, strike "at the moment of fertilization"

**NORTH DAKOTA COUNCIL ON ABUSED WOMEN'S SERVICES  
COALITION AGAINST SEXUAL ASSAULT IN NORTH DAKOTA**

418 East Rosser #320 • Bismarck, ND 58501 • Phone: (701) 255-6240 • Fax 255-1904 • Toll Free 1-888-255-6240 • [ndcaws@ndcaws.org](mailto:ndcaws@ndcaws.org)

Chairperson Lee and Members of the Senate Human Services Committee

Date: Monday, March 21, 2005

Re: testimony in opposition to HCR 3017

For the record I am Jessica McSparron-Bien, Sexual Assault Policy and Program Coordinator for the Council on Abused Women's Services/Coalition Against Sexual Assault in North Dakota. I am here to provide testimony in opposition to HCR 3017 relating to the human life amendment to the United State Constitution. Although NDCAWS/CASAND does not have a policy position on abortion, we are united in our concern for victims of sexual assault, and are therefore limiting our testimony to the possible criminalization of emergency contraception for rape victims.

A female sexual assault victim's number one concern is pregnancy, followed closely by sexually transmitted diseases. The risk of pregnancy from a sexual assault is 2 to 5%. In the U. S., an estimated 25,000 women become pregnant from sexual assault every year (Stewart, & Trussell, 2000). National recommendations from the American Medical Association, Sexual Assault Nurse Examiners, American College of Emergency Physicians, International Association of Forensic Nurses, and American College of Obstetricians and Gynecologists all state that providing FDA approved emergency contraception in cases of sexual assault is the standard of care.

This resolution is so broadly written that it effectively eliminates the option for physicians to provide this invaluable treatment option for sexual assault victims.

Please oppose this resolution.

Thank you.