

Scott Ross Testimony, 3/19/2019
Proponent of S.B. 23, the Heartbeat Bill
Ohio House Health Committee

Chairman Merrin, Vice Chair Manning, Ranking Member Boyd & members of the committee,

Dr. Jack Willke, the father of the pro-life movement, often stated the Supreme Court decision Roe vs. Wade is vague and arbitrary, as it conjured up new legal terms and for the first time applied them in a medical setting. I am referring to “trimester” and “viability.”

Human development during pregnancy is a continuum, a constant day by day, in fact moment-by-moment maturation and growth. The invention of trimesters as created and applied in Roe has proven to be medically flawed and erroneous.

Viability outside the womb is determined by the technology of the day. It is ever changing, from new medications, drugs, procedures, equipment and its application from the simple, such as oxygen, IVs, and incubators, to the more complex such as ventilators, dialysis, surgery and the like. Roe v Wade partly and poorly based its decision on, and I quote, “...in the light of present medical knowledge...”

To my point, there was a time when simple oxygen, an IV or incubator was not only not simple, it was impossible.

Though I agree we must apply legal standards to the present day body of knowledge, that doesn't mean we always do it correctly.

We determine when life ends by two simple and objective criteria – brain waves and a heartbeat. Even in the absence of brain waves, a body can still be alive – biologically alive. Brain waves have been known to cease for extended periods, and return.

I am not here to examine the complex issue of brain waves, brain life and brain death. We are here to discuss the other measure of life – The Heartbeat.

When a heart ceases to beat for an extended length of time, the person dies. We can all agree that after a period of time, be it minutes or hours without a heartbeat, life ceases. Death occurs.

I hope we can likewise agree that, when there is a heartbeat, life exists! This objective standard does not depend on ever-changing medical technology. It is good law. As a civil society, as a country, as a state, we must protect the most innocent of life.

I've heard it argued these past years in previous attempts to pass this legislation that the Supreme Court will eventually rule the Heartbeat Bill unconstitutional in light of Roe vs. Wade, so we should not pass it.

My encouragement to you is perform your job as legislatures. Protect life. Do not supplant yourself in the role of the Judiciary. Don't make a legislative decision based on crystal ball speculation of future court decisions. I give you the Dred Scott ruling and Plessy v. Ferguson. Court decisions change.

Follow your conscious as a legislature. Pass laws to protect life, from the eldest to the youngest. Don't be arbitrary. Use the same objective medical criteria at both ends of the human spectrum. We have a biological and medically objective standard for life – the human heart beat.

Don't stop beating hearts. Pass the Heartbeat Bill.