

October 8, 1971

The Honorable Crawford Martin
Attorney-General, State of Texas
Austin, Texas

Encl
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OFFICE OF THE
ATTORNEY GENERAL OF TEXAS
OCT 12 1971
ENFORCEMENT DIVISION

Dear Sir:

The enclosed copy of a letter - paper to Senator Grover is submitted to your office for your attention and possible use in the abortion case before the Supreme Court. It is too lengthy, but it says things I've ^{never} heard anyone else say in re the merits of the fact situation, and somewhat the law.

If your office will read it, I am sure it will prove a help and perhaps will afford a controlling grasp of the basic facts of abortion, a necessary predicate to the constitutional presentation of your case.

Sincerely yours,

J. A. Hunter
6507 Thrush St.
Houston, Texas

Enclosure - letter

July 1971

Sen. Henry Grover
State Capitol Bldg.,
Austin, Texas

Dear Senator Grover:

This autumn the Supreme Court of the United States will hand down to the Texas Legislature and to you guidelines within which to modify or strengthen our abortion statutes. I would not presume to comment on the constitutional law questions involved, not being an expert in such or in any other area. As a concerned citizen, however, I do wish to comment on the fact questions involved and I write you because of your past stand on the issues. Apparently you are your own man, morally as well as logically intelligent; and I thank God you are in the Texas Senate.

Thank God, too, for Thomas Jefferson and Alexander Hamilton, spokesmen for those first handy Americans who gave us the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness."

These men turned against their mother country because they were denied their rights as human beings. From the force of this oppression they were necessitated to seek after reasons for declaring their freedom - and they looked deeply and correctly into themselves, their nature as human and to their Creator, God. These first Americans declared it to be self-evident and thus not in the need of proof that all men are created equal. They did not say some men, or the landed gentry or the male, adult, subject or citizen, etc. They obviously meant markind, and they did not restrict their meaning to Colonists alone. Obviously not equal in the external sense of size, ability, station, etc., and thus meaning equal in that all markind possessed human nature; that is, were human.

That all men were created by their Creator. They obviously meant that man was created as man and not as something which later was to develop or grow in time to a point where it thereby became a man. Creation means to bring into being or into existence, and not to make or grow a different nature or different thing from an already existing being. This is akin to manufacturing or agriculture, and such does not cause man nor is it creation. And they capitalized "Creator", indicating they meant God and not intermediate acts of his created nature hard at work to later produce that which makes a being a man. Obviously, they meant generation and not evolution, agriculture or manufacturing. Nature arises from reality and is not made.

That they are endowed by their Creator with certain inalienable rights. Endowment is capacity or power, inherently imbedded within from the beginning - the original internal constitutional structure - and not a mere later acquisition at some point in growth time.

Inalienable rights in that their rights were inborn as endowed power to do, hold or claim - the entitative structure of a right - and accordingly could not be given or taken away as things separable from the human being in which such rights resided.

That among these rights is the right of life. Again obvious, because without life all other rights on earth are without meaning.

Such is the thinking of the men who founded our country, many of whom later wrote our constitution. Do they think like abortionists? No, they sought to enshrine all basic human rights in law, and nowhere in American law thereafter - until abortion - is there found a legal principle justifying the killing of innocent human life.

Is the State of Texas to legally approve of killing acts which - premeditated - and if a zygote or embryo or fetus in fact is a human being, by very definition is homicide? Would not such killings in principle contradict the very purpose for which the state exists, the protection of all? Is it not the first duty of the state to protect human life? All human life, and not to expend the defenseless some for the

shallow reasons of expediency and comfort offered by biological mothers? And, if mere expediency is to serve as a principle justifying the killing of human life, where will that expediency, state as well as individual, end? It can reasonably be predicted that great danger will stand in the lives of the sick, the old, the inadequate, the racial and religious minorities, those of us who most need protection.

Of course, the Declaration of Independence is not the Constitution. Yet it clearly shows the well-principled intelligence of our Founding Fathers; their acknowledgment of God and the deep thrust of their reverence for human rights, chief of which is the right to life. Not mere words, they also pledged and many gave their lives, their fortunes and honor in this great cause. Their intent is clear and they said what they meant without compromise or equivocation. Do you think these men would today pledge their lives or honor in support of a right of abortion? That is what it is, no matter how it is dressed up in the clothing of "freedom", "right", "privacy" or "conscience". Abortionists do not want actual rights because they don't want the necessary duty involved with right; and they don't want freedom since one is not free to deny that same freedom to another, innocent human. They seek legal freedom only, on license, to actually kill their own.

Of course, these harsh facts are not facts and are only one's personal and somewhat violent opinions - if the "human zygote" is not a "human being". The zygote is human and it is a being, but together and as zygote does it internally and really constitute that human being called "man" or "person", one of us?

Man is not infinite, since he in no way matches or fits the concept of infinity in a mental or in the real God.

Not being infinite and since he is, he must be finite; since there remains no other realities known as alternatives within the concept of infinity.

Being finite and existing he must have an antecedent, otherwise he would come from nothing and causality would have no meaning. That antecedent is within infinity or

God, and each man necessarily begins therein; otherwise he always was and as such would himself be infinite on God, and this he is not.

Since the finite comes from the infinite, it, being finite is not outside entitative time and necessarily had a beginning. Being something from nothing, it is original creation and not a thing evolved or made. Thus, infinity or God created man, along with his causal-laden nature with its capacities for act, the power of immanent action called life.

Thus, it reasonably would appear that man begins with an act of God.

As man on earth, however, man begins as a "human being". That is, man's life as embodied in a material or physical being having a nature known to us as human. It is this dual nature or original and internal constitutional structure of living act enclosed in material body, that makes us "human" and not "dog", etc; and it is this dual nature in its entitative being (the body with its life, existing in the mental constructs of space and time) which determines that natural body (the entire live body of man from its beginning as body to its end as body) as being "human". The changes within that living body as it grows and develops do not cause the nature or humanness of that body, but rather are manifestations of the capacities of that same, original body enhancing itself as it grows in its journey through its life. Changes do not exist in themselves, and always are found inhering in something else; in that same, one thing (itself not change) that is undergoing change. This thing that remains unchanged is the human being himself, all the while his own arms, legs, hair, size, balance, viability, agility, efficiency, etc., are being activated. All living things constantly undergo this change, while yet persistently remaining themselves as dog, as man, as bird, etc., throughout their life span, and change does not cause or determine them. Rather, it is the being itself which causes changes, houses them and determines their natures as manifested by feathers or fingers, etc.

Thus, it should appear that changes - which we call growth or development - do not cause a being to be human or cat, nor pre-human to half human, etc.; and that man as a human being constantly remains that which he is from his beginning, and no matter the stages of his growth.

"Man" begins with God; but "human being" begins on earth. The same essential being of course, but considered from different points of origin, or beginning. Man's creation is original creative act of God, and as such it has no material body and thus is known to us as "spirit". The human being, however, is man-with-body, where the spirit is joined or fused with the earthly chemicals-in-complex material, or physical being. This physical body with its life spirit is the human body. Scientifically speaking, we can observe this body because of its measurable elements of weight, shape, color, extension, temperature, motion, etc. Metaphysically we can observe and intuit this body and also its life, so as to arrive at the realities existing therein, known to the mind as truth and as such fraught with meaning, the mind's real treasure.

I propose that the being called "zygote" is human and is a human being. However, before assuming such burden, not mine, it is necessary that some popular notions in re. proof, science, abortion, etc., be discussed. These require predicates, and I ask your indulgence in that I am unable to adequately treat ^{cf} them in brief fashion. I wish to prove with the only real proof available. I wish to equate reality with reality; life with death, and not with "health" or "freedom". Such would require that a reader understand a writer, and understanding requires a common dialectic base for reason.

Not long ago I discussed this matter with a doctor acquaintance of mine to our mutual dissatisfaction. He posed the issue as being "When does an embryo (not 'zygote') become a human being?" When I began to dissect his very issue he became upset and departed the scene.

His issue is misleading and apparently is a fallacy. It does not appear to be the true issue for the following reasons:

(a) When. When means at a point in time. This assumes the issue in that the zygote thus would not begin as a human being, and thus must change from non-human to human somewhere along the line in time. It also assumes clock-time, which is an artificial and purely mental measurement - a subjective mental tool only, whereby an artificial norm of measurement by seconds, minutes, hours, etc., is impressed down upon an actual, real, ontological being in existence (zygote). The zygote, however, has its own, real and internal timing, as any doctor should know. This real time, which is act-in-being, is nature's or reality's clock, whereby a live being progresses step by step in its natural way and according to its natural capacities to a higher development of what it is.

(b) Become. By the use of the word "become" the issue is posited again assumes the zygote must change from something not human to something human, in order to thereby and through such change "become" as both verb and noun a human being. This also assumes the very point in issue. In the strict sense the zygote never becomes a human being because "becoming" is a coming into being and thus includes creation, which is something coming into being from some antecedent source other than man; i. e., from God. But we here are dealing with a human "antecedent" called zygote or embryo, and not the antecedent God. The coming into being of something physical from something not physical is called pure creation. Accordingly, and even at the physical only (body of zygote) level, it would follow that the posit that a physical zygote "becomes" a human being is not logically applicable.

(c) This issue as posited also implies that because an "embryo" and a "human being" have different names they are different in reality and thus not the same substantial and natural thing. Actually the term "embryo" is a biological-medical term whereas "human being" is a metaphysical term; and although each considers the same identical thing, they consider different aspects of that same thing, as for example "apple" as apple (concrete, physical concept) and "apple" as fruit (universal concept),

on different levels or orders of being. This mixing of orders makes comparison a difficult task, and creates a non-common basis for comparison which results by this posit in intricate thought structuring and therefore unnecessary lack of clarity.

(d) Finally, this issue as posited is a false one in that it is an attempt to put the burden of proof upon those who rely on nature, on God, upon the law and who seek to save life; by those who seek to change the law, to deny the child and to kill. Those who seek to change the law should bear the burden on proving it wrong, and upon the merits this they cannot do. What they cannot do with reason, however, they very well may do by law, and this is the area they have put under attack with massive and constant propoganda through the newspapers and TV media, a la medical society pronouncements.

The medical - hospital - pharmaceutical combo currently is America's greatest failure. So great a failure that the federal government is being forced to take over major responsibility in the field. Instead of serving the people of America, the people serve the medics. The A.M.A. and its branches are big business and big politics and in some respects no longer truly professional. And, it has failed in its primary purpose of furnishing adequate medical care to the people of America. This is one reason why I, for one, do not accept without question the position taken by medical societies in re. the matter of abortion law. They have not earned my respect.

Another and more relevant reason is that most medical societies merely base their public pronouncements in favor of "liberalized" abortion upon shallow and irrelevant premises. They equate human life with convenience, wish, finances, economics, etc., and with what Sweden and Japan are doing. Their position seems to be one of holy cow and sacred science and nowhere have I read or heard any real substantiation of the positions taken. True abortion is nature's own way of ending life which intrinsically and of its own weakness cannot live. Nowhere does the hand of man intervene to kill. Medical "abortion" is the deliberate killing of innocent human life, no matter how you

dress it up in rote rationalizations. And that human embryo has not forfeited its innocent right to life, nor is there any aspect of self-defense involved. Additionally, there is no abortion "problem" until and after an abortive killing or "medical procedure" has been done. Before an abortive killing only a medical technique is involved. It is only after the killing that the major "problems" arise, and then and thus we have its physical, psychological and moral results to contend with. It seems to me that an abortion creates problems far beyond the merely medical. Again, since when has it become the province of the physician to decide upon death rather than life? To judge and kill rather than cure? And if we are to have such a medical judge, how about the old folks, the mentally ill and others who are almost equally defenseless? Once we enshrine such a principle in constitutional law where will the killing end? I do not wish to guess - I protest here and now as an American, a citizen, a Christian and as a man.

Again, in this legal-medical-ethical-social-philosophical area of proposed statutory law, the physician as such simply is not competent. Their discipline is technical and based on material sciences. As doctors, they enjoy no built-in expertise or professional knowledge in those areas where they have undergone no study of the disciplines involved. They know no more of ethics than does an attorney, a bookkeeper, a banker. They know no more of morality than does a truck driver. They do not know the law, and certain it is that they know little of metaphysics. In all these areas - and the zygote-infant is within these areas - they are not experts. It is only in the biological-medical area that they are experts, and this area does not include all that is involved. And even here, their primary purpose is to preserve life, and not to kill it. To say that the "embryo" (actually far more than a physical being alone) is only a biological growth and may be destroyed as a malignant and non-human growth is rank materialism at its Nazi and Soviet best - calling perhaps, for another Nuremberg.

This is not to say that doctors are not men of intelligence and integrity. They are an outstanding group of men - in their area of expertise. But an intelligent man may not know, and usually does not know the complexities of the law or of metaphysics. And unless he has undergone a formal education in these disciplines he is not competent or qualified to assume a position of authority whereby he casually and daily may decide upon the death of an unborn human. Reality will bow to no man; and I submit that a doctor should not be given the power of death over a helpless unborn human. If I am ignorantly in error, would you show me where?

All this is of no consequence, however, if the zygote is not a human being. Thus, the whole issue would appear to be: "Is the zygote a human being?"

Granted that these observations be sufficient to warrant a rephrasing of the doctors' issue; I would submit that a better issue would be "Is a zygote a human being?" In so doing, I would likewise take up the burden - not mine - of showing that a zygote in fact is a human being.

A difficulty immediately arises in that we lack definitive knowledge with respect to just what a human being or person is; and thus, just when in time its inception or beginning as a human being occurs. And, it would appear, before you can know when a human being begins, you must know what it is that is to begin. So, what is a human being?

A deeper-still difficulty or hangup here arises. Hangup, because since we are dealing with a real and existing being and its life or death, we are dealing with absolute and stark reality itself. But, we cannot know reality as it is in itself when that reality is presented to our minds only via the universal categories of "human" and "being". This, because universals are only mental constructions based on repeated experiences of individual sense data so as to form a "bulk" idea (e.g. mankind) of an actual reality (a man) or something which is. Universals do not tell us what reality is; they can only tell us something about reality. "Mankind" is not a man or many or

each and every man; but it does tell us something about man. It also is not "men", some being only a plurality of man. Thus, it would appear we cannot know what a man really is from the universal "human being".

And yet, we do have direct experience of reality in that each of us in ourselves is reality. Since we here deal with the stark reality of death, I propose to consider some through my only direct route to reality, i.e., myself. Myself, here and now and back to the instant I began. It is the reality of me that I seek to know - from God (or whatever source or name one might wish as prime cause or first antecedent) to prime reality (all that is) to being (that which is) to being-in-act (a fully real being, existing outside its causes) which real being includes: substance (being-in-itself), essence (whatness, the subject of being), potency (capacity to be this or that), actuality (being, with body in time and act), existence (same as being, considered as a state of being) and necessity (the opposite of freedom in that it must be as it is, that it cannot not-be, that it cannot be otherwise; that it is subject to force, with a fixed determination to only one state of being, or to one course of action or to one outcome).

At this point the non-philosopher is probably lost in this forest of concepts, each a study in itself. Accordingly, I will pick out only one aspect, essence (what I am) and consider it with the first way man can have knowledge (awareness, or "I" states).

Essence or whatness, the complete internal constitution of a thing: What is it that I am?

One last time, however, since there are other necessary predicates. What is proof? What is the proof of science? What is the proof of philosophy? What are the six ways I can acquire knowledge?

Proof may be said to be an organization of evidence that proceeds from necessary and evident premises in a series of propositions, related to each other in such a way

that each of them can be logically inferred (deriving from the content of one judgment the likelihood or apparency of another, connected judgment) from the preceding proposition. This is proof in general, and it results in one's assent to a truth as seen since there exists no known grounds for doubt. Proof is achieved by the use of reason.

By reason is meant the capacity to achieve a more complete truth from truth already acquired via intuition and empirical perception. Reason does not truly discover, it only works on previous discoveries to derive a better understanding thereof. Reason can never discover either existents or even essentials, but can only manifest that such existents or essentials are within a given thought.

The process whereby we reason has been known since the time of Aristotle. A class concept or universal (mankind) is analyzed and the elements true of it are all true of the member (Don Kennard) of that class. This is class concept categorization, and is the only way the mind perceives otherness as presented by a singular sensation (phantasm of Don.)

The validity of such derives from metaphysical intuition (meaningfulness). Empirically (by sense experience) we cannot prove the reality of the conclusion of a syllogism (Don is a man). We, however, can confirm the truth of such conclusion by noting that others (Hank Grover, Preston Smith, etc.) are like Don Kennard, but this conclusion is general and experience gives us only the particular. So, what is proof?

With Aristotle all proof is reasoned conclusion. The Scholastics enlarged on this with their maxim: "Inference must yield in the face of the facts."

The scientists of today (mostly empiricists) do not understand proof in this way. For them proof is always experimental verification and where they cannot so verify or where verification is impossible, they hold there is no proof. This is to subject reality and its expression called truth to but one mental method. Yet where such empirical verification is impossible or not known, the scientist says there is no proof.

Between the old rationalization and the later empiricism a new position called intellectualism has arisen. Intellectualism tends to side with rationalism, contending that proof is found in a consistency of thought upon the whole plane of thinking rather than restriction of thought to experienced data on the empirical plane alone.

There is much misunderstanding between the average man of common sense, the scientist and the philosopher. Each chooses different aspects of reality as his object and proceeds towards that object by different methods. But the whole truth is not achieved unless the method used is capable of achieving the whole truth:

Common sense, for example, can never lead one to the heart of truth. Common sense will contradict any new formulation of experience (science) and of metaphysical intuition (philosophy). By common sense the world is flat, a notion that philosophy rejected for 2,000 years, and which science has discarded these past 400 years. Common sense told us for many years that an iron ship would sink. Common sense is useful as a norm against which to judge daily human action; but it cannot tell us what is, or the intimate nature of a thing. It uses all thought processes but does so in an unreflective and undisciplined way, which often leads to error.

Disciplined thought, however, began in philosophy and through Copernicusⁿ, Bacon, Galileo and Kepler flowered forth into scientific discipline.

The scientist observes reality on the empirical level. This is always the first step. His observation is an exact one and exactitude is obtained by observing in relation to some conventional standard, which means measurement.

He has three laws of observation: (1) It must be objective, i. e. the description must be in terms of the thing itself and not in terms of the thinking of the individual scientist who observes; (2) It must be accurate, i. e. it must describe the object or thing so that it stands out in its proper and precise reality and (3) it must be exact, i. e. the accuracy must be mathematically determined.

These three requisites are achieved by measuring the object; measurement meaning the referral of the object to a conventional, objective norm. Today this norm is the M K S (meter, kilogram, second) system.

Thus it is seen that the objectivity of scientific observation is achieved by measurement. In other words, science deals with the measurable, and its observation is made in terms of space, time and motion.

This scientific observation is of two kinds: (1) that of experiment (where the object is modified, i.e. changed, tortured, strained, etc., and (2) observation without modifying the object observed. This latter is the direct observation of the biologist, for example, or the physician. It is a kind of measurement but not strictly so - and not strictly scientific.

After observation, the next step in the scientific method is the hypothesis, i.e., a supposition tentatively presented as the explanation of the phenomena observed. Mere observation does not give us satisfaction, however, and thus it is necessary to know the active principles (that by which a thing operates) at work in the phenomenon. Not known by observation alone, these principles must be derived by reason.

It is this hypothesis which makes the scientific method so wonderful, so useful. The scientist has a clue, an insight from his observations. This might be intuition, both father and mother of the creative. This intuition is not a guess, but rather a rapid analytical ratiocination of a synthetic insight aroused by the data already achieved. He tests it experimentally and experience shows him to be right or wrong. This is the hypothesis method. When the experiment permits the acceptance of the supposed conclusion, such conclusion becomes scientific fact, or "law". From such as these flow aircraft, cars, TV, medicine, food, etc., in great abundance.

Although science is a noble endeavor and merits no attack, yet it does not have all the answers. It is a quite limited intellectual discipline, since it is based upon the empirical. The trouble is that the empirical is not purely empirical; it is

always rendered meaningful and communicable through class notions or universals. The scientist avoids the use of class meaning as a form of deduction (reasoning from the general to the specific), he arbitrarily forms his own empirical class - so that, for example, man is a bit of matter with this or that behavior, and not an animal with reason. He cannot analyze rationally because universals are beyond the grasp of his experience - observation - measurement tools. He can talk only of external acts and cannot get at what a thing is, or the who and why of it. Observing behavior alone, he finds it difficult to distinguish between man, monkey and mouse.

He speaks of man; yet he can only observe and measure men. He supposes the validity of his method and the certainty of the principles (causality, uniformity of nature, etc.) and he cannot prove them. He merely postulates them. All he knows and does, as scientist, is based upon postulates (assumptions) and all his singulars end in the universals he wishes to reject. Yet, reality will be what it is despite the mind or thought of man. Reason will not work on singulars; it must work on universals and the universal is never empirical

And thus an inner conflict of science. By its own preference it cannot use the metaphysical universal which is not observable; and yet when it reasons it uses the metaphysical universal, for otherwise it cannot progress in reason.

His postulates (assumptions) do not change the fact of conflict. One who will have nothing to do with metaphysics since it can be a source of error, promptly uses metaphysically a set of postulates to arrive at what he calls truth. The conflict is rock-bottom basic and will not disappear until science abandons its use of that which it abandons in its logical stance.

Another difficulty in the scientific method is its materialism. It treats only of the empirical which is concerned with the physical, concrete and singular. Anything that is not spatial or has no function in space cannot be considered by science. Thus, the scientist excludes much of reality from his field of research. He certainly does

exclude the primary condition of all knowledge - consciousness, which will not take on any description of class, except by the metaphysical. And, if the scientist supposes there is nothing but the material he is no longer a scientist but a metaphysician with a doctrine concerning the nature of the real. If he refuses to discuss this, and simply states that his method is the only one whereby truth can be achieved, he is taking a stand in epistemology which is philosophy and contains a metaphysic.

Again, how can there be objective observation? Does not the observing scientist, by the very fact of observing, change the object he is examining? Is not this datum different from the object being observed? For example, a thermometer's own heat will be imparted to the temperature or heat of the object being measured; or, imbibe heat from it. Even electrons are theory constructs, since they never have been observed. And although nature itself suggests its inner workings, it never shows such to a measuring device of man.

Again, experience (man's physical-mental touching of reality) is clearly subjective, and except in a subject it is meaningless.

The scientist prides himself in that he will not discuss the unknowable noumenon, i. e., the thing-in-itself. He discusses the knowable, exactly in spatial and temporal terms. Space and time are obviously subjective frameworks, however, as Aquinas, Kant and Einstein all agree.

The much vaunted "objectivity" of science is only accuracy in the description of an experience - and the scientist is not even committed by his science to believe that this is something in reality that corresponds to his experience. In other words, however science wishes to be unmetaphysical and objective, it really is metaphysical and subjective.

Beyond science there is logic, and although logic cannot discover anything yet it points to a knowledge other than logic which will not be expressed by logic because logic depends upon it.

Beyond logic is metaphysics. It deals with being. Being, in logic, means the verb or copula is. All thought becomes meaningful through the is; and the primary meaning therefore must always be is, either in its participial or substantive form, being.

The truth of these ultimate assertions, however, cannot be proven, because proof is always logical inference and inference supposes some initial truth from which to infer. The truth, then, can only be achieved by turning to thought itself, as a given thing.

Metaphysics therefore is primarily the discipline which deals with a priori aspects of knowledge, and thus with the real since knowledge is the mind's achievement of the real.

Metaphysics can then be defined as the thought discipline that is concerned with the primary class concept or quasi-class concept of reality.

The scientist deals with stuff he can touch and see. There is nothing mystical about this. The philosopher, however, cannot give us precise pictures of things. He just goes the route of the intuitive, which simply means the recognition of meaning. This meaning is not that of words, which are only conventional signs, but rather is the meaning of things which are realities. Thought is essentially the grasp of the real through meaning, or, what is it? The scientist never answers this question at all - he merely deals in the limited manifestations of this same reality.

Philosophy, then, is the thought discipline which proceeds from the real considered in terms of meanings, achieved by the mind in its search of the real, to the rational erection of a system of principles (causality, contraries, etc.) derived from the meanings achieved, in order to give an understanding of reality insofar as it is assimilable by the natural human mind.

With this understanding of scientific and thus medical "proof" in mind, we can see there really is no proof in the absolute sense, other than via pure awareness and

the mystical (where spiritual being is assimilated, content-wise, by the experiencer or knower.) In a limited sense we do have proof, that proof that is based upon posit on assumption or is simply given, and which proceeds via observation to its observation fact. So, in the strict and absolute sense scientific proof is the same as faith; i.e., the acceptance of something as being reasonably true and therefore a "fact" of reality. The method is different but the result is always the same faith.

Now, what is a human being? What elements are absolutely essential? What is not necessary? The reality underlying the being underlying the truth underlying the thought terminates in the words "what" and "who"; the why, when, where and way thereof being concepts external to and not of the constituent what and who, or the human being. And, in the human being itself the what and the who are the same, identical thing - subject and subject, and not subject and object.

Since the what and the who are the same thing, usually considered as object and subject, but in the human being (noun) being (verb) subject-subject; just what is this combination? The content-matter of this combination is also dual, i.e., (1) the material body and (2) the spiritual soul. And if the concepts of "spirit" and "soul" arouse doubt in your thinking I would suggest that they are only words used to identify that known reality which does not manifest the measureable, observable and material aspects of weight, shape, color, extension, temperature, etc., etc.; and the reality that must underlie the total complex of such "spiritual" manifestations in a substantial way as a unifying force - a kind of non-material and very lively glue. The who-what or human being is that which is within his body as the "I", the subject or person of this unifying substantial force called soul.

But these abstractions are not clear. Perhaps demonstration would help me better explain my meaning. Let us then consider George Washington. He was tall, athletic, intelligent, of strong personality. These few words somewhat describe George Washington but do not define him, and therein lies a distinction of note. The tall, athletic, etc.,

are only descriptively (accidentally or by way of attribute) definitive, and are only an explanatory account in that they present to our minds some of his readily observable basic accidents - an accident merely being that which necessarily inheres in something else.

Tall, athletic, etc., explain him in a surface way by naming some of his features or actions and implicitly contrasting such with other persons; rather than by giving an essential description (definition) of him, himself, as a human being. These descriptions tell us something about George Washington, but they do not tell us what he is. His whatness (essence) or content is a matter of definition and not of description. Thus it can be seen that descriptions do not define and certainly they do not determine what a human being is.

People saw and heard and understood that George Washington was tall, etc., as George Washington. These aspects helped form a mental picture of G. W., but not of what that picture pictured; i. e., not what G. W. as a human being was. External descriptions merely give us pictures; and when one seeks to explain internal content by external accidents we have the "human being" being defined by picture - an error and spatial illusion.

We can directly know about ourselves phenomenologically, but thereby cannot explain. We cannot directly know ourselves philosophically, but can explain. Together, in synthesis, I can and do know what I am and can somewhat explain what I, as a human being, am.

Thus, from science I can observe that the human being has an animal body, which body can be grouped (classified) with those other animal bodies having a common basic structure and ranked between an order and a phylum. I have and am such a body. From science I can observe that the human body can lose or gain certain parts of that body which parts do not form part of the essence of its subject but which necessarily result from that body-essence as a formed effect (attributes or accidentals). Thus, a man can

lose his arms and legs, or his eyes, and although diminished in a mechanically physical way he still is 100% a human being, because of his essential humanness, or nature. A 300 lb. man can reduce to 200 lbs. and essentially be 100% that same man. And that same human being can develop his intellect from the cookie and play days of the third grade to the chambers of the supreme court without adding one iota to his humanity. So it is observable that mere dexterities, sizes, efficiencies, etc., and other accidental attributes do not constitute the man.

Such classes and attributes when combined with a consideration of nature will show the whatness of a thing, including that thing or being called "human being". Thus - enter philosophy and its consideration of the natural and of nature.

A thing is natural, as it is in unmodified, original, or first state; native, simple, primitive and not acquired or artificially modified or remade. The natural is that which exists in or belongs to a living being from its conception; innate, given with one's being. The natural also is that which arises from and following the activity of a nature using only its natural capacity powers, producing something in and through the unbroken course of that natural activity. The body of man is, of course, considered as a thing of nature; and it possesses the natural constitution, powers, needs and predetermined end of itself; neither falling below the natural standard as subnormal, nor opposed to it as the unnatural, nor exceeding it as the preternatural or supernatural.

All this has meaning for us in the context when we consider nature as a principle of growth and activity. For the human being, as well as other living animals, its nature is formed in the origin of its growth (conception). Its nature determines how and what, etc., shall grow (capacities). Its nature is the whatness thereof considered as the primary principle of activity and of receptivity, of motion and rest. It is the very root of predetermined activity and passivity in a material substance. Accordingly, matter (what a bodily substance is made of; its constituent material) and form

(that which accounts for the specific internal structure of a natural body) is nature. Thus we can see that by nature is simply meant whatever it is that belongs to a thing from its origin (conception), considered as the native endowment of inherent gifts, disposition, abilities, tendencies and needs - all constitutional.

It should follow then, that it is not essential to the human being that he be of any particular size, proficiency, development, experience, knowledge, skill, personality, sex, color, etc., etc.; and conversely, that a human being essentially is what his nature is. And, although that "nature" as nature is not observable by scale and microscope, that these intermediate tools when coupled with the observing mind afford us the class and attributes and the constitution of the thing at hand, its nature and therefore its whatness. Man's "nature" is his "truth" and is the only way we can know (apart from awareness of self and the mystical) what the reality of the "human being" is.

Man's nature starts with and therefore at his conception. Man is here called "zygote", later "embryo", then "fetus" - all biological terms. Our terminology turns social when the fetus is "born" (not the true beginning and obviously only the point of separation from the mother's body) and he becomes a social being or member of society. He is conceived a human being, and born a social being. There is no such thing as a social being, however, except in the loose sense of everyday parlance. The "social" is only a relationship, in itself; it has no being in this context in ontological reality; and it exists only as a mental communicating connection or relation between actual, real beings. Two or more beings can be a society, but the social relationship between them is not itself another being in this context and is only that same relationship.

It would thus appear that the human being, or man, begins at conception. He begins as a "zygote". If this "zygote" is not human, what is it? If it is not being, what is it? Note that the names "human being" and "zygote" are only names, and that the real being, whatever it is, is the true and real subject matter at hand.

This real being called zygote is either human, semi-human or not human, there being no other alternatives available. If you say it is not human, then it will never become human because mere growth and development in a lifetime do not change nor evolve a being's nature from not human to human. We know that all natural human zygotes with natural mothers are born natural human beings. Thus it would appear that the zygote is not - not human.

If you say it is semi-human you merely are postulating a hypothesis; unlikely, improbable, not proven and not fact. Nature is reality's ontological expression and it is never semi-something. As reality it either is, or it is not. It always is a one, complete package; although at conception or beginning it is never a developed, polished fully grown thing. This is evident in the young of all living things; and if such were not true then one would be born fully developed, precluding all growth, which we know to be not true. Growth is a completely natural enhancement of natural self. All dogs are born as dogs, and all born dogs are conceived as dogs and nothing else. And, since mere growth and development do not cause nature (a dog is naturally a dog and nothing else), they do not change nature. How could fully human parents conceive a thing only partly human, which then grows into a nature fully human? There is no evidence, between fully human parents and their fully human child, or a semi-human something. Both zygote and infant have the same mother, so how could they not be the same kind of thing? The zygote is only the early infant.

That child, although a baby, or even a fetus, or as embryo, or as zygote does not upon the surface manifest many or any of the features or aspects we normally associate with a human being; yet all of these phases of the developing human are present, deeply embedded within as capacities in the real being called "zygote", from its beginning on. These capacities are a real and natural part of being and are existing, not as abstract powers or mental constructs but as ontological things which act, inexorably and according to their built-in timing, to enhance that being that already is. The principle

of cause and effect (capacity) was embedded in the ontological reality of existing nature long before the mind of man conceived of it as a law of logic.

And, if a zygote is not a human being, what is it? It is animal, is alive, it must be something. If not a human being and yet destined to be such, it thus would be in a transitional stage, and as posited necessarily not human and yet not a beast. Therefore it temporarily is, say, a "monster". This is pure myth and yet if it is not human and not beast it must be a monstrous thing. What else? Such, however, is contrary to all experience, to all reason and to nature itself - since nature constitutionally is not abnormal or subnormal and being simply that which it is, necessarily is normal.

Being not, not human and not semi-human the zygote, then, must be human; and being the living composite of matter and its life principle and existing as a complete whole, it has being. Therefore, the zygote must be a human being. If not, will you show me why not? All future Americans and men of every land have a right - known to them or not - to have it known why civilized man and mother may put them to death.

And yet and beyond such demonstration, the nagging question of conception or the real beginning of man; the question of why I am so different from the zygote; the question of why such change is or is not controlling in the determination of when I began - these might well remain within one's mind without answers. The main points of doubt would appear to be in the concepts of "beginning", "difference" and "change".

As for the beginning: At the moment, act and being of conception began the something of me. That first point in both clock-calendar and embedded-constituent time is the beginning, and this beginning-point of me is also the end point of the beginning, since any and all succeeding and sequential points past the beginning as such, would be only a continuance of that beginning and thus necessarily would continue within the concept point by point to the end, resulting in the end also being part of the beginning which is a contradiction in terms, meaning, truth and reality. Thus, the conception is

both the beginning of me and the end of conception. My being on "zygote" began, and that beginning therein and thereupon ended, period (.). This beginning is always one began, since within entitative as well as clock time the original present simultaneously merges with the past to thereafter be past, leaving only future present-pasts on flowing "nows" to come. Thus, what began (man) thereafter always is, and never begins again so as to become. Man begins and began as "zygote".

Every "adult" person always was first a "child", and that child always was first an "infant", and that infant always was first a "fetus", and that fetus was always first an "embryo", and that embryo was always first a "zygote", and that zygote was never first a sperm or an ovule. A zygote is never first a sperm as sperm and never first an ovule as ovule. Even both the sperm and the ovule are never a zygote. But, when sperm and ovule are united, then and there in both clock-time and the real internal time of being a zygote begins. This beginning is called "conception". Between this always and this never there is but one point or instant in time when and where the never becomes always; and there being no other intermediate point or stage or phase, at that one instant of act, being and change the "zygote" begins. This zygote is a being since it is a real, one, unique, distinct, existing thing in act and alive. It simply, is. It is itself. It is human because its parents are human, its nature is human, and it is never anything but human. It is human life and no other kind known to science, philosophy, theology or the experience of man throughout history. It is a human being and between this direct parental human cause and its direct human effect there can be no intermediate non-human cause. In the order of reality everything either is or it is not, and there are no existing maybes, perhaps, buts, semis or ifs.

It should be enough that a human being is born or begun at conception. Yet some do insist that this one, complete, unified unique being - although not yet developed - is not a "person" and thus is not entitled to be treated as legally sui juris. They will insist upon a manifested intellect, a mature intellectual suppositum as I, you,

he, etc., with a definite personality, i. e., the sum total of one's physical, mental and emotional traits, habits, qualities and their external expression in association with other persons. But, the psychophysical abilities and unique patterns of behavior whereby a person manifests his own special exterior self are only the expression of the man, and not that man in and of himself. "Personality" is only the expression of a person; a "person" is only the "I" of a human being; and that entity in itself is only the enhancement by growth and experience of that already pre-existing content matter or self underlying the inherent capacities already embedded in the zygote. The zygote is superior to its person - in reality - as cause is superior to its effect; as first is superior to second, antecedent to consequent, etc., and because without it no man could ever be. Thus it is that, as zygote, I began.

As for difference: Difference as such, is a lack of sameness. It can be an unlikeness between things, their principles or their parts. It is the predicable distinguishing one species from another within the same proximate genus - a fact situation which we do not have at hand. This unlikeness, however, can be in contingent accidentals such as quantity, degree of quality or traits - each of which, however, is important to the matter (nature of man) at hand. Today I, of course, am different from my zygote. I am much larger, much more developed, more this and that. But all these differences reside only in an accidental manner in that prior existing natural me. My original body is now larger. My original mind is now more advanced. My original feelings are now more developed, etc. But all these developmental manifestations are only grown and expressed capacities; and it is generally accepted as scientific fact that all capacities are inherently embedded in and present at conception's conceived being, the zygote, and not thereafter nor from other sources. Different, of course, but the differences arise from and reside in the same thing, the original and the grown zygote itself. Thus it would appear these such differences are not of kind and do not serve as a fulcrum upon which one might logically turn a zygote into a

human being. I am that which began, and although I am now different my nature has remained unchanged.

The first condition imposed by our experience upon every object, if that object is to be real, is that it does not remain always identical with itself and, to the contrary, is constantly changing - that it grows while still retaining certain dimensions proper to itself which cause it to be continually homogeneous with itself. It changes but the changes remain within what it is and continues to be.

In the strict sense, change is the actualization of a being formerly in potency (capacity to be) and thus is from something to something, from a particular subject to another particular subject; and it requires a term from which and a term to which; and it involves the gaining of a new form with the privation of an old form.

As applied to generation there is substantial change in that the sperm and ovule when united actualize (having body in space and time - actual) a being (zygote) formerly not in existence as such. It is a subject to which, and it is a gaining of new form (as internal structure, not as shape). The substantial change occurs, however, in the sperm and ovule when fused to form the zygote, and not in the zygote to form a human being. The human being is formed by the change from sperm and ovule, and not by a change from the zygote to the human being. Such is so because the zygote, once formed, is no longer in potency to be later actualized as that zygote. It is actual, existent, and already zygote - or me. Only the names change, the reality underlying the zygote (or me) is not changed. A name change cannot change actual, existing being. Also, there is no thereafter substantial or substrate change because my zygote does not end and lose its old self or form (structure, not shape), so as to start and gain a new form. The zygote was me or mine, and I am it or its owner.

The zygote also is completely substrate, i. e., it is a finite substance as subject supporting its accidents; as subject of changes occurring within it; as material cause of itself and as subject to which the act of existence is united. All of these

are essential elements in man and the zygote contains them all. It is a complete substance, a natural, whole and self-contained human unit. Thus, it would appear that there is no substantial change whereby a zygote becomes a human being.

There is, however, change in accidentals or attributes such as quantity, quality, shape, some properties and in some structural internal parts, all as noted aforesaid. But such does not change substance or nature, and thus there is no change from zygote to man - and change is only from small to large. etc.

To illustrate, consider a person at age one week - and 21 years later. The same person, of course, but with many, very obvious changes. One real change is a beard. But this real change does not deny humanness to that person as baby simply because he doesn't sport a beard. And if such real change (beards are accidentals) made the adult man more human than the man as baby, is he more human than his beardless mother? Not at all, of course, since changes and differences at the attribute or accidental level do not constitute the substantial man. Even the example is ridiculous.

There are many other changes such as change of place, extension, quality, relationship, position, etc., all of which do not constitute the substantial man. The change of position, for example. Would you say that a zygote-embryo-fetus (the same substantial thing throughout the entire course of gestation) while in the very act of being born, at delivery and where only its head and one arm had emerged from its mother, was half human and half not human? Or is the head and arm human while the body and legs are not? Ridiculous? But, it is not born and it is a fetus. Would you say that 30 minutes prior to delivery, that the now fully delivered and "born" baby was not a human being and was only a "fetus"? Does mere location determine nature? Some will say so, since apparently we abound in babbity.

That unchanged fetus is as human as can be, and when delivered from its mother is still that same fetus, though now called baby. That "baby"- "fetus"- "embryo"- "zygote" is all the same one thing, with unchanging nature from its beginning at conception on, always a human being.

There are those, however, who still will insist that although a zygote is a being and is human, it is not so sufficiently a person as to be a legally sui juris man, that a zygote is not really a person. I have heard that statement made but never have I heard an objective substantiation of such. They merely pronounce their edict, and walk away.

It should be noted again that the burden of all proof should fall upon those who wish to destroy both existing life and law, and not upon the defenders of life and law. Notwithstanding such position, an attempt to answer the objection should be made.

Ontological reality always controls, whether we know it and acknowledge it or not; since it simply - is. Based upon this ontological reality are the merely mental constructions or mental realities arrived at through empirical perceptions, universal categorizations and logic - all which give us knowledge about, but not directly of, the content of reality. In the basic, ontological reality a zygote is a person, otherwise the term "person" has no depth or meaning. A person is not a TV type, talking and acting, etc., entity. A person basically is an intellectual suppositum (with capacity, the reality is present) that is complete in itself, uncommunicated and existing for itself, i. e., sui juris. Alive on earth a person is a body-person, or a person who is an organism - distinguished from pure spirit. As a natural living organism this person is you, me, etc.

From the foregoing it reasonably can be seen that my zygote-embryo-fetus (the 9-month me) is human enough to be me; and I do resent somewhat the continual attempt to make a non-human, semi- or even monkey of me. It would be different if the abortionists would present an argument - since the demonstrated truth of reality should prevail among men - but all I have read or heard is surface treatment on the lower level of economic, medical, political and social values, none relevant to the question of life itself in the ultimate crux of reality's truth, i. e., whether the zygote is or is not a human being.

From conception to coffin there exists that some thing variously called zygote, embryo, fetus, infant, child, teenager, adult, old man and the deceased, etc. Always it was the same thing changing constantly from conception to coffin on its journey through life on earth. All changes are necessarily within the inherent capacities which began with the thing itself; since capacities do not grow other capacities and thus all powers of growth were present from the beginning.

I am aware today and I was aware yesterday. Going back in time, I have always had on me this awareness. There is no evidence of a break in this continual awareness, and apparently the subject of such, or the "I" also continues back in time, to that first awareness of being, of otherness and thus of "self", of the conative, affective and cognitive. Here, I was "zygote". And even if one contends that I was not then a human being because of a lack of evident rationality - the specific element which separates man from beast - I would answer that the body of my zygote (a biological term only) was evident and observable and to kill it would be to kill me, since no human being from conception to coffin can exist without his body. On earth, to kill my body is to kill me.

Those who cannot or will not acknowledge even to themselves that a zygote is or could be a human being are possessed of the common sense which said that that iron ship would sink, a metal aircraft could not fly, etc. Our minds become accustomed to the idea of a human being as you or me, a child or adult talking and walking, apparent to eye and ear. This everyday conception of a human being is reasonable enough when we refer to humanity as another person such as ourselves in the daily business of life. We never even consider what a person is but rather that - well, there he is. This natural way of thinking is insufficient in reason, however, when we take up the question of what we are. The surface walk and talk idea of man describes, but does not define man. Such is simply a spatial illusion. Just as it is true that a tiny molecule is internally more intricate and complex than is the tremendously large external universe; so it is also true that a tiny thing biologically called "zygote" is as much man as it

shall ever be. Not large or developed, of course, but entirely being, entirely human and constitutionally man. This is ontological man, which is the most basic, most fundamental, most necessary, most real, most everything (apart from God) since this man simply is. All other reality is based thereon, is merely mental and constructed by man's mind and formulated into principles, axioms, law, etc. We even create artificial man. General Motors Corp., for example. We give this giant artifact (not an evil entity, of course - thank goodness for Chevrolets) complete constitutional protection. We create it, accord it deference, respect and even affection in law. It is bigger than State law in practical effect. And yet, these same states at this very hour are denying life itself - as a matter of right via law to our own. This is to equate Chevrolet with man; money and convenience with life and death. Cannot we accord some constitutional and statutory protection under law to ourselves, to those of us who cannot speak and are even rejected by their mothers? Who else should the law more seek to protect? Should law be a matter of privilege to those who can talk and vote, or a matter of basic right to every human being in America?

How can the "what" or whatness of a zygote be the same as that of a human being? Are they one thing?

Whatness, or what a thing is, is known through a consideration of class, nature and properties. In biology a class is a group of animals having a common basic structure. Each of this group will have its own nature, i. e., that which belongs to it from its origin, its native endowment, inherent abilities, tendencies and needs. As a natural body it contains the essential constitution, distinguishing qualities and basic structure. This nature is fixed at conception, and it is not thereafter acquired. Each natural body of a class will contain those properties common to its members, such as beak and feathers, etc., of a chicken; arms, legs and eyes, etc., of a man. Properties are attributes essential to and common to all members of a class, but which attributes do not form a controlling and determining and causal essential

part of its subject; and are, rather, necessarily in and from that subject as an effect.

The class and nature of an infant and a zygote are the same, since they both are the same one thing in reality. They possess the same internal structure (in various degrees of development) and the same nature in that their origin, endowment, inherent abilities, tendencies, needs and internal constitution are the same. They have the same mother, so how could they not be the same kind of thing?

Class and nature determine what a thing is, and thus the "zygote" is only the early infant. Properties such as arms, eyes, etc., are but the attributes of that same one thing, either "as zygote" or "as infant". They necessarily inhere in the zygote or embryo or fetus or infant or adult in the controlling substance or essence thereof, but do not constitute or form that substance or essence; and, rather, flow therefrom as effect flows from its cause. All properties or attributes (beards, breasts, molars, etc.) are effects and do not form, cause, precede nor prime their substantial causes. The principle of cause and effect is embedded in the ontological reality of existing nature.

From its very beginning at conception the zygote contains all the genetic capacities it needs and will ever have, complete as latent powers although incomplete as flowered powers. In fact and as is evident, the infant contains more latent than flowered capacities, and the adult rarely knows or uses all his inborn powers.

What then, and again, is it that is conceived and called "zygote"?

At the very least it must be my body. If not, whence came my body? Whence went the zygote? There is no evidence to the contrary. Since it is a body, it must be my body because it is not my parents' bodies, nor anyone else's. If it belongs to itself it belongs to me, because I either came from it or with it.

Thus my body began; and since that zygote began at conception my body began at conception and not thereafter.

And if it is my body it also is me, because I am a living human being and there is no living human being on earth without his or her body.

I possess this body since it is either me or a "part" of me, and if part only I yet cannot be without it.

I am this body in an entitative and locative sense; since where else as a human being am I? I must be (locative place) where I am (existing). I am myself, and on earth myself includes my body. The zygote that is my body is the child of its parents and therefore is me.

Between the beginning instant of my being (at least of my body) at conception and the ending instant of its death, there lies the entire span of my life on earth. The beginning began and simultaneously ceased; the thing of me that began continued to be existent. Nowhere did I or my being begin again.

My being was not that beginning (either as mental construct or as act), but rather was that thing (the what, or essence) that began. I am that being that began or it was someone or something other than me. Every living thing in nature, however, is itself throughout its life span; and there is no evidence of its ever being someone else, or some other kind of thing or partly itself and partly something else. All life changes, of course, but there always exists that same thing that itself is changed and which remains its own self while undergoing changes - always itself. It always retains its self-identity, whether aware of such as such, or not.

Change occurs only within the thing that is being changed and the change as such is not the thing changed. Change does not exist of itself. Thus it would follow that the thing (being of "zygote", etc.) that "became" me, really always was me and I was "it", changes notwithstanding.

Change does not cause man. Man is caused by conception. Changes are effects within and flowing from that thing undergoing changes, i. e., the cause (the living being.) The what or thing does change in a sense, however, but not from one nature to

to another nature, not from one self to another self, but always as self within it-
self, never adding to self to become another thing, and only adding moreness of what-
ever is. For example, you have changed tremendously since your first birthday but
you today are that same person of long ago. And, since these many changes in you did
not change the humanity of you, how could these changes be of a different kind or ef-
fect than those changes which occurred during gestation?

The flow of my life is always forward from conception to death, and never backward.
All living things, from beginning to end, naturally grow. Growth is completely natural
and is expressive of this forward flow of life. Growth is not a being itself or a
life itself, but is only a mental construct which explains the acts of a living being
as it enhances its already pre-existing capacities to advance itself, ever forward.
Growth (change) did not cause me; rather I caused my own "growth".

Nothing in nature including this forward flow of life ever comes in parts. Parts
are artificial bits of artifacts, and such do not exist in nature. They are quanti-
tative bits which merely add up to a total thing; and in themselves are only pieces,
separate from other like pieces, and when assembled they make up and are not an arti-
fact. For example, a Chevrolet automobile. It is a mere assemblage of pieces called
parts, put together as separate pieces to make a car. It never begins as car, but as
tire, axle, etc. It is parts, and does not possess them. It is many pieces and is
one thing only as a one collection, said collection being only a mental and not a real
(ontological) whole thing. It is not natural and therefore is not whole.

On the other hand, a natural being such as a zygote is always a whole being. As
an existing (in act) what (the essence) it entitatively is a whole being. It is an
entire composite unit, containing all members necessary to the internal constitutional
structure of a distinct being. As such, a natural body always is undivided in being,
and is an entire system or one complete unit or whole. As it exists, actual and real,
every living natural being always begins with every power it needs to be itself. All

its genetic capacities are present at conception; a fact generally accepted in biology and science. It needs water and food throughout its entire life but such are only fuels and not being, since nutrition is no more than gasoline is Cadillac.

A thing in nature is always a complete, one, whole package. It is sufficient as itself, it is itself, and all it ever needs or seeks is to be itself. We can mentally take it apart, of course, and thus by abstraction can abstract such notes as "tall", "intelligent", "tiny", "white", etc., can classify it into physical, mental, emotional, moral, etc., categories; can name properties thereof as arms, legs, etc., can give it a biological or legal or social or etc. name or label as "zygote", "embryo", "fetus", "infant", "child", "adult", "citizen", "American", "human being", etc. - despite the fact that the thing itself exists ontologically - always a one, complete whole, and not a collection of parts no matter what we call it. "Parts" are mental - the natural whole thing (me!) is real. I am a real, naturally complex and intricate and diverse though completely unified and harmonized one whole systemized thing; and not a mere assemblage of parts. Everything I needed to be the me of today was present at the moment of conception; I was and am one, whole being.

It can be seen then, that with my beginning as "zygote" unto my earthly end as "the deceased" I am a one, complete, whole being and I do not come in "parts", beginning here and there at diverse times as various bits of something until there has been assembled a sufficiency thereof to the point that it satisfies its peers and thereupon "becomes" me, an admitted member of human society. No, my nature and therefore I began at conception; since my nature was fixed and complete as human at that conception, and since there is no being in nature without itself. In all the evidence of science, philosophy, experience and the history of man there has never been a partial man or an incomplete nature. Many hypothesis and theories and experiments, of course, but not a single instance of authenticated reality. On the contrary, every human being who ever existed has always begun at his or her conception. All the evidence supports

the beginning of the basically complete man at conception; and of the non-existence of a partial or non-human being at conception, or anywhere-time else.

And, since I began as an entitative whole at conception I therefore did not successively in later ²timid growth begin again and again and/or bit by bit until at some arbitrary, artificial and entirely mental construct - clock - calendar time of 3 weeks, 6 weeks, 12 weeks, etc., I began as a being acceptable to mere others. Reality is; it determines man and man does not determine it. All man can do is to erect his mental constructs and proceed as reasonably and honestly as he is able to his "proofs". Beyond proof, however, is his own self-evident real existence, and since I am certain others are like me I can know that they began as did I, with pure awareness at conception, and not thereafter.

Pure awareness arose from within the me of long ago and became more and more evident in me, by me, from me, and later in reflex of and about me. The zygote from the very beginning moves and acts and reacts and seeks and rejects and grows, and rarely does it cease. This power of immanent activity is the very definition of life, is life, and is a directed life of its own. Of its own because all the sources of stimuli touching but external ^{to} of it evidence no power so superior to the zygote as to control it, direct it, feel for it, act for it, etc. The zygote is itself, belongs to itself, is a complete entity external to although dependent upon (as is the adult) its environment. It acts towards its own good, and this manifests intelligence. All its activities are intelligently directed toward its natural development and growth leading to its birth as baby some stages hence. Since all its acts are intelligently directed towards its natural and good end of growth, etc., such evidence of intelligence must have a source from which it comes. From what flows act manifesting intelligence except from intellectual capacity or powers called mind or intellect? And where is this source, the intellect, found? There is no evidence of intelligent manipulation of the zygote from external sources a la puppeteer, and thus it must be that the zygote contains within itself its own intellect, however instinctive and rudimentary it may

be, as the source of its intelligently directed acts. Not the developed intellect capable of universals, syllogistic judgment, the creative, and spiritual union; but, such power - call it what one will - that is, that is source and cause of all the zygote's acts, all obviously intelligently directed from within and not counter to the intelligent ends of sustenance, development and growth toward birth and thereon and thereafter. If one should say, however, that all this is mere instinct and not the rationality that defines man, could not one also say that "instinct" (the internal sense which guides animals) of itself is intelligent as act because it correctly proceeds and not in error? And, when one builds a house of high intelligence upon the low ground of awareness, is that house superior to its earthly base? In comfort and grace, yes, but in reality, in necessity, in controlling value, no. No intellect can be without pure awareness which is first in being, first in entitative time, exclusively necessary and that without which all is darkness and nothingness. All intellects must possess awareness and hence awareness is at least an essential and integral "part" of all intellectual workings, and therefore is human rationality. Awareness is a blended "part" of intellect, and therefore is rational.

And if one would contend that this directed and directing awareness, which is being in conative, appetitive and cognitive act (to experience is to know) is akin only to the brute animal instinct of, say, a dog, how is it that that dog never evidences analytical judgment whereas man always does? Whence comes the rationality? Not from outer space, of course, unless by a creative act of God; and yet, God always works from within being and not from without. And, man does not acquire intelligence - he develops it, and he can develop only what he is. Thus he has his intelligence from the beginning of his being, within his being called zygote.

This awareness must have an "I". That "I" is present in the body (zygote) which gives evidence of such awareness by its reaction to its surroundings, from stimuli both internal and external to it. That "I", being conscious, fulfills the basic defini-

tion of person, since immediate awareness of internal experience of an object, act, feeling, etc., is internally present to the perceiver, and thus is a conscious being who basically is a person.

Since it does act the zygote must be aware of such acts, otherwise, being without knowledge (awareness) of what was done or not done it would not progress as it does in all its activities. We know it progresses. And only if instinctive awareness, the awareness is there. And there is no awareness without self, whether known to the knower or not.

When the zygote continually acts, causing its own action and benefiting therefrom, it grows gradually in various ways to realize more and better fullness, strength, maturity, complexity, etc., to advance its causal capacities and to enhance them in developing itself. At the same time and although undergoing constant diverse growth the zygote, because it persistently and substantially remains the same being, also develops a realization of self-identity or self, as an individual being apart from an outside. This persistent sameness, despite the continuous changes, results in self-identity. If it is aware of anything external, it already has begun to consider its internal, and the wall between establishes its separateness as a self.

From observation it is seen that the zygote undergoes pure experience via a momentary act of immediate awareness (from action and reaction) and this is instantaneous perception of a reality when presented - or, intuitive grasp. Thus, the reaction to stimuli contains an interest, and intellectation or meaning is present from the beginning, innate and inborn and embedded at conception. Not the advanced, logical or creative thought of the adult human, of course, but certainly a rudimentary intuition as human as the more advanced intuit. This is the mental foundation of the rational, for without intuition experience has no meaning, and without meaning there is no rational thought.

At this point, dear Senator, one might contend that although the zygote is alive, of apparent human nature and intelligently directed towards its own good (a human being) - yet - has it advanced to a stage where it is human "enough" to be a me, a who? We have spoken about the zygote; can we speak as a zygote, a who?

We know who a human being is, because we the knowers already know ourselves. Why cannot we examine the zygote-embryo-fetus in the light of self as an immediately known and certain base for thought? Since all our thought must arise from within consciousness, why shouldn't we use this beginning point of thought (ourselves in action) as both subject (ourselves) and object (ourselves as thing thought about) not only together but blended and simultaneously? I do not mean mere reflective thought as where one thinks about himself. I mean my awareness as emanating from the very reality of me - whereby I directly experience the reality of myself and not merely know something about that reality. This direct experience of the real me is known as pure awareness - the beginning of thought and therefore the non-scientific and non-observable beginning of the human mentality of me.

We know when we see a tree that we do not see the realness of that tree, but only see a picture (phantasm) of that tree, and the seeing requires an intellect to interpret that picture. Also, we do not see that reality locatively within our mind - otherwise a real 3-ton elephant could charge into and across our mind - and thus the tree and/or elephant exist outside our mind. However, there is a direct gateway to the reality of self, and that is our own consciousness or awareness of ourselves, the "I" state.

You, as that I, are awareness and are subject-subject, rather than subject-object. Your awareness contains no pictures and no words. It does not speak or conventionally think, it simply is pure awareness of life in being. It does not call itself "I" or "me", same being mere words; and it does not "see" itself with pictures although it does "see" itself mentally as what we call "am", and personally as what we call "I" - and thus even without words, I am.

At my beginning I was being and life. I did not merely possess such, I was being and life, in itself; the it being (verb) me, myself. I was aware without pictures and words and with very little external experience that I was. Both existence and the self of awareness naturally merged together in one composite zygote, me. At my beginning I could not talk, walk or see - but I was alive and aware of self and struggling as all life struggles to be what I was meant to be - me.

Any human zygote observably reacts to stimulation so it must "feel", and if it feels it must "think" since it has experienced ("felt") and therefore knows: This knowledge is not structured analytical judgment, of course, but is awareness via touch, movement, pain or pleasure, etc. These reactions to stimuli require a central sense, life and natural capacity for awareness; since such reactions could only occur via sensation and intellectation - and thus necessarily spring from a capacity for such, no matter how tiny.

This evident awareness, as aforesaid, is knowledge. That is, a blank sheet of paper (the zygote) upon which experience after experience and thus knowledge is written. To experience is to know, in any way or depth, etc., and thus is knowledge.

Knowledge requires a self, or "I". That "I" is both the "what" and the "who" as aspects only of the one, unique, actual, existing, distinct being. I always am both subject and my own object, simultaneously in that blended real being called "human being" and named - John Doe.

As self, I am a combining form of the one existing, the one acting, the one affected by or benefiting from that action, the subject in whom acts and attributes inhere, the subject of relationships. I am alone and I possess soul, i. e., the deepest internal principle or source of my conscious life - the same conscious life which began as pure awareness in that zygote of long ago.

This is not common sense, of course. But common sense is just that - common. It goes nowhere. It thinks with its eyes and hands, its neighbors and its self-will. It

justifies itself by scoffing at anything new or different or strange - and it never arrives. It uses abstraction to deny abstraction. After it sees that real iron ship floating in water, however, it is then forced into abstraction with the question "why"? It must go into physics for observable phenomena and into metaphysics for the meaning of that phenomena. The point is that these (and mine also) minds are forced and do not eagerly seek the truth of the real, ontological reality.

Common sense is a useful and daily necessity, of course, in the practical affairs of surface everyday life - but it is a deterrent to answers. Thus it is that even a capable mind that could see often will refuse to see that a zygote is a human being. The refusal is caused by truth-conflicting desires within the will and not so much from a lack of reason. Also from a fear of consequences, as with a cancer-ridden person who refuses to confirm such by a visit to the doctor. But, if you cannot love the real rain - you really are all wet.

It is thus that no amount of reason will change some men - they are not of good will and thus they are not of open minds. Good, strong will is confused with self-will, and they will to ride this very strong Trojan horse to the learning point, their coffins.

From the newspapers' account of the Dallas case whereby the Texas statute was held unconstitutional, it appears that the court held our statute to be vague, an invasion of privacy, of freedom of conscience and of the right of privacy. I understand the plaintiffs were an unmarried pregnant woman, a doctor under criminal indictment and a couple who merely were worried that their "right" to kill in the future was compromised. They have their rights, of course, but I am wondering on what possible grounds the court held our statute, in the premises and on a fact basis, to be unconstitutional.

The proper end of legal law, as I understand it, is the common good and this includes every and all members of our society. As law, it is an external norm of conduct,

thereby an indirect norm of morality; and it has no direct causal effect upon an individual's internal norm of morality, or conscience.

To the individual person conscience is his personal application and inward response to a law, and whether that responsive judgment is erroneous or not no one may violate it - because even an erroneous judgment has become the inward law for that person. In this sense we do become a law unto ourselves.

However, this internal subjective norm of conscience should be oriented to the objective law - and while there is no power to compel or force conscience - the individual can never have such a complete independence or autonomy that it can establish its own law of conduct without reference to the rights of other like persons who rightfully are protected by the objective law. The individual's private conscience is not and never can be a norm of the public law of the land, or of any norm of law outside of that individual. This follows because law by its very definition is a rule of reasonable action for the common (public) good, which rule of action must be uniform (in content and as applied to all) or it is unfair and discriminatory. The individual person's private, internal norm of morality is his conscience but public law is not conscience. It does not control the individual's reasoned judgment as to the desirability of a certain course of action; but rather, and as law, it will deny that such person may overtly act on said judgment if and when it is contrary to the therein legally established rights of others. Conscience and law are not the same thing.

Law must and does respect individual conscience but it cannot, except through unacceptable privilege, abdicate its responsibility to the common well-being by permitting overt act which harms both other individuals and the public conscience as well. It should be evident that if private conscience is to be the standard or norm of right and wrong in law, there would be no law; since any murder, rape, theft, etc., would be justified by individual nationalizations to the effect such were in private judgment the best thing to do at the time and in the circumstances.

All and every private conscience from human nature is necessarily free to see as it sees (reason) the good of the desired object. Since the end-product of this entire workings is the proper acquisition of a good or the avoidance of an evil, such goodness or the lack thereof themselves mentally control the thereafter decision to act so as to acquire or avoid same. And the good or evil in turn is controlled by the rightness or the "oughtness" of morality - since although \$10,000. in my pocket is "good" for me yet it is evil if it really belongs (the "oughtness" of possession, claim and benefit) to you, and I possess it without your knowledge or consent. No, a mere desire to acquire a good (entative) does not justify (oughtness) the act (not conscience) necessary as means to said acquisition. Conscience is the intellectual judgment (something is, or is not) concerning the moral lawfulness (good or evil) of one's contemplated act about to be performed, knowing that his act is commanded, forbidden or permitted. Conscience is nothing but the intellect in judgment on right and good or wrong and evil concerning a contemplated act; and it does not go beyond judgment into decision and act.

At this point one might say - Well, if my conscience is free but I can't act in keeping with that freedom, of what good is the freedom? Isn't such a denial hypocritical? The answer would seem to be in the distinctions between freedom, conscience and act.

Conscience is always free. It is free because there exists no outside power which can compel a person's conscience - because one's intellect (judgment) simply sees what it sees and nothing else. For example, it sees that 2 added to 2 = a good 4, and nothing else. This internal necessity makes the judgment externally free of any (outside) contradiction of law or of others.

Conscience in action is its act of forming a moral judgment and such is always freely formed, i.e., the intellect always seeks to conclude on an "is" or "is not" re. the morality thereof - there being no other firming base in human thought. This con-

clusion is free only from within, however, as the intellect simply sees what it sees, free of outside force of others. Within that within, however, this freedom is necessitated to see what it sees and thus is never free of the external ontological realities expressed to it as truth, although free of the will of other men.

Law, therefore, cannot dictate conscience because, as noted, conscience of natural internal necessity is free of outside coercion from others; and thus conscience is not the proper subject matter of law; but external act is the subject matter of law, as is obvious. Accordingly, conscience as such and in the context is irrelevant. It is not the common good which is the proper subject matter of law - and especially is it irrelevant to provide in law via privilege that any and all may overtly act to kill at will - which act is not conscience (the reasoned judgment) in that its judgment is two steps away from the third step of the actual and overt act of killing, to wit: (1) the volitional decision made that it is good to kill and (2) the volitional command made to self and doctor, whereby the overt killing act is started and ended. Conscience concerns itself with the good or evil of an object under consideration; and only then does the reason thereafter consider such efficacious means (which themselves are good or evil or permissible) as are necessary to obtain or reject that object, and conscience of itself does not command, or do, overt acts. The will commands, the total man executes the act, and neither of these is the reasoned judgment of good or evil called conscience. It is not freedom of conscience that the abortionists seek, but freedom of action. Put it any way you will, they want to be legally free to kill their own, who at the very least are human life. Where there is human life there is human being - you and I.

One is free - (1) to form one's own judgment, (2) to determine which of one's judgments he prefers, (3) to stop the process of thinking so as to turn to willing, and even freely, ~~and~~ (4) refuse to follow what he regards as his better judgment. Herein lies the area of one's freedom, and it does not thereupon and additionally follow that one is free to act in any way one might decide.

To say that "decisions to bear or not bear children are matters of profound personal conscience" is to say nothing that is in issue. Once a child is conceived he is *bonne*, and such fact is beyond a subsequent decision, and decision also is not the merely intellectual act of moral judgment in conscience. Decision is not a part of conscience.

To say "they (decisions) are to be decided by the people most closely concerned in consultation with their own chosen spiritual and medical advisers" is to say nothing at all about conscience, but rather speaks of volition.

And "it (the court) holds to the theory that this would be a personal decision - not one denied by state law" is to say nothing relevant, since state law cannot compelor determine or control conscience. State law can only prohibit wrongful overt act (a killing of human life) which act is not a part of conscience and which does not by direct causation flow from conscience. Otherwise, one's deep, personal decision that Chief Justice Burger is bad for America would justify his assassination - in one's conscience.

To say that without the freedom necessary to follow one's conscience there is no freedom at all is a mere contradiction, because conscience of internal necessity is judgment freely made. It is not overt act. By freedom to follow conscience is meant freedom to act, and to act in any way at all is a moral monstrosity.

In general, to be free means to not be forced. That is, to not be necessitated physically, psychologically or morally; to not be totally subject to something outside oneself. One thereby is able to be the cause of one's own act without being externally coerced or internally determined to only one object or one course of action. One thereby is able to choose for oneself the means to one's own good; is able to decide for oneself unforced by antecedent conditions without or within one's will. Antecedent conditions of knowledge and motives are present, of course, and these do influence the will but such knowledge and motives do not force the will's choice. That

choice is one's "free" judgment as activated by a choosing based thereon. In this free judgment one is free to form his own judgment, to stop the very process of thinking and turn to willing - and even to freely refuse to follow what he regards as his better judgment.

As such, freedom is the opposite of necessity. Necessity is the characteristic, condition or state of something whereby it must be as it is, and cannot not be, and cannot be otherwise than it is. Its condition of being is that it is subjected to force, to a complete and fixed determination to only one state of being, or to only one course of action or to only one outcome. Without this necessity, which is present as a principle of constitutional structure within every bit of reality, no reality could ever contain its freedom. And it follows that because the subject (me) must have something to be free from (there otherwise being no need for freedom) that this something is that part or aspect of me that is not necessitated. I am both necessitated (internally determined) and in other areas not necessitated (internally free). If I were not internally determined I could not be; I would not hang together, as me - no more than could a handful of jello be nailed to a wall. If I were not internally free I could not be a human being; a being with freedom to choose, to choose contraries or not to choose at all. All human beings are conceived with this power of freedom.

The intellectual power of reason (judgment) is necessitated because the reason is forced to see what it sees, i. e., that $2 + 2 = 4$ - and not $3\frac{1}{2}$ or 10, etc. The intellectual power of volition (decision or choice) is free, however, to choose this, or to choose that or not to choose at all. This freedom is somewhat restrained, however, as is evident from the very nature of freedom. Freedom would not exist if there were not something to be free of, or free from. All reality, existence and nature is internally determined, fixed and necessitated in the entitive sense - or it could not be.

Freedom thus requires the necessity of the internal structure of self and of others from which one is to be free - otherwise there is nothing to be free from.

One's freedom does not stand alone. One's very existence depends upon parents. Throughout life one must eat, drink, sleep, rest, etc.; we cannot stop breathing and we need parents, family, others and society or we cannot survive or develop or attain a full life. And since we cannot stand alone, neither can our freedom stand alone - free of those restraints necessarily flowing from the like right of others.

So, it would follow, freedom does not even exist of its own right but rather is necessitated and dependent upon that in which it inheres. In the human conscience, therefore, one's mind is necessarily free to see the good or evil it sees (the judgment); but is not free to act (morally) in a manner contrary to that moral judgment, or free to act (legally and morally) in a manner contrary to law.

To say that by conscience is meant (1) reasoned judgment to a truth; joined (2) by volitional decision choosing a good, acting in concert (3) to command overt act leading (4) to an actual overt act done - is to stretch "conscience" too far. By its own constitution conscience involves only a (1) reasoned judgment that something is (a) true or false, and (b) good or evil and therefore is to be (c) sought or avoided. It goes no farther.

Conscience entails reasoning to truth and good or falsehood and evil and that such should be sought or avoided. It thus indirectly furnishes the motivation necessary to activate the will, but it is not part of that volitional will, nor is the will a part of it. They do mesh together but "conscience" is judgment and not command, and neither of them is overt act.

Every pro-abortionist stand I've ever read or heard always prejudges the very issues by insisting upon rights; of rights to freedom, to privacy, etc. But nowhere yet have I heard or read any objective substantiation at the gut-level of their right to kill, their right to another's death. There are many pronouncements, edicts and

statements but nowhere to my knowledge have they ever explained their right, shown its elements, or demonstrated its application to the positions they have taken. Not even a dictionary definition. There must be a right before it could be vested in a person and claimed by him. What then, is a right?

Right may be defined as a moral (the "oughtness" concept) and inviolable power of possessing, doing or exacting something. It is said to be: (a) a power because it springs from a capacity by which a person can possess, do or exact something; (b) moral, because it is not exercised by physical influence, but is a power conceded by most law to be acknowledged by others, and which exercises its influence by means of reasonable "oughtness" on the free will of others; (c) of possessing, doing or exacting something because the matters of which this power is concerned are things or personal activity (actions and omissions), or the activity of others; (d) inviolable because it binds free wills with regard to the matter of a right.

Hence, right implies two things: liberty on the part of the subject (zygote) of the right, and obligation on the part of others (mother, etc.) to reverence this right.

But does a zygote have a vested liberty or right to its life, and do all others have an obligation to respect that right of life? Yes, it has, because all human beings have a vested title to their life from the reality of their very nature. Nature does not work against itself - it fights for its life - and God does not play jokes on his creatures. Life is not an accidental, an attribute or an incidental. It is not an incidental but rather the very heart of creation, and with the gift of life goes also the right to possess it. Being a human being, a zygote has a vested title of right to his or her life.

But, since the parents are the means through which both the existence and life of the zygote come to be, do they not have the right to retract, to take away that life? No, they have not, because the matter of right cannot be a human being. This follows because in order that something be the object of human power, it is necessary

that it should by its very nature be subjected to man. Thus, the matter of a right cannot be a human being. In other words, the mere relationship of mother and son (both having human rights) does not morally empower the one human (mother) to kill the other human (child), or vice versa. The child is subject to its parents' control and guidance, of course, but only for its own good and certainly not for its destruction.

The zygote as a natural body has a right from nature to fulfill its human self, and thus has a right to its life. Otherwise, right is only might and real human nature is subject to artificial and sacrificial constructs.

Such right of life is inalienable in the zygote (the beginning of me) because once I am killed I cannot fulfill my human destiny - my reason, nature's reason and God's reason for my very existence as me. I may not give up or give away my right and duty of life.

My right of life, especially at the start as zygote, is also indefeasible because this life is so necessary to my existence and fulfillment as a human being that I cannot and may not give it up, and no authority can morally take it away for any cause whatsoever.

For no cause whatsoever because an indefeasible right is vested only in those innocent of wrongdoing, and I as zygote did not cause nor constitute a wrong and if there existed an evil or wrong it came from others and not from me. I am not evil. Even a corporation or murderer is accorded more protection in law than was I as zygote, and though a murderer has his rights certainly they are not superior to those of any entirely innocent zygote. Is an adult, willful and evil murderer entitled to more legal rights than a tiny, defenseless and entirely innocent zygote (the me of long ago)? What do you think?

Having natural, inalienable and indefeasible rights it should follow that the zygote also should have civil rights; i. e., human rights, recognized as such in positive

law and thereby possessing such legal force as is necessary to require of others that they recognize or respect one's right to be, to grow, to live as an American with equal protection in his community, under the Constitution of the United States of America.

All law and especially statutory and constitutional law should conform as closely as humanly possible to the law of reality, or, what is. In the human mind the whatness of reality is known as truth, and man must be true to himself by seeking out and accepting truth no matter the cost in dollars, position, friendship or other lesser values. Otherwise he is not his true self and is cheap enough to have been bought and paid for.

It is said that any law which controls or condemns abortion is an invasion of the right of privacy; that one is thereby not left alone to do as one wishes, and that such restraint therefore is unconstitutional.

Of course, this concept as phrased entirely omits the completely natural and necessary partner of right - duty. There is no such thing as a right without a duty. Nature conceived right and duty as one entity, because without duty of others to respect your right (all of these are moral powers) your "rights" become useless as being non-attainable. Your "rights" would conflict with the "rights" of others, and without any duty of respect and restraint might would prevail and "right" thus would be might.

Thus you have no right unless others have a duty to respect your right; and each of those others has a like right, towards which you have a duty of restraint and respect. So, in the context, where is the duty in the "right to privacy" which the abortionist claims as abortionist? He is saying that the State of Texas has a duty to not prohibit his overt act of killing a human being. But he says nothing about his duty to respect the right of Texas to protect it's people, or about the paramount right of the intended victim.

The crux of the matter lies in duty and not in right, since no "right" is violated

unless and until the State of Texas first fails to observe its "duty" to respect that private right by (1) abdicating all responsibility in the field of public conscience, and (2) all reason for protecting the common good, and (3) as a Pontius Pilate turn its back on the right to life of one it is sworn to protect. Not one, but thousands upon thousands of our very own. But the State of Texas does have the duty to uphold public conscience, to protect the common good and to prohibit private killings by its people of its people.

It should follow, then, that the principle of "right of privacy" fails in its application and in the context, if the zygote is a human being, or even if it is but probably a human being. Otherwise a preponderance of reasonable evidence would be meaningless in law, in ethics and in science; right would be might and to kill at will would be enshrined in law as a moral principle.

It should be evident that the right of the abortionist to be left alone also contains the duty of that same abortionist. The duty to observe the rights of others - while enjoying his right to privacy by not using his privacy as a veil of secrecy to overtly act in violation of that other one's right, in this case the right to life.

Privacy is a state of being alone and apart from others. Although a good thing, it nonetheless readily lends itself to the wrongful. It is a tool of the night-time killer, burglar, rapist, etc. - and though they have a right to the night, they may not (morally or legally) use that right in the very denial of the rights of others, of both the individual and the state. The abortionist may not use his right of privacy so as to thereby invade the privacy of another.

In closing and by way of summary then, between the entirely human parents and their entirely human baby lies the conception and growth of their zygote-embryo-fetus-child-being unto its birth. It is only one thing during this ⁹⁻9-month period - no matter its many names - it is only one, real being.

This one real being is called "zygote" and it observably begins at conception.

This beginning is an instant or point in mental (clock) and real (being) time, and this instant always is within a one only passing "now"; otherwise a beginning would continue to be, which is contrary to the very meaning of the concept and to the reality it expresses. The beginning is always began, since within entitative as well as clock time any original present simultaneously merges with the past to thereafter be past, leaving only future present-pasts or flowing "nows" to follow that beginning (as act), begun (as point) start of a real being.

Thus, this point which began is the crossover from never to always. The never (of a human being) is sperm and/or ovule alone and not united. The crossover is conception. The always is the is, on the being conceived and called "zygote".

What began thus always is; and never later begins again so as to "become" another is, on a man. Become means to come-to-be, or creation. There is no (1) pure creation (something from nothing) since this is God's work, and such are not the facts of our generative situation; nor is there (2) man's creation (something from something) because the body-zygote already exists and thus is in no need of a be-coming.

This zygote-being that is thereafter flows forward into its life and never backward. Thus, it always is changing from a now to another now within constituent being time and in clock time. But these changes are effects in that being undergoing its own changes, and as changes they do not cause the being on any part of that being. They are changes in it, but basically are not it. The changes are "growth" or "development", and such like change never exist outside their causes, i. e., the capacity-laden being changing. There never has been a change, growth or development in and of themselves, but always there is a change, etc., inhering in and flowing from ~~some~~ thing else, the living being changing, growing and developing.

Changes from "zygote" to "infant" or "adult" do not cause that being and whatever its stage of development - that being remains constantly itself all the while and during the changes it causes within itself and in no other being or kind of being. It always is itself.

The zygote that stands between its entirely human parents and itself as an entirely human infant or child could never be not human, unhuman or semihuman - because in all nature there is no evidence of a different genus, species or kind of being standing between parents and their offspring.

Thus it should follow that there is a human something called "zygote", etc.; that something is being (the thing conceived); that being is human (no other possibilities); that being is zygote (what else?) and that "zygote" is a "human being". If not, what is it, and where is your proof?

By nature the zygote is a one-complete-whole thing. Complete because nothing else ever is added to its nature as human. Whole because nothing in living nature ever comes in parts. Parts are always artificial, as a tire of a car (unified as to function, but not of nature); or are mental, as a head of a baby. We can cut off a leg, and human nature is not thereby diminished. We can even cut off one's head, and although he cannot maintain his life without his head and thus dies, yet his human nature was not cut off, or even diminished. Death terminates earthly life but it is a human being ~~who~~ is dead.

The zygote of man is a whole and comes in a complete package - "preassembled", so to speak - and never after its beginning is it ever put together or connected together by anything other than its own act of existence; its "is". All his being (what is) including structure, systems, engines, levers, forces, etc., etc. are present in a one thing only. All separate (if not separate they cannot be parts) "parts" thereof are purely mental constructions; as mental as one's charm, beauty, personality, etc., which such are not real, ontological things. And to argue that the very complexities of a thing show it is parts, is to argue that no one being can possess different realities within itself - and thus that all reality is sameness.

The infant is not large, bearded, agile. For years after he does not form responsible judgments. He does not talk intelligently, etc. Yet from birth on he is

considered a human being. He is a human being, but not because he was born, birth being not a cause but an effect. He is a human being because of his animal class and human nature and not because of this one, passing phase of his journey through earthly life, his birth.

The human zygote is this same infant. Human because of class and nature. All differences between the human as infant and zygote are external and not controlling. Size and development do not change the zygote into a different being called "infant", any more than they change infant into a different being called "adult". I am no more human than my zygote because "we" are the same thing from conception on. All differences are within and of the same thing whether called "zygote", "infant" or "adult".

Additionally, the zygote displays intelligence via pure awareness which takes on experience, which is knowledge and knowledge requires a knower. Such knower necessarily contains a central sense having intelligence, and the wall between the knower and the known effects an "I", the zygote as subject of intelligence.

This "I" is person, or what is it? Of course, ordinarily the term "person" is only a word expressive of the thought-picture we have when we consider man in his totality on a surface level. That is, the surface of him as is readily evident to eye and ear. Henry is a person. One doesn't think of Henry as bones, muscles, an "I", intellect, etc., etc.; but rather and simply, as Henry.

The idea that a person must be a visibly evident, talking and fully formed human being is a spatial illusion; spatial illusion itself being a real illusion in that space does not actually exist and is only a mental construct whereby we mentally locatively place, so to speak, a real, actual, existing body (the zygote body). When we actually place a real thing (e.g., a box) in a given space (as on a shelf) we actually displace another real thing (air, gasses, etc.), not "space", with the real material body of the box. The "zygote" is a real body and it contains within itself its whole person; "person" (like "space") being only a mental construct in a word form used to tie toget-

her the individual unique surface manifestations of the vast complexities of a whole human being into a one picture named Henry, so that the mind can readily hold it, digest it, and use it as a stepping stone in its chain process called reason. There is no personality without person, and there is no person without zygote. "Person" is only a mental effect flowing from its real cause, the zygote. The zygote possesses and is more than its person - and not vice-versa.

A real person is simply a being that is human, on earth with body and intellect all alive in a sea of self, unified by a central sense of identity or I, all flowing from that deepest, internal and hidden away substrate called soul. All of this is within the zygote, on capacity ^{is} not reality. God is constant. He does not play jokes on his creatures. He deals only in is-ness. Man is zygote - and every human zygote is a being human and therefore a person.

Every human being alive today at least partly began with his body called zygote at conception. But bodies do not exist as bodies, and only exist as dogs, birds, flowers, man, etc. There has never existed a body body. Thus the zygote as body is man's body. And, since a living human being on earth cannot be without his body, that man cannot live without zygote. And since every living thing comes in a whole package the all of man is within that one package called "zygote" and is that zygote.

Since capacity to be developed is a necessary and constitutionally first element of being, without which there is no is-ness or being; then capacity is being and is reality. Your power to be you is at heart the reality of you, and man is thus zygote and zygote is man.

If this be not true, where is it false? And if it is true, then "medical abortion" is homicide. And where homicide is not justified and there is intent, it is murder. Of whatever degree it is evil and as such should be prohibited and not permitted and protected by law. Law must protect life because all rights, including the constitutional, are based upon, flow from, are inferior to and must respect life itself, or be but sounding brass.

...
We should distinguish in law, however, between man as a singular, one whole person; and man as a composite of many such singulars in his whole society. He exists in both and thus misdirected conflict obviously arises. However, once man is true to his real self - as moral training, deep insight and responsive law, however imperfectly, should so effect - then the two stances should merge into a more harmonious one, as nature's God does intend. Not easy, but unless we try we will have lost the American spirit and with it our very future.

I feel, however, that the Supreme Court will rise to the needs of this vital issue, and perhaps even proclaim a Declaration of Man or a Bill of Responsibility. The whole world needs moral leadership in everything - and next to man himself that need is more evident in law than it is in anything else. And if law is not morally responsive to moral man, what is it?

It is my hope, Senator, that the Texas legislature under constitutional guidelines will combine the exactness of science with the range and scope of philosophy to effect a synthesis in law of the wholeness of truth upon the whole plane of thinking. It is my belief that you possess the moral intelligence and resolve to lead the way through the forest of bad will, amorality and ignorance that one encounters in this wilderness of abortion. In this task, please be assured that many prayers are with you, and with God at your side you do not stand alone.

Thank you, sincerely,

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