

# Alabama's IVF Ruling

The Alabama Supreme Court issued a ruling on February 16 that gained lots of attention across the country. A hospital in Mobile, Alabama stored frozen embryos for clients who sought In-Vitro Fertilization (IVF). They failed to secure the storage area from other patients.

In 2020, a patient removed some frozen embryos from the cold storage tanks in what many have referred to as the nursery, including some media outlets that do not take the pro-life stance. Those tanks contain liquid nitrogen, since very cold temperatures are needed to preserve the embryos. Anyone who has ever handled liquid nitrogen knows that it's dangerously cold. The patient handled what they removed, but the extreme cold would damage their fingers if they held on for even a short period of time. Their reaction led to the dropping of the container, and thus the death of the embryos.

This led to legal action by three couples against the fertility clinic. The parents of the deceased embryos sued for wrongful death, since their frozen children had died. Some people would not consider their children as children, and thus may have been okay with destruction of

property or failing to protect against such destruction. But Alabama law seemed to properly protect human life from conception.

A lower court ruled that the embryos were not people or children, and thus dismissed the claim of wrongful death. An appeal was made to the Alabama Supreme Court, and they ruled with a 7-2 ruling that the state law seemed rather clear about the ability to sue over the death of their children, born or unborn.

Chief Justice Tom Parker wrote the following in a concurring opinion, "Even before birth, all human beings have the image of God, and their lives cannot be destroyed without effacing his glory."

It's clear the couples have suffered a loss. People disagree on the type of loss. The ruling is consistent with the law, regardless of whether people recognize the legal rights of unborn children. Coming back to the nursery term from earlier, one doesn't have a nursery if one has no children in it. Clearly, small human beings went from living to dead, due to inadequate security measures.

Now for opinions and comparing options.

# IVF Ruling's Chilling Effect

Many IVF providers in Alabama quickly announced that they would pause providing IVF services. They are concerned about being sued.

At the most basic level, that could make sense if they don't protect the frozen embryos they store in ways that could prevent similar incidents. But they could be looking beyond similar incidents. If they aren't used to viewing the children in their frozen nurseries as human beings with rights, they could need some time to consider how their actions could be viewed from the perspective of the law.

The University of Alabama at Birmingham was the first when they announced their intention to pause their IVF program. They were the first to announce such a change. After them, Alabama Fertility made a similar announcement. The Center for Reproductive Medicine at Mobile Infirmary also made a similar announcement. They were the company sued in the lawsuit.

Any business that provides IVF in the state of Alabama is concerned and considering their options. This is in spite of the fact that the current Attorney

General of Alabama said they won't enforce this aspect of the law.

With several other states protecting life from conception ever since the Dobbs ruling, some concerns are now spreading to other states. People in states where pro-lifers have been pushing for more protections for pre-born life fear that similar outcomes could come to their states if they allow pro-lifers to have their way.

We live in a time of transition. The morality and laws that haven't been applied to the modern circumstances for roughly half a century are leaving people in a state of confusion. People often oppose change. This is causing many people to push for changes in laws to preserve IVF and even abortion. As usual, any circumstance brings out people who use death as a "solution".

Some IVF labs will allow retrieval or continued freezing of existing embryos, but not fertilize eggs nor allow the development of embryos. They are pushing for changes in laws. Yet, frozen embryos remaining frozen indefinitely is another moral concern.

# Other Side's View

Abortion advocates have claimed that pro-lifers just want to control women and restrict reproductive rights for many years. That mindset is critical to understand at this time, because of the way the recent IVF ruling affects this argument.

If you think someone wants to control you or limit your options, and you hear that they claim to be pro-life, loving babies, etc., you would think they would support IVF. But now they see pro-life policies causing issues with IVF. They know that some pro-lifers oppose IVF, and thus this only makes sense in the minds of many of them if their incorrect characterization of our views was true—where they think we want to control them by keeping them from being able to make reproductive decisions.

The current federal administration has used this incident to make a fresh push for codifying Roe so unborn children's rights would play no part, since the powers of their mothers would take priority. That twists the issue of trying to have a child into a means by which the administration hopes to enact laws to kill many children. The repeated call to action to expand abortion is getting old,

and it's sad that even the effort to have children is fueling the efforts to kill children.

People who work in the IVF profession are pointing out how the discontinuing of IVF services will unfortunately leave couples who are seeking to conceive a child without this option, which many of them wrongly think is their only option. They don't mention that this is not usually their only option, though.

For people who do not know about NaProTechnology, they assume IVF is their only option to have children if they have fertility issues. That's making many people angry that pro-life laws are limiting their ability to have children. Again, this makes them think pro-lifers aren't sincere about promoting life. Yet, it does make the "pro-birth" claim sketchy.

This issue could add to the already abortion-charged life issues. It's the main issue for one political party right now, and policymakers are still trying to figure out what laws make sense for abortion. This will be an interesting year for pro-lifers. People are very reactive now in a world of cancel culture and whiplash politics that go from extreme to extreme.

# “Our” Side’s View

I’ve already seen videos where lawmakers who are opposed to abortion are asked about their stance on IVF. It’s clear they haven’t thought about this issue enough, because the responses aren’t thought out very well.

When a prominent Alabama Senator was asked about the ruling by their state’s court on embryos being children, he said we need to have more kids and that he was all for it. The reporter pointed out that IVF is used to have children. He redirected by suggesting that’s for another conversation. When asked another question about what he would say to a couple seeking to have children using IVF, he admitted it was a hard question, but that we need more kids.

MSNBC referred to it as kryptonite for pro-life politicians, since they will need to avoid it, since it hurts them (in their opinion). The same network points out that a few countries like Italy and Poland had previously restricted IVF, but that it was not popular and that it didn’t last. A major political party has suggested that their lawmakers avoid the issue.

Some people who would be expected to provide pro-life responses to questions

have suggested that embryos are not people. That would call into question a pro-life position on abortion.

An informed pro-lifer would point out the issues with IVF and that there are alternatives that are not only less expensive and use moral approaches, but they are also several times more effective at helping in the conception of a child, naturally. They could point out differences in how things are done in the United States versus several other nations that allow IVF, but go about it in ways that have fewer moral issues, although they still have such issues.

We do not endorse candidates for office nor political parties. But we also know that the media has a strong bias that doesn’t tend to favor the pro-life position. They tend to spread what politicians say, since politicians represent us. It’s important that all pro-lifers, but especially politicians know more about this issue and some key points that can convey that this IVF incident just drew attention to some of the many issues in the IVF industry. There are better options.

Some people have responded well, but not enough. We need better responses.

# The Public's View

Statistics have been flying around ever since this ruling. I first heard that over 80% of people are in favor of IVF. I would later hear that 86% of people are in favor of IVF.

Many people know couples who sought IVF to have at least one child. Many people know people who were conceived using IVF. People see that IVF has worked in many cases.

It can be more emotional when they think of the people they care about who have used it or were conceived through it. Many people don't want to be confrontational nowadays. Many people also assume that opposition to IVF would imply that they would oppose what their friends or family members who struggled with fertility have done. It might even reach a point where someone might think that someone conceived through IVF might be bad, somehow. But that doesn't have to be the case, and typically is not the case.

Scientism has become excessive in modern times. That's not just recognizing the value of science, but placing it above all other things. If IVF is possible because of science, people don't always consider

if it's morally good. They know people want children and science gave us IVF as a way to do that, so they are all for it.

Most people don't even consider if there should be any regulations at all. Most people don't realize there are moral issues with IVF. Again, most people don't realize there are options that are moral and more effective at a lower cost. Those other options appear in a later section of this document.

With the media's reaction and attention on this issue, the public will pay attention to this for a while. Sadly, they are sympathizing with the stories being brought out that would suggest IVF must remain as it is or with even fewer regulations. They also hear too many people with bad responses or fleeing from the topic. This combination can make the typical person think that IVF must be good, and that laws must change to make it easier to get.

As usual, a ruling affirming the value of life will trigger actions opposed to respecting life. We need people to step back and realize what's going on, rather than having impulsive reactions without thinking. Otherwise, bad things happen.

# IVF Here is Worse Than Elsewhere

Before getting to the moral issues that are at the core of IVF that could make it unacceptable in any circumstance, let's consider how it's done in the United States versus many other nations. Even if people are in favor of IVF, and might not agree on the core issues with IVF, there are still things that could change for the better.

The cost for a single cycle of IVF is typically between \$15,000 and \$30,000. This is very costly. The chances of a live birth resulting from a single cycle of IVF is roughly 23%. I've seen some higher numbers, but this is the number I trust the most. I have never seen a success rate over 50%. So a couple could pay \$30,000 and have no child. They could do it again and still have a decent chance of no positive result.

This is one of the reasons IVF in the United States aims to implant multiple embryos in the womb. Their success rate would be unacceptably low if they only implanted a single child. Almost no one would resort to IVF. By implanting so many, that's the main reason we hear of women who have five, six, even eight children at one time. It puts their lives and the lives of their children at risk

unless they resort to a "selective reduction".

Selective Reduction is the term for aborting (killing) the children that should have been considered their success cases in times when "too many" survived. They try to reduce the numbers to one or two. Couples seeking children end up authorizing the killing of children in order to have one or two. This is not good.

However, I've heard of nations that implant far fewer embryos. Although the core issues remain, this can result in far fewer abortions (selective reductions).

This is just one example of ways that IVF in other parts of the world aim to reduce the moral concerns. As I hear of lawmakers considering making IVF easier, the main way that happens is to further remove regulations or to deny the fundamental right to life of unborn children. The latter opens the door for more abortions and other threats to human life in its earliest stages. Things are not too strict, but too lax. But many states may move in the wrong direction. Information is power. People need to know more about IVF and other options.

# Core Issues With IVF

One issue is the commoditization of human life. With IVF, people pay to create a child. Adoption costs are high, but they pay for the background checks and other things to place a child in good families. With IVF, people expect to get a child in exchange for money. As mentioned earlier, that money is significant. It's very costly to go through enough cycles to get a single successful attempt.

Natural conception involves a man and woman. They unite in a way that is both unitive (joining in love) and procreative (a third life emerges from their action). When that is broken, we end up with disorders in society. People seeking unitive without procreative end up using contraception to block the procreative aspect, or they engage in porn or masturbation. These are not fulfilling actions. When procreation is sought without the unitive, we get things like IVF, where life is created by a third party in a sterile lab environment.

The cells they join to create that life is typically acquired through immoral means. Men masturbate to provide the sperm. Women are given high doses of hormones that mess with her body so she it will be easier to harvest multiple

eggs. It takes a toll on women's bodies, but many put up with it to get a child.

Sometimes, the womb is not habitable for the child, so surrogacy might be sought. Now, a fourth party gets involved, often for money. She gets attached to the child, literally, gives birth, and then the child goes back to the biological parents.

Sometimes, contracts have led to a surrogate being forced to have an abortion, because the circumstances change. Either the child tests positive for some disease or condition that the parents don't want to deal with, or the parents may have divorced. This has led to serious situations where someone opposed to abortion may be required to have an abortion.

Another concern arises with the freezing process. It's not moral to suspend a person's life indefinitely, possibly forever. Ethicists have disagreed about embryo adoption, since it frees a suspended life, but also could create a market for immoral IVF activities.

Selective reduction is a euphemism for abortion in cases of IVF. It's not good.



# **Moral Options Exist (and are more effective)**

We've tried to make people aware of Natural Procreative Technology (NaProTechnology) methods of addressing fertility issues. Statistics from many years ago showed it was at least 1.5 to 3 times more effective than IVF at achieving pregnancy. NaPro can't solve 100% of cases, but neither does IVF.

Since NaPro addresses underlying issues with health, the rate of twins or more children resulting from a pregnancy is just 3.2%. Premature birth rates are 50% lower. It's also 79% effective in preventing recurring miscarriages. This is important, because IVF doesn't give enough consideration of things that could result in the deaths of the children they implant. If progesterone levels are too low, NaPro would have addressed that, but IVF would just lead to miscarriages. After pregnancy, NaPro can treat post partum depression in ways that are 95% effective, often resulting in decreased symptoms within hours.

By recognizing the symptoms of health issues that affect fertility, NaPro professionals can help women achieve better health. The reproductive system does not operate in isolation, so this

improvement in reproductive health means better health overall for women.

I remember hearing of a case where a woman sought solutions from traditional doctors, and they failed to provide results. They recommended IVF. She almost went in for the consultation, but someone suggested NaPro. After a short time and very little cost, she found out that she was deficient in one of the forms of vitamin B. For a few dollars worth of vitamins, she was able to achieve pregnancy, very few months after she started to see NaPro-trained support.

NaPro brings improved health and fertility to women without an excessive cost. It allows natural conception of children without incorporating a third or fourth party and legal contracts regarding the creation, carrying, or storage of children. It avoids the risks of multiple births. No lives are held in suspension, frozen for unknown numbers of years with the risk of dying if the temperature increases.

There are countless success stories of women who have benefitted from NaPro. Couples deserve NaPro and other good, moral options.



# Talking Points

It's been said that people don't care what you know until they know that you care. With that, it's important to address the emotional side of things early on. It can also help to make clear what you aren't saying.

If you know of people who have used IVF or conceived through IVF, it can be good to acknowledge that. You can make it clear that you don't think children conceived through IVF are evil or that they shouldn't exist. Also, if people used IVF but didn't know the moral dimensions of it, then it's hard to cast judgement on them.

One can point out that you appreciate that couples want to have children, since so many people do not. This is a good thing, but good methods should be used.

The IVF case has led to lots of talk about IVF without addressing many of the concerns. The right side of this page lists a variety of talking points. But there can be many more. The case itself shows that a loss occurred. You could use IVF to bring up the value of unborn life, which may get into the abortion issue. But some people might quit while you're ahead on this topic.

You can then step through some of those concerns in whatever order you find useful, and only addressing what topics you think you can address and that they would find useful to know:

- There are options for people facing infertility that most people don't know about that are very affordable, many times more effective than IVF, and I'm not aware of anyone who opposes the methods from a moral perspective; and you can go into the detailed benefits of NaPro
- Commoditization of children
- Very costly with low rates of success
- High hormone levels given to women
- Involves masturbation
- Involves third or even fourth parties
- Doesn't address underlying health issues
- May freeze children indefinitely
- Tends to involve abortions with the way it's done in the United States, and could be done in ways that could avoid or minimize this

As usual, everyone you talk to is different. Each of you who talk to those people are different. So your choice of talking points may vary from person to person, but you may have favorites that work better than others for some people.

# Summary

I'm sure I'm missing good things about NaProTechnology, because I focused only on what applied to this topic. There is much more about that subject that one could go into. I wouldn't be surprised if I missed some issues with IVF. This is just what came to my mind this afternoon. I didn't spend days or weeks composing this. But it shows what someone can come up with when they are informed on issues like this.

I wish more people, and especially politicians and other people with the attention of the media would not fear this issue. Pro-lifers should run toward this issue, which is why I took the time to write this document during a time that has been very busy for me. This issue has many parts, but most of the parts show the bad parts of IVF and good things about the other options. Even if you didn't know everything in this document, even a few talking points could be enough for many people to recognize that IVF has issues that are enough to at least consider restrictions, if IVF would be allowed at all.

This ruling in Alabama only applies to Alabama, because it's based on Alabama state law, and the ruling is from the

Alabama Supreme Court. But the effects will spread across the country as people react or overreact to the news.

Imagine how much more informed people would be on the issue if more of us took the time to learn a bit about topics like this. The pro-life movement often focused on abortion, because it affected over a million innocent children per year in our country alone, and those children couldn't defend themselves. But there are other issues. We touch on them occasionally, but they often don't get anywhere near the attention. But when more people know more about multiple pro-life subjects, it makes it much easier to respond to news of a ruling like this.

We shouldn't have lawmakers who sound like they contradict themselves or hold views that don't seem to mesh well. Even when one first hears news like this, if you don't have some idea of a good pro-life response, then there's more one should learn so one isn't caught off-guard.

I was happy to hear that a state supreme court abided by the laws of their state that protected life. But I figured the backlash would be huge, and it has been. IVF has become normalized.