

Con: Proposition 26: Dangerous to all pregnant women

Imagine a law declaring that upon becoming pregnant a woman loses her right to bodily integrity, life and liberty. Such a law has been proposed here in Mississippi, a so-called "ultimate human life amendment" to the state constitution, declaring that the term 'person' includes every human being from the moment of fertilization, cloning or the functional equivalent thereof."

While proponents of this measure argue that their intent is to "protect women and children," this amendment will be devastating to pregnant women and dangerous for both maternal and fetal health.

Constitutional law ensures that people - including pregnant women - have the right to make their own health-care decisions. Yet, it is clear that if fertilized eggs, embryos and fetuses are treated as if they are separate legal persons, pregnant women could lose these constitutionally protected rights.

The same legal theory that Proposition 26 would make the law in Mississippi has been used across the country to justify the arrests of pregnant women, removal of their children and orders forcing them to undergo surgery they opposed.

For example, in Louisiana Michelle Greenup went to the hospital after she had suffered a miscarriage at home. Hospital staff reported Greenup to the police, who subjected her to repeated interrogations. Greenup was arrested and charged with second-degree murder based on the claim that she had in actuality killed a child.

Greenup remained in jail for more than a year before anyone bothered to find medical records showing that she had unintentionally suffered an early miscarriage as a result of a medication prescribed to her by a physician.

In Washington, D.C., Angela Carder, who was 27 years old and 25 weeks pregnant, became critically ill.

She, her family and her attending physicians agreed on treatment designed to keep her alive for as long as possible. Nevertheless, the hospital called an emergency hearing, and based on claims of separate rights for fetuses, ordered cesarean surgery despite the fact that it

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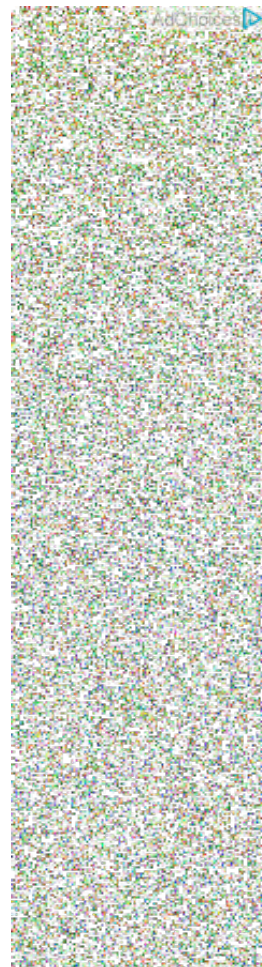


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could kill Carder. The surgery was performed; both the baby and Carder died.

In New Jersey, another woman refused to pre-authorize cesarean surgery she did not need to delivery a healthy baby. New Jersey hospital workers reported her to child welfare authorities for medical neglect of her unborn child, and child welfare authorities took her baby from her at birth.

In Florida, Laura Pemberton did not want to undergo another cesarean surgery if she didn't need to. Her doctors sought a court order to force her to have the surgery anyway. Based on the claim that her fetus could be treated as a separate person, a judge ordered a sheriff to go to her house. He took her into custody when she was in active labor, strapped her legs together and forced her to go to a hospital.

While lawyers represented the claimed interests of the fetus, Pemberton had no right to a lawyer or to experts who could speak to the safety of a vaginal birth for her and her baby. She was forced to have the surgery.

Pemberton subsequently gave birth vaginally to three more children, defying the medical and court predictions of harm from such births.

In each of these cases, outside intervention was based on the claim that embryos and fetuses had separate legal rights - exactly the ones Proposition 26 would establish in Mississippi. In none of these cases did the

forced interventions and deprivations of liberty actually protect the mothers or babies.

If Proposition 26 passes, Mississippi's juvenile courts could have jurisdiction whenever family members, doctors or other outsiders disagree with a pregnant woman's medical decisions.

A woman's right to bodily integrity, to due process and even to life itself could disappear in the face of claims for separate rights for fertilized eggs, embryos and fetuses.

To oppose Proposition 26 is not to deny the value of potential life as a matter of religious belief, emotional conviction or personal experience. Rather, it is to recognize that rewriting the state constitution to include human beings from the moment of fertilization is to exclude women from the moment they become pregnant.

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