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**MATTERS OF LIFE AND DEATH**

**WND Exclusive**

## Mississippi to vote on 'personhood' of unborn State Supreme Court clears path for issue to be on November ballot

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By Bob Unruh

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WND

The state Supreme Court in Mississippi today cleared the way for voters this November to decide on a "personhood" ballot initiative that would be a direct attack on the state's abortion industry and, in fact, the U.S. Supreme Court's *Roe v. Wade* decision through which abortion was allowed across the U.S.

An organization called [Personhood Mississippi](#) explains that if Ballot Measure 26 instituting a personhood amendment is approved, all human beings in the state would be afforded equal rights and protection under the law from the time of conception – effectively outlawing abortion, cloning and human embryo research in a way that would "challenge *Roe v. Wade* at its very core."

The measure had been challenged by abortion interests who contended that voters were not allowed to "change" the definition of "person."

But Justice Randy G. Pierce said that was incorrect.

"To be clear, it is the province of this court to interpret the meaning of the Mississippi Constitution, and no opinion issued by this court has interpreted the meaning of the word 'person' as it is used throughout the constitution. The dissent worries that Measure 26 'seeks to modify the definition' of 'person or persons' as they appear in the Mississippi constitution. But those terms have never been defined. Therefore, Measure 26 cannot modify a definition that does not now exist," he wrote.

*(Story continues below)*

The concept of declaring an unborn infant a person under the law in order to defeat the abortion industry comes from the original *Roe v. Wade* decision itself, where the court noted that should the "personhood" of the unborn be established, then they of course would be protected by the constitutional protections afforded everyone.

The [Mississippi court's opinion](#) said, too, that the court in Mississippi "cannot interfere with the legislative act of the people, just as this court cannot interfere with the attempt of the legislature to pass a law.



Mississippi rally to add personhood amendment to state's constitution

"Nothing in our constitution as it exists today gives this court the authority to review the validity of a proposal prior to its enactment, which is exactly what plaintiffs request this court to do. This court is without power to interfere with pre-election proposals, because to do so may place the administration of government at the footstool of the judiciary," the ruling said.

[According to officials at PersonhoodUSA.com](#), the American Civil Liberties Union and Planned Parenthood lost their court challenge at the district court level and then again at the state Supreme Court.

The one-sentence amendment reads, "The term 'person' or 'persons' shall include every human being from the moment of fertilization, cloning or the functional equivalent thereof."

PersonhoodUSA officials said Steve Crampton, the Liberty Counsel attorney for Personhood Mississippi, explains the proposal only offers a definition.

"We believed that the court would uphold the rights of Mississippi voters, and we are thankful that they have done so," said Keith Mason, president of PersonhoodUSA. "Mississippians volunteered thousands of hours of their time to ensure that voters would have the right to vote on this prolife amendment, and their voices should be heard."

More than 106,000 certified signatures were turned in to have the measure placed on the ballot for the Nov. 8, 2011, election.

"When passed, Measure No. 26 to the Mississippi Constitution would define 'person' to include 'every human being from the moment of fertilization, cloning or the functional equivalent thereof,'" explains Brad Prewitt, executive director of [the American Family Association](#). "This simple definition would not only bring the legal definition of personhood into line with what the overwhelming majority of Mississippians already believe, but would also be consistent with current law on crimes against pregnant women and the unborn.

"The unborn, whether naturally or artificially created, would then have the same legal rights that others already have," he said.

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