

“PERSONHOOD” IS CONSTITUTIONALLY DEFINED

James W. Prescott, Ph.D.

Doerr, Edd. and Prescott, James W. (Eds) (1989). *Abortion Rights and Fetal "Personhood"*. Americans For Religious Liberty. Silver Spring, MD and Centerline Press, Long Beach, CA.
http://www.violence.de/prescott/dvd/Abortion_Rights.pdf
<http://www.violence.de/prescott/truthseeker/acorn.html>

AN ACORN IS NOT AN OK TREE

The 14th Amendment of the U.S. Constitution defines Personhood: “**All persons born (not the unborn)** or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside”.

A Constitutional Amendment would be required to redefine “Personhood” as beginning at conception which would give legal standing to the Roman Catholic doctrine established in 1869 by Pius IX that ensoulment of the rational soul at conception where the fertilized egg (zygote) makes an animal human (*immediate hominization*), which displaced centuries of Roman Catholic doctrine of *delayed hominization* where infusion of the rational soul into fetal matter was unknown, which led St. Augustine and St. Thomas Aquinas to declare “ **Abortion, if early, is not homicide**”.

St Augustine states: “*The law does not provide that the act (abortion) pertains to homicide, for there cannot yet be said to be a live soul in a body that lacks sensation when it is not formed in flesh and so is not endowed with sense. (On Exodus, 21,80).*”

Biblical Scripture is silent on the morality of elective abortion. Neither God the Father, His Son Jesus Christ, the Holy Ghost nor St Paul addressed abortion as sin—an act of immorality. Abortion is a man-made moral issue not founded in biblical morality.

The denial of abortion to women compels **Compulsory Motherhood** which violates the 13th Amendment that states “*Neither slavery nor **involuntary servitude** (to religious doctrine), except as a punishment for crime whereof the party shall have been duly convicted, shall not exist in the United States, or any place subject to their jurisdiction*”.

Involuntary servitude to religious doctrine is prohibited by the 13th Amendment. Governments are prohibited from legislating religious belief. All religions teach falsehoods; chiefly among these are gender and racial inequality and the theological theories when “Personhood” begins.

<http://www.violence.de/prescott/women/article.html>

The theological doctrine of *immediate* hominization, enforced by law, violates the First Amendment (separation of Church and State); and **the 4th Amendment**: "The right of the people to be secure in their persons", which is denied pregnant women where "fetal rights" are placed in conflict with maternal rights. Could the state seize the pregnant woman to protect fetal rights that are endangered by the mother, analogous to seizure of the child because of child endangerment?

ADDITIONAL COMMENTARY **HERE**

Roe v Wade: U.S Supreme Court Decision January 22, 1973

Mr. Justice Black delivered the *OPINION* of the Court.

IX

*“The Constitution does not define “person” in so many words. Section 1 of the Fourteenth Amendment contains three references to “person”. The first, in defining “citizens”, speaks of “persons born or naturalized in the United States.” The word also appears both in the Due Process Clause and in the Equal Protection Clause...**But in nearly all these instances, the use of the word is such that has applications only postnatally. None indicates, with any assurance, that it has any possible pre-natal application.**”...*

*“When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary at this point in the development of man’s knowledge, is not in a position to speculate as to the answer...It should be sufficient to note briefly the wide divergences of thinking on this most sensitive and difficult question. **There has always been strong support for the view that life does not begin until live birth.**”*

XI

“Up to those points (State Interests), the abortion decision in all its aspects is inherently, and primarily, a medical decision, and basic responsibility for it must rest with the physician. If an individual practitioner abuses the privilege of exercising proper medical judgment, the usual remedies, judicial and intra-professional, are available.”

XII

*So, it was clear to me then, and it is equally clear to me now, that the **Griswold** decision can be rationally understood only as a holding that the Connecticut statute substantially invaded the “liberty” that is protected by the **Due Process Clause** of the Fourteenth Amendment. As so understood, **Griswold** stands as one in a long line of pre-**Skrupa** cases decided under the doctrine of substantive due process, and I now accept it as such...”In a Constitution for free people there can be doubt that the meaning of” liberty” must be broad indeed”.*

*Several decisions of this Court make clear that freedom of choice in matters of marriage and family life is one of the liberties protected by the Due Process Clause of the Fourteenth Amendment. As recently as last term, in **Eisenstadt v Baird**, we recognized “the right of the **individual, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child. That right necessarily includes the right of a woman to decide whether or not to terminate her pregnancy.**”...*

*“Accordingly, I join the Court’s opinion holding that that law is invalid under the **Due Process Clause of the Fourteenth Amendment**”.*

References

- Doerr, Edd. and Prescott, James W. (Eds) (1989). *Abortion Rights and Fetal "Personhood"*. Americans For Religious Liberty. Silver Spring, MD and Centerline Press, Long Beach, CA. http://www.violence.de/prescott/dvd/Abortion_Rights.pdf
<http://www.violence.de/prescott/truthseeker/acorn.html>
- Hurst, Jane (1983). *Abortion In Good Faith. The History Of Abortion In The Catholic Church: The Untold Story..* Catholics For A Free Choice. Washington, D.C.
- Prescott, J.W. and Doerr, Edd (1989). *Fetal Personhood: Is An Acorn An Oak Tree? The Truth Seeker*, May/June 1989, pp. 15-28. San Diego, CA.
<http://www.violence.de/prescott/truthseeker/acorn.html>
- Prescott, J.W. (1995). Violence Against Women Philosophical and Religious Foundations of Gender Morality. *New Perspectives*, pp.16-18
<http://www.violence.de/prescott/women/article.html>

30 October 2011