



Colorado Amendment 62: An Issue of Life or Death

The “personhood” movement began with Justice Harry Blackman’s opinion for the majority in *Roe v. Wade* in 1973: “The appellee and certain amici [pro-lifers] argue that the fetus is a ‘person’ within the language and meaning of the Fourteenth Amendment. In support of this, they outline at length and in detail the well-known facts of fetal development. If this suggestion of personhood is established, [then] the appellant’s case, of course, collapses, for the fetus’ right to life would be guaranteed specifically by [that] Amendment.”



Gualberto Garcia Jones is a legal analyst for Personhood USA, a grassroots Christian organization that seeks legally to define every unborn baby as a “person” protected by the God-given rights as spelled out by Thomas Jefferson in 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 unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness....

Jones says that efforts to define personhood are timely considering the widespread success of the Tea Party movement, the states’ rights movement and voter frustration with what they consider overreaching policies by the federal government:

We believe — and a lot of justices on the Supreme Court agree with us — that there is no right to privacy that would allow abortion. Since it’s not mentioned directly in the 14th Amendment, we could use the 10th Amendment and the states’ rights to police themselves and to pass laws regulating morality and health and safety to regulate abortion so [that abortion is] not permitted. Basically it would be treated the same way as a homicide, where a state can regulate how they punish it and how they try to prevent it, but they could never allow it.

Jones continued:

We believe respect for life is in the Constitution, so therefore a state could never say you can kill a person.

Jones has put his beliefs to work as the director of [Personhood Colorado](#), the sponsor of Amendment 62, which proposes amending the Colorado Constitution to apply the term “person,” as used in the sections of the Colorado bill of rights concerning unalienable rights, equality of justice, and due process of law, to every human being from the beginning of the biological development of that human being. We’re trying to end abortion right now,” says Jones. “All of [the efforts] we’re promoting are direct challenges to *Roe v. Wade*. If we can get a challenge up to the Supreme Court, then that’s the ideal thing. That’s what we’re trying to do.” The blue “2010 State Ballot Information Booklet” received by registered Colorado voters gives the arguments for Amendment 62: “[the amendment] ensures that all human life is afforded equal protection under the law. Currently, this right is not recognized [in Colorado] until



Written by [Bob Adelman](#) on October 13, 2010

birth.”

Opponents argue that Amendment 62 “may limit the ability of individuals and families to make important health care decisions. The measure could be used to prohibit or limit access to medical care, including abortions for victims of rape or incest, or even when a woman’s life is in danger.” Further, the amendment, if passed, would allow “government intrusion in the privacy of the doctor-patient relationship and could limit the exercise of independent medical judgment.” And the phrase “beginning of the biological development” cannot be easily and conclusively pinpointed, which would mean that “the legislature and the courts will have to decide how a wide variety of laws, including property rights and criminal laws, will apply....”

A gynecologist from Denver, Dr. Andrew Ross, [wrote](#) that “Amendment 62 is an assault on women’s health care masquerading as an abortion ban...as a doctor, so much of reproductive health care helps empower women to have choices and take control of their lives. [It] incorporates a narrow political and religious agenda into the Colorado Constitution. It is bad law and bad medicine.”

Jones responded by saying, “The truth about Amendment 62 is that Colorado has a long history of being a pro-life state, and no nightmare scenarios [women investigated for miscarriages, doctors prosecuted for performing life-saving procedures, legal hassles] have ever occurred. The opposition does not want people to know that from 1861, when Colorado was not yet a state but a territory, until [April 25th, 1967, when then-Governor John Love (photo, above) signed the bill that caused Colorado to be the first state in the union to legalize abortion], Colorado actually banned all abortions.

If the amendment is passed, it could be the first step on the journey back to the Supreme Court to force it to reconsider its unconstitutional and increasingly unpopular decision in *Roe v. Wade*. That alone makes Amendment 62 attractive.

Photo: Former Colorado Governor John Love in Denver on Aug. 3, 1970: AP Images



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