



Written by [Dave Bohon](#) on May 3, 2012

Okla. High Court Rules Against Proposed Pro-Life “Personhood” Amendment

The Oklahoma Supreme Court ruled April 30 that a proposed state constitutional amendment that would define a human embryo as a “person” does not pass constitutional muster. As reported by the *Los Angeles Times*, the state’s high court ruled unanimously that the proposed amendment “defining a fertilized human egg as a person violates a 1992 U.S. Supreme Court decision involving a Pennsylvania case and ‘is clearly unconstitutional.’ Supporters of the personhood amendment were trying to gather enough signatures to put it before Oklahoma voters on the November ballot.”



The nine-member court said that the initiative is “void on its face,” adding that the only course open to the state justices was “to follow what the United States Supreme Court, the final arbiter of the United States Constitution, has decreed.”

A state pro-life group, [Personhood Oklahoma](#), had been collecting signatures to place the proposed amendment before Oklahoma voters. It read: “A ‘person’ as referred to in Article 2, Section 2 of this Constitution, shall be defined as any human being from the beginning of the biological development of that human being to natural death. The inherent rights of such person shall not be denied without due process of law and no person as defined herein shall be denied equal protection under the law due to age, place of residence or medical condition.”

According to CBS News, the ACLU and the Center for Reproductive had Rights filed suit on behalf of several Oklahoma doctors and residents, asking the state high court to stop the group from gathering signatures. Those pushing for the amendment initiative said that their ultimate goal is to force a legal challenge to the U.S. Supreme Court’s 1973 *Roe v. Wade* decision that effectively legalized abortion nationwide. “We’re going to do everything we can to try to save innocent children,” said state Rep. Mike Reynolds, one of the organizers.

Efforts to pass a personhood bill also failed at the legislative level in the state this year. “A measure granting fertilized human eggs the rights and privileges of Oklahoma residents that had been approved by the Senate died in the House [April 29],” reported CBS News. “House Speaker Kris Steele, a Republican from Shawnee, had said that a majority of the GOP caucus had privately voted against hearing the bill.”

[TheHill.com](#) reported that currently Personhood groups in such states as Florida and Colorado are desperately trying to get amendment initiatives similar to Oklahoma’s on the November ballot, “but so far they’ve made little progress.” A federal judge has already blocked a personhood measure from appearing on the ballot in Nevada this fall, and last year voters in Mississippi and Colorado rejected similar measures — an indication that while a good idea, the pro-life initiative may be a tough sell even



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to erstwhile conservative rank-and-file voters.

Nancy Northup of the Center for Reproductive Rights applauded the Oklahoma Supreme Court ruling against that state's effort, arguing that the proposed pro-life amendment "would have run roughshod over the fundamental, constitutionally protected reproductive rights of all Oklahoma women."

Similarly, Ryan Kiesel, executive director of the [ACLU's Oklahoma franchise](#), said that his group was "relieved that this dangerous initiative won't be on the ballot," adding that the "Oklahoma court has sent a strong message that attempts to pass laws that are so hostile to women's rights and health will not prevail in a court of law."

According to a [press release](#) from Personhood Oklahoma, the group will appeal the state court's decision to the U.S. Supreme Court. "The people of Oklahoma will not be silenced," Dan Skerbitz, the group's director, said. "We have 13,000 volunteers who have been circulating petitions and are ready and willing to continue this fight for human lives. We are more determined than ever to rise up against judicial tyranny and cowardly State Representatives who do not represent the will of the people of Oklahoma."

The group noted the state court's unusual move of ruling against the proposed initiative before it even made it to the ballot, thus "denying the people's right to vote on the issue." The group argued that the court's citing of the U.S. Supreme Court 1992 case *Planned Parenthood v. Casey* was particularly suspect, given Justice Scalia's observation in the case that the "permissibility of abortion, and the limitations upon it, are to be resolved like most important questions in our democracy: by citizens trying to persuade one another and then voting."

Steve Crampton of the conservative legal advocacy group [Liberty Counsel](#), which is representing Personhood Oklahoma in the case, said that the Oklahoma Supreme Court ruling "epitomizes judicial overreaching. It not only misinterprets and misapplies federal constitutional law, but it also denies states' rights and strips Oklahomans of their right to petition for a substantive change in state law, which is guaranteed under the state constitution. We are hopeful that the United States Supreme Court will reverse this decision."

Liberty Counsel noted that Oklahoma's will be the first "personhood" case to be brought before the Supreme Court, and "thus presents an historic opportunity for the Court to address the issue of a state's right to amend its own constitution to acknowledge what science has long recognized — that human life begins from the moment of conception or fertilization and should be protected in law from its earliest beginnings."

Photo: The Supreme Court of Oklahoma: Standing (Left to Right): Douglas L. Combs Justice James E. Edmondson, Justice John F. Reif, Justice Noma Gurich; sitting (Left to Right): Justice Joseph M. Watt, Vice-Chief Justice Tom Colbert, Chief Justice Steven W. Taylor, Justice Yvonne Kauger, Justice James R. Winchester



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