



Strategy for Establishing Personhood and Legal Protection for all Human Beings

According to the Original Intent of the Constitution of the United States

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There has been much work that has been put into overturning Roe v Wade and there are good reasons for this:

1. This case was based on a lie. Pro-abortion forces manipulated "Jane Roe," whose real name is Norma McCorvy. McCorvy is now prolife and has endorsed the Florida ProLife Personhood Amendment. (Read her endorsement at <http://personhoodfl.com/endorsements/>.)
2. Roe vs Wade did not uphold the 5th and 14th amendment for due process for the protection of life, liberty, and property.

The strategy for overturning Roe v Wade has focused on measures that would "chip away at Roe" and has included legislative initiatives such as: Parental Consent/Notification, Partial Birth Abortion Ban, Heartbeat, Ultra sound. The most heated opposition to this type of strategy surfaces when proposed legislation proposes "exceptions," and allows infanticide for rape or incest or "until the heart beats." It is generally accepted in the personhood camp that as long as life is protected from the moment of biological development that this "incremental approach" is simply attacking the pro-abortion stance from a different front. Just as any war has many battle fronts, we consider ourselves as allies working together though separately.

There are a few concerns that have not been discussed as much which include two other points:

1. As a case, Roe v Wade was not within the Constitutional jurisdiction of the Supreme Court.
2. It was not up to the judicial branch to legislate from the bench or to usurp our rights.

Both of these concerns exemplify judicial tyranny which will be the focus of this memo.

As to the first concern, there are some who insist that LIFE is Constitutional, which is obvious in a broad sense. This logic would insist that almost everything in life is a Constitutional issue. In that sense, everything can be appealed to the Supreme Court and you have the very back-logging of cases that our founding fathers desired to prevent. (See Federalist Paper # 78.)

In Article III, Section II, Clause I, our US Constitution states:

ARTICLE III, Section 2. *The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority: – to all cases affecting Ambassadors, other public Ministers and Consuls; – to all cases of admiralty and maritime jurisdiction; – to controversies to which the United States shall be a party; – to controversies between two or more States; – between a State and citizens of another State; – between citizens of different States, – between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.*

In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction both as to law and fact with such exceptions and under such regulations as the Congress shall make.

As you can see, the Supreme Court has 11 areas of jurisdictional responsibility. Let's number these to see them more clearly:

The judicial power shall extend to all cases in law and equity

1. *arising under this Constitution,*
2. *the laws of the United States, and*
3. *treaties made, or which shall be made, under their authority:*
4. *– to all cases affecting Ambassadors, other public Ministers and Consuls;*
5. *– to all cases of admiralty and maritime jurisdiction;*
6. *– to controversies to which the United States shall be a party;*
7. *– to controversies between two or more States;*
8. *– between a State and citizens of another State;*
9. *– between citizens of different States,*
10. *– between citizens of the same State claiming lands under grants of different States,*
11. *– and between a State, or the citizens thereof, and foreign States, citizens, or subjects.*

This limits the Supreme Court from hearing social issues so that it can stay abreast of these issues and the ones in clause 2 that have original jurisdiction in the Federal Supreme Court.

Reasoning more closely to the original intent of the founders by reading and knowing the Constitution, the Federalist Papers and the Constitutional debates, it holds that *Roe v Wade* should have maintained final jurisdiction as a state issue.

As Madison is quoted in *The Debates in the Federal Convention of 1787 Which Framed the Constitution of the United States of America*, p. 60-61, "... unless inferior tribunals were

dispersed throughout the republic with final jurisdiction in many cases, appeals would be multiplied to a most oppressive degree...”

Spaight: “In that convention, the unanimous desire of all was to keep separate and distinct the objects of the jurisdiction of the federal from that of the state judiciary... When any government is established, it ought to have power to enforce its laws, or else it might as well have no power. What but that is the use of a judiciary? ...As to the inconvenience of distant attendance, Congress has power of establishing inferior tribunals in each state, so as to accommodate every citizen” (Elliot, 4:139-140)

Hamilton: “The States will retain all pre-existing authorities which may not be exclusively delegated to the federal head...” (Federalist Papers #82)

Now that the states’ sovereignty has been so violated by the 17th amendment, it should be the strategy of every freedom loving American not to allow the continuation of judicial tyranny and acquiesce to it, but rather look into the original intent of the constitution and labor diligently for the restoration of what many consider a much more brilliant and virtuous season of legislative activism.

As to the second concern, in the 18th Century, our natural rights were “Self-evident.” This means that they were obviously God-given and could not be taken away from the people by man or government.

Today, these rights are no longer self-evident, nor were they to Americans in 1857, when the Supreme Court was allowed to rule in the Dred Scott decision that African-Americans were essentially “non-persons” who were considered “property.” At that point, America was already drifting away from rights that should have been self-evident to anyone who sought Liberty under Law. Our rights do not originate from our government, so they cannot be taken away by an unconstitutional governmental decision made by an out of jurisdiction, anti-Constitutional Supreme Court.

When we first had to staunchly defend our liberties, The Declaration of Independence was like our Mission Statement. **“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 . . .”**

Roe v Wade and Dred Scott contradict the mission statement of the Unites States:

Without LIFE, we have no liberty or pursuit of happiness. This is what makes our nation Christian- it is founded upon Christian Principles and involved a covenant that our Founding Fathers made with God to have “No other king, but King Jesus.” We need to turn and return to

Him and His ways. We need to cherish what He cherishes! The very reason He sent His Son was to bring LIFE and that more abundantly...

The king of England forced slavery on America. Thomas Jefferson tried at the original draft of the Declaration of Independence, to include a grievance against slavery:

[King George III] has waged cruel war against human nature itself, violating its most sacred rights of life & liberty in the persons of a distant people who never offended him, capturing & carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither....

Thomas Jefferson said, "Indeed I tremble for my country when I reflect that God is just, that his justice cannot sleep forever...."

But two states would not join with the other 11 to unite to throw off the wicked despotism of the king unless this grievance was taken out. These states were South Carolina and Georgia. George Mason stated at the Constitutional Convention:

"This infernal traffic originated in the avarice of British merchants. The British government constantly checked the attempts of Virginia to put a stop to it.....As nations cannot be rewarded or punished in the next world, they must be in this. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities..."

He was right, South Carolina and Georgia were by far the two states most devastated by the Civil War. Mason held it essential in every point of view that the general government should have the power to prevent the increase of slavery. According to the constitutional debates, this was by far the prevalent attitude of the founding fathers. (See The Making of America by Cleon Skousen)

Many states had already outlawed slavery at this time, and Jefferson had a plan to outlaw slavery in less than 20 years, by simply setting the next generation free. That is, every child born from that moment on would be free.

So they wrote the Declaration of Independence and the Constitution such that Frederick Douglass said that they were anti-slavery documents. The founding fathers loathed slavery and made plans to end it in the Constitution in 1808, but the next generation lost their zeal and did not carry the torch of freedom forward. They got complacent and wanted to "gradually" end slavery.

Unfortunately, the cotton gin was invented and the demand for slaves increased. Americans lost their zeal to do what was right before the Lord. It took the Civil War and the loss of 100's of

thousands of lives, before that people group were considered “persons” by the 13th Amendment.

What will it take for us? Will we allow judicial tyranny and base our “pro-life” strategy on it? Or will we appeal to “We, the People” to rise up, learn their Constitutional responsibilities, and reclaim them, first on a personal level, then on a state level, and then on a federal level.

May we rise up as Jefferson charged us, “... I know of no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion by education. This is the true corrective of abuses of Constitutional power.”

Is it surprising that this Personhood Amendment movement would not only save our next generation spiritually and physically, but educationally and governmentally as well?



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