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Amendment 48 seeks to define 'person' Coloradans to vote on abortion issue

By Jen Reeder
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On Nov. 4, Coloradans will vote on a proposed amendment to the state constitution that would define the term "person" to include any human being from the moment of fertilization. This is the first time a state in the U.S. will vote on whether a fertilized egg should have the same legal rights as a person.

The ballot initiative reads as follows:

"Shall there be an amendment to the Colorado constitution defining the term 'person' to include any human being from the moment of fertilization as 'person' is used in those provisions of the Colorado constitution relating to inalienable rights, equality of justice, and due process of law?"

The case for:

Proponent Kristi Burton and 1,300 volunteers collected over 130,000 valid signatures on a petition to add the initiative to the ballot, well over the required 76,000.

"We've seen a groundswell of support," Burton said. "We started this about two years ago, and decided a Personhood Amendment would be the way to go because it lays the common sense foundation when we're having discussions or debates on important life issues. We need a starting point to come back to, and the word person has never been defined in Colorado's constitution as related to fundamental human rights. Without that definition, it's difficult to protect every human being in Colorado."

Burton said the amendment recognizes that life begins at

fertilization.

"We know now what we didn't know 35 years ago when Roe v. Wade was decided – now we know that at that moment of conception, a unique individual with DNA has been created," Burton said. "This would be an updated law – Roe v. Wade is very outdated."

"So basically the whole point of Amendment 48 is 'OK, now that we know what modern medical science teaches us, we should update our laws and include every human being in our definition of person.'"

Burton said Amendment 48 would not only have implications for abortion, but could also bring about fetal homicide laws. She said a woman who was eight-and-a-half months pregnant was hit by a car in Grand Junction in the last year, and that the baby lived for a few hours after the accident and then died. But the judge said that legally, nothing could be done because the baby was injured as a "non-person."

"People all across Colorado are pretty upset about that," she said. "If we could define every human being as a person, then we have the groundwork, a common sense foundation, to include that in our protection," Burton said.

The ultimate goal of Amendment 48 is to lay a foundation to protect human life, Burton said.

"Until you define a person and update our laws, there's no way to effectively protect all people," Burton said. "Basically, I think we can all agree that life has been cheapened in our society and in order to restore that value and respect for all human life, we have to include them in our definition in our laws."

For more information, visit www.coloradoequalrights.com.

The case against:

"Amendment 48 affects important life decisions that should be made by individuals and their doctors and family, not extremists rewriting the state constitution," said Crystal Clinkenbeard, spokesperson for the No on 48 Campaign.

She said that because Amendment 48 is only one sentence long and has broad language, it would create "a legal nightmare."

"By creating a definition of person in the state constitution, Amendment 48 would impact literally thousands of Colorado laws," Clinkenbeard said, noting that the term "person" is used over 20,000 times in Colorado statutes.

"When you grant a fertilized egg full legal rights, you create far-reaching consequences, from banning emergency contraception for rape and incest victims, to banning birth control pills and the IUD, as they sometimes prevent a fertilized egg from implanting in the uterus," Clinkenbeard said.

Other consequences could include a ban on abortion in all cases, possibly stopping in-vitro fertilization because fertilized eggs are sometimes frozen, mandating criminal investigations into miscarriages and causing legal issues for doctors when a woman has complications from a tubal pregnancy or other emergency situations when it is unknown whether the woman is pregnant.

"What about the woman diagnosed with cancer during her pregnancy?" Clinkenbeard asked. "By giving a fertilized egg the same constitutional rights that the woman has, the doctor might hesitate to treat her cancer because damaging the fertilized egg could be considered murder."

She said her organization has 76 state and national partners that oppose Amendment 48, including the Colorado Medical Society, the Colorado Academy of Family Physicians and the Colorado Gynecological-Obstetrical Society.

"Together those groups represent over 7,000 doctors," Clinkenbeard said. "It would throw the entire practice of medicine in Colorado into disarray."

"When you amend the state constitution, you're really engaging in a very serious change to Colorado law," she said. "It simply goes too far."

For more information, visit www.voteno48.org.



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