

JOINT STATEMENT OF THE MISSOURI CATHOLIC BISHOPS ON THE PERSONHOOD AMENDMENT PETITION DRIVE

We wish to provide some guidance regarding the “Missouri Personhood Amendment” citizen petition drive. It should be noted at the outset that unlike most states, Missouri already has a “personhood” statute that has been a part of Missouri law since the mid-1980’s.

In 1986, the Missouri legislature passed HB 1596, now codified at Missouri Statute Section 1.205. This statute states explicitly that “the life of each human being begins at conception,” and that Missouri’s unborn children “have protectable interests in life, health, and well-being”. The statute defines “unborn children” to include all children or the offspring of human beings “from the moment of conception until birth at every stage of biological development”.

This “personhood” statute became effective January 1, 1988, and states further that:

[T]he laws of this state shall be interpreted and construed to acknowledge on behalf of the unborn child at every stage of development, all the rights, privileges, and immunities available to other persons, citizens, and residents of this state, subject only to the Constitution of the United States, and decisional interpretations thereof by the United States Supreme Court ...

Since the passage of Missouri Statute Section 1.205, Missouri Courts have ruled that an unborn child is a person with protectable interests for purposes of the following Missouri laws:

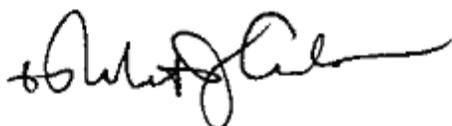
1. Missouri’s involuntary manslaughter statute. *State v. Knapp*, 843 S.W.2d 345 (Mo. 1992).
2. Missouri’s wrongful death statute. *Connor v. Monkem Co., Inc.*, 898 S.W.2d 89 (Mo. 1995).
3. Missouri’s first-degree murder, and second-degree murder statutes. *State v. Holcomb*, 956 S.W.2d 286 (Mo.App. W.D.1997)
4. Missouri’s first degree assault statute. *State v. Kenney*, 973 S.W.2d 536 (Mo. App. W.D.1998).
5. Missouri’s felony murder statute. *State v. Rollen*, 133 S.W.3d 57 (Mo. App. E. D. 2007).

These court rulings affirm that an unborn child is already considered a person under Missouri law. It is true that present Missouri law does not outlaw and prevent the scourge that is abortion. However, neither would the proposed Personhood Amendment. No state constitution or state law can overturn provisions of the U.S Constitution or interpretations of the U.S. Constitution by the U.S. Supreme Court. Article IV of the U.S. Constitution states that:

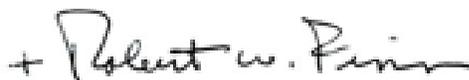
This Constitution, and the laws of the United States which shall be made in Pursuance thereof; ... *shall be the supreme Law of the Land, and the Judges in every state shall be bound thereby, any Thing in the Constitution or Laws of any State to the contrary notwithstanding.* (emphasis added)

Through the Missouri Catholic Conference, and in our day-to-day ministry, we work tirelessly to promote human life from conception to natural death. This legislative session, the MCC is working to pass pro-life legislation strengthening Missouri's informed consent laws, and assuring that abortion is not provided through the health insurance exchanges established under the new healthcare reform law.

We urge your support and assistance with the Missouri Catholic Conference's efforts in this regard. You can assist their efforts by joining the MCC Citizen Network at www.mocatholic.org.



Most Reverend Robert J. Carlson
Executive Chairman
Archdiocese of St. Louis



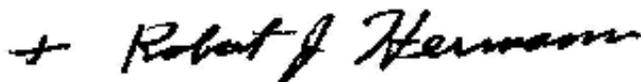
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Most Reverend Robert J. Hermann
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