

WND EXCLUSIVE

PROTECTION FOR 'CHILDREN' INCLUDES UNBORN

Court opines, 'Our Creator, not government,' gives natural rights
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A remarkable opinion in a ruling by the Supreme Court of Alabama that is bound to be quoted in abortion disputes declares the unborn are protected by rights granted by God to every human being.

“Our Creator, not government, gives to all people ‘unalienable’ natural rights,” the opinion asserts, arguing that state laws protecting children after birth also cover the unborn.

The concurrent opinion by Chief Justice Roy Moore, who once fought the state over the display of the Ten Commandments, says: “As stated by James Wilson, one of the first justices on the United States Supreme Court: ‘Human law must rest its authority ultimately upon the authority of that law which is divine.’”

Moore noted the “first right listed in the Declaration as among our unalienable rights is the right to ‘Life.’”

“Blackstone wrote that ‘[I]f life is the immediate gift of God, a right inherent by nature in every individual; and it begins in contemplation of law as soon as an infant is able to stir in the mother’s womb,’” he wrote.

The case at hand dealt with a woman, Sarah Janie Hicks, who was charged after her newborn tested positive for drugs. She had pleaded guilty to a count of violating Alabama's chemical-endangerment statute. Her conviction was affirmed.

"We ... hold that the use of the word 'child' in the chemical-endangerment statute includes all children, born and unborn, and furthers Alabama's policy of protecting life from the earliest stages of development," the [majority opinion](#) said.

The non-profit [Liberty Counsel](#), which represents pro-life organizations, submitted a brief in the case.

"In an age where some judges do not know the difference between the Declaration of Independence and the Constitution, or do not even care, finally the Alabama Supreme Court springs forth with a ray of light," said Mat Staver, founder of Liberty Counsel.

Staver said the opinions by Chief Justice Roy Moore and Justice Tom Parker "are well-reasoned, grounded in history and natural law, and completely demolish the fallacies of the U.S. Supreme Court's abortion decisions."

"One day soon the United States Supreme Court's abortion opinions will come toppling down like a house of cards," he said. "Then we will look back at history like we now do with Nazi Germany and wonder why our generation was so blind to the personhood of the preborn child."

The 8-1 decision affirmed the position adopted by the court a year ago. In that case, *Ankrom v. State*, the court ruled the term "child" includes the "unborn child."

Read about the inside of the abortion industry, in "Unplanned," see what happens when people learn the truth, in "180."

Hicks argued "that the word 'child' in the chemical-endangerment statute did not apply to an unborn child."

It's the argument regularly put forward by activists for abortion.

The court said "the plain meaning of the word 'child,' as that word is used in the chemical-endangerment statute, includes an unborn child."

The opinion goes on to argue that "the state has a legitimate interest in protecting the life of children from the earliest stages of their development and has done so by enacting the chemical-endangerment statute."

Moore wrote: "God, not governments and legislatures, gives persons these inherent natural rights."

"Government, in fact, has no power to abridge or destroy natural rights God directly besets to mankind and indeed no power to contravene what God declares right or wrong."

Moore said that as "the gift of God, this right to life is not subject to violation by another's unilateral choice."

"States have an affirmative duty to protect unborn human life under the Equal Protection Clause of the Fourteenth Amendment," he said.

The statement alluded to the majority opinion written by Justice Harry Blackmun in the U.S. Supreme Court's *Roe v. Wade* decision that created the right to abortion in America.

Blackmun admitted that if a fetus was ever determined to be a human being, the landmark case would collapse.

"If this suggestion of personhood is established," Blackmun wrote. "[Jane Roe's] case, of course, collapses, for the fetus' right to life would then be guaranteed specifically by the amendment."

Moore said that because a human life “with a full genetic endowment comes into existence at the moment of conception, the self-evident truth that all men are created equal and are endowed by their Creator with certain unalienable rights encompasses the moment of conception.”

“Legal recognition of the unborn as members of the human family,” he said, “derives ultimately from the laws of nature and nature’s God, who created human life in His image and protected it with the commandment: ‘Thou shall not kill.’”

Parker said that in contrast “to the reasoning of Roe and Casey, Alabama’s reliance upon objective principles has led this court to consistently recognize the inalienable right to life inherently possessed by every human being and to dispel the shroud of doubt cast by the United States Supreme Court’s violation of the law of noncontradiction.”

“Liberty will continue to find no refuge in abortion jurisprudence until courts refuse to violate the law of noncontradiction and, like Alabama, recognize an unborn child’s inalienable right to life at every point in time and in every respect,” he said.

He blasted the regulations in many states that allow early-term abortions while banning late-term procedures.

“The unborn child cannot logically be a separate and distinct human for the purposes of one abortion procedure but not another. Protecting the unborn child’s right to life at all stages of development would eliminate the contradictory reasoning of the court’s abortion decisions and dispel the shroud of doubt obscuring the unborn child’s right to life.”

He said that because an unborn child “has an inalienable right to life from its earliest stages of development, it is entitled not only to a life free from the harmful effects of chemicals at all stages of development but also to life itself at all stages of development.”

“Treating an unborn child as a separate and distinct person in only select respects defies logic and our deepest sense of morality.

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