



## **THE PERILS OF PROPOSAL 3** **MICHIGAN'S CONSTITUTIONAL ABORTION AMENDMENT**

Planned Parenthood, the ACLU, and other pro-abortion activists promote a ballot proposal, the “Right to Reproductive Freedom Initiative” (RRFI), that, if passed, creates a new, unlimited, and unregulated right to abortion at any time during pregnancy and an additional, undefined “right to reproductive freedom.” This radical proposal is not solely about abortion; rather, this poorly worded change to our State Constitution creates additional new rights and invalidates numerous existing laws protecting women, children, and parents.

Activists falsely claim the amendment merely places the U.S. Supreme Court ruling in *Roe v Wade* back into effect. Nothing is further from the truth. If passed, the RRFI enshrines in Michigan’s Constitution the most extreme abortion law in America on a par with China and North Korea. The expansive, vague, and broad terms used in this new law are not defined. These new fundamental constitutional rights override any conflicting statute.

The proposed amendment to Michigan’s Constitution will do the following:

1. Allows a minor child to have an abortion without the knowledge or consent of the child’s parents.
2. Because of the all-encompassing exceptions, the amendment effectively guarantees the right to abortion at any time right up to the moment of birth. Further, it effectively guarantees the right to partial birth abortion and the right to terminate a child’s life in the womb at any time based upon a child’s disability, gender, race, or for any other reason.
3. Overrides parental rights in directing their children’s upbringing and education (MCL 380.10), especially in the area of sex education (MCL 380.1507, 1507b). Public schools will now have the legal right to refuse to inform parents about any issue relating to “reproductive freedom” and sexuality. Parents will no longer be able to excuse their children from sex education classes (MCL 380.1507a) because minors will have their own “fundamental right to reproductive freedom” separate and distinct from his/her parents.
4. Creates a right for a minor child to procure a sex change via permanent and irreversible sterilization without the knowledge or consent of the child’s parents.
5. Allows school clinics to provide contraceptives to children without the knowledge or consent of the child’s parents.
6. Creates new sexuality rights based on “reproductive freedom” that would be elevated over all other fundamental constitutional rights.
7. Prohibits enforcement of criminal statutes against statutory rape and child sexual abuse (MCL 750.520), female genital mutilation (MCL 750.136), and other similar statutes. In other words, sex between a 12-year-old girl and a 45-year-old man will now be protected by this new right, so long as the child “consents.”
8. Invalidates age of consent laws (relating to “reproductive freedom”) protecting minors. There is no age limitation in the RRFI amendment. In addition, numerous other laws regarding bans on state funding of abortion, parental notification, parental consent, informed consent laws, 24-hour waiting period, etc., will all be invalidated.
9. Provides this new “right to reproductive freedom” to all individuals, including children. The word “individual” is not defined. All children are individuals. This new right intentionally, and by design, does not exclude minors.
10. Elevates any type of sexual activity relating to “reproductive freedom” to the status of a fundamental constitutional right. This will include transgender rights and many other forms of sexual expression. Minors will be entitled to access puberty blockers, cross-sex hormones, gender transition surgeries, and similar medical treatment as they all relate to “sterilization” and “reproductive freedom.”
11. Creates a new, undefined “anti-discrimination” protection that requires government enforcement of these radical new fundamental rights.
12. Abortions may be performed by any “health care professional.” The phrase “health care professional” is not defined in the amendment and is not limited to doctors.
13. Protects abortion providers by prohibiting the State from penalizing, prosecuting, or otherwise taking adverse action against them.
14. Prevents Child Protective Services workers and other mandatory reporters from fulfilling their duty to report child sexual abuse because of the so-called “consent” of the minor. For example, if



a school counselor discovers that a minor is having sex with her schoolteacher, the counselor is now prohibited from reporting such sexual abuse because the minor can claim she is “consenting” and exercising her new “reproductive right.”

15. Guarantees the right to “reproductive freedom” to all prisoners, foster children, and all individuals under the care of the state.

The new amendment guarantees many new rights will be “created” by activist courts based upon this new autonomous right to “reproductive freedom.” “Reproductive freedom” is not limited to only the areas listed in the RRFI. This list is not exhaustive. What about gender-reassignment surgeries (i.e., the sterilization of men and women) and related medical care? The possibilities are unconstrained and endless.

Proponents claim this amendment will not affect or invalidate other laws. Yet, the Michigan Board of Canvassers disagreed and stated plainly in its summary of the RRFI that it will “invalidate all state laws that conflict with” the RRFI.

The RRFI Amendment will inevitably conflict with and nullify numerous laws unrelated to abortion, such as age of consent/statutory rape laws, parental notification laws, parental consent laws, screening to prevent forced abortions, health and safety requirements for abortion clinics, conscience protections for doctors/nurses who object to abortions, criminal penalties for prostitution, bans on human cloning, and numerous other laws because of this new, broad, vague, and all-encompassing “right” to reproductive freedom.

The language in the amendment purporting to limit the unfettered right to an abortion to only pre-viability cases (essentially the first trimester) is a farce and is unenforceable. This limitation is illusory. It claims to allow state regulation of abortion for post-viability pregnancies; however, it unequivocally states that if a “health care professional” determines an abortion is necessary to protect the “physical or mental health” of the mother, then the state may not regulate such abortions. These terms are intentionally not defined. “Health care professional” presumably includes nurses, counselors, and other non-doctors.

A pro-abortion “health care professional” will obviously certify a mother’s physical or mental health would be harmed unless an abortion is performed. This is a huge exemption that permits abortion on demand right up to the moment of birth. This exemption language makes any attempt to regulate post-viability abortions superfluous and of no effect.

Despite the claims by RRFI supporters, this amendment will apply with equal force and protection to both adults and minors, without distinction. Minors are indisputably “individuals.” Any restriction or

regulation encroaching upon a minor’s “autonomous decision-making” will be illegal. Any attempted distinction between the rights of minors and adults under the RRFI is not permitted by its plain language.

The activists’ plan is to get this extreme, undefined, broad, and vague language enshrined in the Michigan Constitution and then rely on the courts to invalidate all the laws and other constitutional rights they deem to be an “undue burden” on this radical new super-constitutional right to abortion and an individual’s right to “autonomous decision-making.”

We must all act to stop this extremely dangerous proposal. Here are a few Action Steps:

**PRAY:** Pray for the defeat of this proposal. Activate church and other prayer chains.

**SPEAK:** Talk to everyone in your circle of influence and tell everyone you know about this extreme proposal. It must be defeated.

**SEND:** Share copies of this Fact Sheet with everyone you know. A companion, comprehensive Issue Brief is also available for sharing.

**POST:** Post this information on all your social media platforms. PDFs of this Fact Sheet and the Issue Brief are available at [www.GreatLakesJC.org](http://www.GreatLakesJC.org).

**ENGAGE:** Get involved and be fully informed. Support all efforts to get the word out. Go to our website at [www.GreatLakesJC.org](http://www.GreatLakesJC.org) for updates and further information.

**VOTE:** Encourage everyone you know to vote NO on Proposal 3. Encourage everyone to get registered to vote. Do not forget to vote for constitutional, rule-of-law Supreme Court Justices and other judges on the ballot this fall.

This radical proposal is not solely about abortion; rather, this poorly worded amendment creates new “reproductive freedom” rights and invalidates numerous existing laws protecting women, children, and parents. If passed, the RRFI will enshrine in Michigan’s Constitution the most extreme abortion law in the country. We must all act to stop this dangerous proposal.

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