

The Honorable William C. Smith, Jr., Chairman  
And Members of the Judicial Proceedings Committee

Re: SB 664 – Declaration of Rights – Right to Privacy – Ella Ennis – OPPOSED

I strongly oppose SB 664-Declaration of Rights – Right to Privacy. The wording is vague and overly-broad. This new Article 48 declares:

(A) That each individual has a natural, essential, and inherent right to privacy that guarantees freedom from government intrusion. (B) The Right to privacy includes the right of an individual to live free from intrusion caused by or directly traceable to the unauthorized collection of data concerning the individual by another.

This vagueness cloaks the primary purpose of the amendment to place in the Maryland Constitution an unlimited right to abortion for a woman through all 9 months of pregnancy and unrestricted right to decide life or death if the infant survives an abortion.

The unborn or pre-born baby is a human being. A woman's right to privacy as provided by the United States Supreme Court, to control her body, does not automatically negate the right to live of the pre-born child she is carrying. That child is not her body. The baby is always a separate human being. As a baby develops and reaches the capacity to feel pain (20 weeks), and is at or near-viability its right to live needs to be accommodated. The woman can end her pregnancy with a method that gives the living pre-born child a reasonable chance for survival. Her right to end her pregnancy is not an automatic right to demand a dead child.

If a pregnant woman has a medical emergency and desires to keep the child, every medical assistance available will be used to help that child survive. The same medical help should be available for a child subject to abortion of the same gestational age. A pre-born child's humanity is not determined by whether it is wanted by its biological mother. The child's humanity is God-given. When Government decides that a woman has a right to end her pregnancy, then government has an obligation to provide for the pain-capable and viable pre-born child that can survive an abortion. Such children can be adopted. There is no legitimate reason for the deliberate killing of a living, viable pre-born child.

An unlimited right to choose to end the life of a viable unborn baby or a baby still-alive after an abortion conflicts with Article 16 of the Maryland Declaration of Rights that states "...and no law to inflict cruel and unusual pains and penalties ought to be made in any case, or at any time, hereafter." Medical science recognizes that babies in the womb feel pain by 20 weeks and doctors use anesthesia when performing life-saving surgery on babies in the womb. It cannot be denied that abortions performed after 20 weeks cause pain to the live baby as it is poisoned with salt solutions, cut apart limb from limb, or crushed with instruments for its organs. SB 664 is so opposite of the General Assembly's determination that the death penalty -even for mass murderers—is so cruel and unusual a punishment as to be unconstitutional. But the Constitutional Amendment – Right to Privacy-- will enshrine an unrestricted right of a woman to demand, cruel and painful deaths to viable unborn babies in Maryland's Declaration of Rights.

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Under SB 664, the only stated restriction to this “right to privacy” is that it does not prohibit the State from regulating the sale or purchase of a firearm or ammunition. A right that I thought was protected in the U.S. Constitution’s second amendment.

It is hard to know what else is possibly covered by the undefined “right to privacy” of SB 664, but a number of constitutional issues were raised in the written testimony of Delegate Daniel Cox, dated March 2, including:

“Not only does SB 664 exclude “persons” and inserts “individuals”, it does not protect private or personal data from being spied upon and collected as its clause (B) purports to do.

First, individuals are natural persons, not corporations. Thus businesses stand to lose their protected status in Maryland as persons guaranteed liberty interests if this were to pass.

Second, the freedom from intrusion language only limits a cause or “directly traceable” link for collection of data. If the data intrusion is untraceable via any direct action, it can be argued that it is lawful under this bill. Most spyware applications use third party access to cover their tracks so no “direct access” can ever be easily proven.

Third, the bill completely allows authorized collection of data – which is undefined. Authorized by whom? The United States Government? What about foreign governments?... “

Please give careful consideration to all of these concerns and vote for an UNFAVORABLE Report for SB 664.

Sincerely,

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