

Honorable Members of the Senate Finance Committee:

My name is Katherine Adelaide. I have a Juris Doctor degree from the University of Maryland (Class of 1989) and specialize in Constitutional issues, especially fundamental rights and free speech issues.

In General, Constitutional amendments should be far and few in between. SB798 is a bill to amend the Maryland Constitution to guarantee and fully fund access to abortion, as compared to a bill creating a specific statute, such as HB937, passed in 2022 to guarantee access and fully fund abortion. As such, SB798 deserves the highest scrutiny prior to passage, and if any doubts about the Constitutionality of such bill arise, such bill should not be passed, even if a referendum is mandated as with SB798.

Neither Legislators nor the people of Maryland have the authority to create law to terminate any human life without due process of law as guaranteed under the fifth and 14th amendments of the US Constitution, whether by a state Constitutional Amendment as proposed an SB798 or particular statutes, as the 1991 Freedom of Choice Act and HB937 Access to Abortion Care.

The Supreme Court in the Dobbs decision rightly declared that a woman has no Federal Constitutional right to an abortion, and wrongly opined that therefore the people of the states could give her that right, because terminating human life without due process of law is NOT a fundamental right and certainly not a "States' Rights' " issue. Introducing SB798 in response to the flawed decision in Dobbs is just an excuse to promote "legal" Infanticide in Maryland.

LIFE itself, not terminating human life, is an Inalienable Right given to us by our Creator, guaranteed by the 5th and 14th Amendments of the US Constitution and is not subject to a Federal/State analysis as, say for example, conducting elections, and many other rights that rightly belong to the States (the people) as opposed to the Federal system, such as State commerce, taxation, healthcare and education.

Abortion is not "healthcare," as there is no other medical procedure or pharmaceutical performed or administered specifically and solely for the termination of a human life, except surgical and chemical (pill) abortions. Even surgical intervention for an ectopic pregnancy is a medical emergency covered under emergency medical care for which no abortion statute is required or necessary, and the purpose of which is not to terminate a human life but to save the life of a woman.

The first question to be asked is: Can the stated purpose of a Constitutional Amendment be accomplished by statute? If the answer is "yes," then no constitutional amendment is required and is considered redundant and unnecessary.

The answer to this question regarding SB798 is that it can and has been accomplished by statute since 1991 via the Freedom of Choice Act which already allows abortion up to the moment of birth for any reason, not just to save the life of the mother. This unlimited time of terminating human life is accomplished by use of the word "health of the mother," which includes not only the physical health, but the emotional health, a catch all for abortion up to the moment of birth, except partial birth abortion which is prohibited by federal law, but who would know or dare to challenge an illegal partial birth abortion once a constitutional amendment is in place?

Additionally, the passage of HB 937, another broad "access" bill from last year that vastly expanded access to abortion, not just for Maryland citizens, but to every woman in America to come to Maryland for a free abortion at taxpayer expense.

The "guaranteed access" purposes of SB798 are already accomplished by the 1991 statute and the passage HB 937. "Access" has morphed into Coercion and is a "heartbeat" away from the Forced Abortion practices of Totalitarian regimes, hardly, the American dream for American women.

This particular Constitutional amendment is patently unconstitutional because it openly violates the First Amendment rights of Pro-Life citizens of Maryland under the US Constitution.

In a Constitutional Republic such as ours, we the people elect our Representatives to represent us through legislative action. Therefore, legislative bills are a form of speech, either representing the legitimate desires of the electorate or affirming basic constitutional principles, such as due process of law.

For example. I was elected as an openly Pro-Life/Equal Protection candidate for the Carroll County Republican Central Committee in 2018 and again 2022. I introduced Pro-Life/Equal Protection/Anti-Infanticide Resolutions during the State MDGOP Conventions during both of my terms, which passed unanimously, the most recent of which passed on December 10th of 2022, opposing just such a Constitutional amendment as is proposed in SB798. These Resolutions were used to set priorities in the Republican party in Maryland and to encourage our duly elected Republican representatives to introduce legislation reflecting these initiatives, which could then be debated and voted on during hearings.

Passage of SB798 will effectively silence ALL debate on not just any issue, but THE Human Rights issue of all times: ABORTION, and specifically abortion in Maryland, the intentional taking of human life through all nine months up to the moment of birth for ANY reason. Where else is there to go on the subject except INFANTICIDE? The passage of SB 798 will pave the way to cover up existing Infanticide practices in Maryland and to promote more of the same. Who will investigate? Who will ever know when infanticide happens to supply the two internationally known research facilities in Maryland (NIH and Hopkins) with human organs harvested from full term aborted Pre-Born or Born Alive babies?? Unlawful human trafficking and organ harvesting will be promoted by the passage of SB798 because of its broad language without any specific statutory checks and balances.

Legislators have no authority to deprive those represented by the Republican platform of their right to free speech to have their elected officials introduce bills to protect the lives of women and children. In reality, all such bills never come for a vote at all or could be easily defeated by the clear Democratic majority in Maryland. Passage of SB798 all but guarantees that Pro-Life and Equal Protection bills cannot even be introduced, much less debated, a blatant infringement of first amendment rights.

What if, instead of a state Constitutional right to an abortion, a right to own a slave was codified by statute in Maryland, access to slaves guaranteed by another statute like HB937 and then that "right" was enshrined into the very Constitution, ensuring that the Institution of Savery could never be practically challenged or even debated again?

The parallel "slave" scenario begs the question whether certain historical "practices" like slavery and abortion can even be subject to the whims of the majority or a constitutional amendment. Legislators cannot vote and spill ink on a piece of paper and create law that violates the Natural Law of Life and Freedom (from slavery).

It is unethical for you to pass SB798 as it will effectively end the two party system in Maryland since the sanctity of Human Life is a major plank in the RNC Platform and the very first Inalienable right upon which all other rights depend, namely, the gift of Life itself. Passing SB798 would be the most egregious abuse of your authority as legislators.

Therefore, I emphatically urge an UNFAVORABLE report on SB798

Respectfully submitted on February, 28, 2023 by:

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