

### **Constitutional Fetal Personhood 3**

All human beings living under the jurisdiction of the USA, or a state therein are entitled to due process of law - the right to be heard in an impartial adjudicatory proceeding (Plyer v Doe (1982) 457 U.S. 202,212 fn.11).

There is no due process of law afforded an unborn child in an adjudicatory proceeding if he is not appointed a representative or spokesperson (i.e., a guardian ad litem) - for how else can he be heard?

In deciding in an adjudicatory proceeding in Roe v Wade if the unborn child qualifies as a due process clause person the Roe Court "failed" to appoint said child a guardian ad litem.

That failure, in real effect, "assumed" that said child is not a due process clause person. And what is assumed is not thereby decided; for an assumed outcome logically cannot prove itself. And so, the question of constitutional fetal personhood remains an open question; meaning: Nothing in Roe's fetal personhood discussion constitutionally prohibits a state from enacting a law that declares that the unborn child qualifies as a 5<sup>th</sup> (14<sup>th</sup>) Amendment due process clause person. And he certainly qualifies so. (See "A Silver Bullet for Roe v Wade revised 2" in [www.parafferty.com](http://www.parafferty.com).) And that would surely spell the end of procured abortion in the USA. And so says Roe v Wade (1973), 410 U. S. 113, 157-58.