

Rafferty's Commentary on his Unraveling Book

The book's central argument is that, contrary to the Roe opinion, our Founding Fathers certainly thought of the fetus living in the womb of his mother as no less a human being (person) than themselves, and therefore qualifies as a constitutionally recognized person no less than themselves. It demonstrates through the use of primary legal authority (specifically: reproductions of English common law criminal prosecutions for procured abortions and unborn child-killings covering a 700 year period from 1200 to 1900) that the English common law and the common law-based American states legal traditions do not support the existence of a woman's fundamental right to a procured abortion, but do in fact heavily and fully support the exact opposite: the unalienable right of the fetus (or unborn child) not to be aborted.

The book goes on to reveal that Roe's majority and concurring justices violated their constitutional oaths of office and the integrity of the constitutional decision-making process by their glaring lack of impartiality (and keep in mind that the principle of the "impartiality of the adjudicator" has been recognized always by all Supreme Court justices as the cornerstone principal of our entire legal system in its pursuit of justice), and by their inexcusable and monumental failure to appoint a legal representative (in this case, a guardian ad litem - who would have hired or would have gotten appointed a sagacious attorney to represent) Roe's fetus whose right to life was specifically put in issue by the Court in Roe (and which issue was then decided there in the negative). However, since the essence of due process is the right to be heard meaningfully, and since Roe's fetus was not given an opportunity to be heard so on the this issue of his right to life (or his right not to be killed deliberately by a procured abortion), then Roe's holding that the human fetus is not a constitutional person fails to comply with the dictates of due process of law; and which in turn, mandates that this "all-determining" Roe fetal-non person holding is void ab initio and, therefore, is non-binding (since no one can say truthfully that this holding came about through due process of law) on the States of the United States.

The book contains also a Fetal Person-Legal Practice Manual which puts forth a simple and inexpensive legal avenue by which to get the Roe decision back before the Supreme Court for reconsideration of this "all-determining" issue of whether the human fetus qualifies as a due process clause person. It notes that , while the Roe decision was reconsidered, and then was re-affirmed by the Court in Casey v. Planned Parenthood (1992), the fact remains, Casey did not reconsider the Roe - invoked issue of whether the human fetus qualifies as a 5th (14th) Amendment due process clause person. This means that nothing said or held in Casey shores-up Roe's constitutionally fatal error in failing to afford Roe's fetus with a due process of law-mandated meaningful opportunity to be heard before allowing its life to be snuffed out by procured abortion. In point of fact, a reasonable argument can be made that the Casey lead and concurring opinions simply under-handedly super-imposed upon the Roe opinion (and therefore also upon our Constitution) Justice Ginsburg's ideology of radical feminism (google: "justice ginsburg on abortion").

Lastly, the book contains (in its Side A) a pointed tract exposing the unreasonableness of pro-choice Catholic politicians who defend this position by proclaiming: "I cannot constitutionally (and therefore I will not) impose my religiously-based opposition to procured abortion on those persons who, in our pluralistic society, do not subscribe to these beliefs." But as Rafferty wryly notes: "You don't need religion to kill Roe & Casey constitutionally, although some politicians use religion (in reverse) to shield Roe/Casey from being killed so".