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## Money & Policy

### Medical Nuances Drove ‘No’ Vote in Mississippi

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JACKSON, Miss. — When her children woke up on Wednesday morning, Atlee Breland told them, “Mama won her election.”

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William Widmer for The New York Times

**AGAINST** Atlee Breland needed fertility treatments to conceive her twin daughters.

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**FOR** Dr. Freda Bush, an obstetrician, said concerns about the amendment were overblown given current legal protections for doctors and women in medical emergencies.

From her Lego-strewn living room, she had campaigned furiously to defeat an anti-[abortion](#) amendment to the state Constitution that would have declared fertilized eggs to be “persons.” She created a [Web site](#) and [Facebook](#) page that reached tens of thousands of voters.

Mrs. Breland, who proudly identifies herself as a Christian, native Mississippian and mother of three, might seem just the kind of voter who would back such an amendment. But she had needed fertility treatments to conceive her twin daughters, who are now 5, and she saw the amendment as likely to restrict in vitro fertilization and threaten the ability of women like her to have children.

The amendment was rejected by 58 percent of voters in staunchly anti-abortion Mississippi, largely on fears like Mrs. Breland’s that hinged on subtleties of medical science.

The same issues could well foreshadow trouble ahead for similar “personhood” initiatives now being planned in other states by organizers from Colorado. In Mississippi, concerns that the measure would empower the government to intrude in intimate medical decisions far afield from abortion — involving not just infertility, but also [birth control](#), potentially deadly ectopic pregnancies and the treatment of pregnant women with [cancer](#) — were decisive in its defeat.

“We don’t need people coming down from Colorado to try to use us as a political experiment,” said Stan Flint, a lobbyist here in Jackson with the Southern Strategy Group, a public affairs firm that fought the initiative. “The people of Mississippi told them to go back where they came from.”

The amendment, all of 21 words long, defined “persons” as “every human being from the moment of fertilization, cloning or the functional equivalent thereof.” It would have banned all abortions, with no exceptions for [rape](#), incest or saving the mother’s life. If it had passed,

it would have been tied up quickly in court challenges. If it had finally taken effect, the details of what it controlled would have been decided by judges and state lawmakers. Both sides exploited its vague wording. Promoters reassured voters that abortion would simply be stopped, with little effect on other medical care. Opponents, including Planned Parenthood, warned of worst-case scenarios like coroner investigations of [miscarriage](#) and criminal charges against doctors for treating ectopic pregnancies, in which an embryo implants outside the uterus and can cause a hemorrhage unless it is removed.

A few months ago, polls showed “yes” votes for the amendment 30 points ahead. But uncertainty about the amendment’s reach, combined with opposition from citizen groups like Mrs. Breland’s and influential anti-abortion pastors helped reverse the momentum. Medical input was also crucial: The American College of Obstetricians and Gynecologists said the amendment jeopardized women’s health, and state doctors’ and nurses’ groups refused to support it.

The initiative was brought to Mississippi by [Personhood USA](#), an anti-abortion group in Colorado that has tried and failed twice to pass a similar measure there. But it won some support here.

“It was about defining a person from the beginning of its biological development to its natural end and protecting it by law as any other innocent citizen would be protected,” said Dr. Freda Bush, an obstetrician in Jackson who supported the amendment.

Jennifer Mason, communications director for Personhood USA, attributed the defeat to “false information and scare tactics” by the opposition. “I think that now that we know their game plan, it will be easier to pass a future personhood amendment,” Ms. Mason said. She said the group was now circulating petitions needed for ballot initiatives in Montana, Florida and Oregon, and was planning campaigns in 11 other states.

The amendment’s supporters acknowledge that it would have banned not just abortions, but anything that could prevent a fertilized egg from implanting in the uterus, effectively barring some birth control methods, like IUDs, morning-after pills and a contraceptive pill called the “mini-pill” that contains only progestin.

Whether the amendment would also have banned standard birth control pills, which contain both [estrogen](#) and progestin, became a matter of debate. Those pills work mainly by preventing ovulation — a mechanism that is acceptable, supporters of the amendment say.

However, the standard pills may also alter the uterine lining so that, in rare cases in which a woman on the pill ovulates and the egg is fertilized, it will not implant.

The possibility that the pills and other hormonal birth control can prevent implantation makes them “chemical abortifacients,” according to some anti-abortion groups.

But advocates for the amendment in Mississippi insisted that it would not have outlawed standard birth control pills. “There is no strong argument to suggest that combined-hormone birth control pills cause loss of pregnancies,” said Dr. Eric Webb, an obstetrician in Tupelo who supported personhood. Still, opponents said the amendment’s vagueness left the door open to a ban on the pill — in a state with the nation’s highest rate of [teenage pregnancy](#) and of unplanned [pregnancy](#) in women of all ages.

Dr. Paul D. Seago, a gynecologic oncologist in Jackson, said he worried that the amendment could have interfered with the treatment of women with [rare cancers](#) that can develop from fertilized eggs.

He said the law could also have posed problems for a pregnant woman with [breast cancer](#). The usual treatments — surgery, [chemotherapy](#) and radiation — would endanger the fetus.

“Do you continue this pregnancy and let this cancer grow?” Dr. Seago said. “Or do you end it so the patient can get the best therapy for cancer? Does the mother have the right and ability to terminate? If this were to pass, no. What if the physician did prescribe or administer therapy and the pregnancy did die? Is that physician now guilty of murder?”

Ms. Mason said it was true that abortion would not have been allowed for women with cancer, but she said that doctors might have been able to perform a [Caesarean section](#) to save the baby and then treat the mother.

Other concerns cropped up. Dr. Seago said pathologists at his hospital asked whether miscarriages would have to be investigated by the coroner if the amendment passed.

“I’m not trying to be overly dramatic, but no one knows, if personhood were to pass, how that would be handled and who would, essentially, write the rules,” Dr. Seago said.

He and other doctors said they were also worried about whether they would be free to use surgery and drugs to treat ectopic pregnancies, which can be fatal for the woman.

Dr. Bush, a proponent of the measure, insisted that state laws protect doctors and women from prosecution in emergencies in which a pregnancy has to be ended to save the mother's life. As for miscarriages, she said the police had no time for "witch hunts."

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But opponents said that when existing laws were written, a fertilized egg was not considered a person, and that changing the definition could have changed everything.

The amendment would have made it illegal to destroy embryos created by in vitro fertilization. But what worried parents like Mrs. Breland were suggestions by personhood advocates that embryo freezing should also be discouraged or stopped. Many infertility specialists say the ability to use frozen embryos greatly increases their odds of success and helps minimize the number of cycles women must go through to collect eggs.

Dr. Webb questioned the need for freezing, saying some clinics had good success rates without it. If personhood had passed, he said, fertility doctors themselves might have chosen to stop freezing embryos because in the event of a power failure they could have been held responsible for thousands of deaths.

Mrs. Breland was fearful of just such ideas, but she also knew that the amendment's main opponents, Planned Parenthood and the American Civil Liberties Union, "are not very well loved here," she said. She took pains on her Web site to say that she had no connection with either group. "I wanted to give people a place where it was O.K. to say no, O.K. to support somebody saying no, and to give people factual information not from Planned Parenthood," she said.

She has also kept the Web site and an associated parents' group neutral on [elective abortion](#). Some members call themselves pro-life, and others pro-choice. At times, the battle has turned ugly.

"I've had people posting pictures of dead babies on my Facebook wall," Mrs. Breland said, showing a gory image on her computer screen. One of her children wandered by and she slammed the laptop shut, saying, with tears in her eyes, "I'm sorry, I don't want my child to see that." For weeks, a truck with Colorado plates and covered with huge pictures of bloody fetuses has been driving around Mississippi. It turned up near the statehouse in Jackson on Friday, with "Shame on Mississippi" painted on the side.

The election here is over, but similar battles loom in other states. Mrs. Breland is not taking down her Web site or giving up this fight.

“No, ma’am,” she said. “They’re not going away.”