

# The Maternal Rights Act

(aka "The Right to Choose Life Act")

September 8, 2020

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## SECTION I: Introduction

If a man impregnates a woman illegitimately and she chooses to continue the pregnancy, then he will be required by law to pay child support; and the act for which he will pay is not her choice of continuing the pregnancy but *his* act of impregnating her illegitimately. Therefore, it is a crime for a man to *impregnate a woman illegitimately* (IWI). But until now, abortion has been absolving him of the crime. The unwed pregnant woman has been forced into having to make the following choice: either convict the man of IWI, by continuing the pregnancy, or absolve the man of IWI, by getting an abortion. This exposes her to the danger of either being threatened to get an abortion or being killed for not getting one.

The danger continues even after she gives birth. She has a right to be free from such danger, and that's why this public bill proposal is called the Maternal Rights Act (MRA). When the MRA becomes law, it will convert the existing law, which we can call the *Law of Maternal Choice* (LMC), into the *Law of Maternal & Paternal Choices* (LMPC). That's because the new law is made by separating the maternal choice into maternal & paternal choices, where he chooses between two ways that he can pay for his crime of impregnating a woman illegitimately. Recent advancements in DNA paternity testing make it possible to convict him of IWI before she makes her choice. That is why we can propose the MRA at this time. The existing law (the LMC) is an unjust law for the following two reasons:

- A. It puts unwed pregnant women in danger of either being threatened to get an abortion or being killed for not getting one, and
- B. It makes it easy for rapists and sex traffickers to get away with their crimes.

The two injustices above would go away under the LMPC, enabling every unwed pregnant woman to make her choice freely. Because of this, there is no reason to believe that *pro choice* people (those who support the LMC) would oppose the conversion of the LMC to the LMPC. The LMPC would also give unwed pregnant women a financial incentive to make the choice of *continuing* (rather than *terminating*) her pregnancy. Because of this, there is no reason to believe that *pro life* people (those who support the pre-1973 *Law of Fetal Life*) would oppose the conversion of the LMC to the LMPC. Therefore, there is no reason why the two sides of our divided nation cannot unite in support of the MRA.

## SECTION II: Terms and Definitions

This bill would officially define a certain offense, which has always been treated as a misdemeanor crime, as a misdemeanor crime. This is the offense of *impregnating a woman illegitimately*. This offense has always been treated as a misdemeanor crime, because the offender has always been required, by law, to pay a certain sum of money (called 'child support')

for having committed the offense. This bill recognizes the offense as the misdemeanor crime of Impregnating a Woman Illegitimately (IWI). The terms and definitions, to which this bill refers, are defined below.

**A. Progenitrix** - A pregnant female, also known as an expectant mother.

**B. Progenitor** - The male who impregnated the progenitrix.

**C. Unborn human** - The human embryo/fetus inside the womb of the progenitrix.

**D. Illegitimate Pregnancy (IP)** - A pregnancy where the progenitor is not legally married to the progenitrix. Pregnancies are *always* started by the progenitor; and the decision to terminate an unwanted pregnancy is *usually* made by the progenitrix. Under the Law of Maternal & Paternal Choices, every IP will be registered with the state, so that rapists and sex traffickers can be brought to justice, and so that the progenitrix can be protected from the danger of either being threatened to get an abortion or being killed for not getting one.

**E. Unwanted Pregnancy (UP)** - A pregnancy where the progenitor is married to the progenitrix, but either he is abusive to her or they cannot afford to raise children without financial assistance. Under the Law of Maternal & Paternal Choices, such a wife may register her UP with the state, so that either her husband can be required to get the anger management help that he needs (in the case that he is abusive) or so that they can receive financial assistance (in the case that it is what they need).

**F. Impregnating a Woman Illegitimately (IWI)** - The misdemeanor crime that a progenitor has committed once he has started an **illegitimate pregnancy** (IP). It means that he is not married to the progenitrix.

**G. Starting an Unwanted Pregnancy (SUP)** - The misdemeanor crime that a progenitor has committed once he has started an **unwanted pregnancy** (UP). It means that he is married to the progenitrix, but either he is abusive to her or they cannot afford to raise the child without financial assistance.

**H. Public Assistance Fund (PAF)** - also known as the welfare system. the public assistance fund collects money from taxpayers, donors, and men who have either fathered children illegitimately or divorced a wife after fathering children with her. The PAF then distributes the money to unwed mothers and to unwed custodial fathers who need public assistance (see Figure 1).

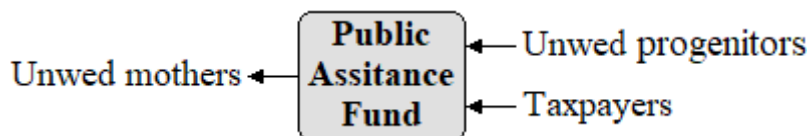


Figure 1 - Flow of Money into and Out of the PAF

**I. Full Child Support (FCS)** - The amount of child support, which each state currently calculates for itself. Every unwed mother has a right to receive this amount from the father of

her child through the Public Assistance Fund, or PAF. The PAF serves as a buffer between the unwed mother and father, protecting her from the danger that comes when a father is not able and willing to make his child support payments (ie. it prevents him from bribing her into not reporting his delinquency in making payments). Once a child is born, the progenitor starts being called a father, the progenitrix a mother, and the unborn human a child. We recommend that each state establishes a certain minimum amount for the FCS, so that every man, who starts an illegitimate pregnancy, pays at least something for his crime. Failure to pay the FCS shall be punishable by imprisonment (as it is today) or by plea bargain (as it will be under the MRA).

**J. Partial Child Support (PCS)** - The partial amount of child support, which a man must pay, if he makes a plea bargain with the state, for his failure to pay the full amount (FCS). His failure can be either a present failure or a predicted future failure. The plea bargain, which he would make, is him giving the state at least 99.85% assurance that he will not commit the crime of IWI again. The state gladly accepts his plea bargain, because it is much cheaper than paying for his imprisonment. Today, the way in which any man can give the state 99.85% assurance, that he will not commit the crime of IWI, is by getting a vasectomy. The doctor should recommend that he bank sperm before the outpatient procedure, so that he can still have children in the future. Each state shall calculate the amount of PCS (as it currently does for FCS), and the amount of PCS shall be greater than or equal to zero (of course, it shall also be less than the amount of FCS).

**K. Standard Child Support Duration (SCSD)** - The number of years, set by the state, that an unwed mother would have the right to receive money, from the father of their child, through the PAF. We suggest that the SCSD be set at **18 years**.

**L. Reduced Child Support Duration (RCSD)** - The reduced number of years, set by the state, that the progenitor must pay into the PAF, for IWI, in the case where the progenitrix chose to *terminate* the IP. The number of years must be between 1 and the SCSD. We suggest that the RCSD be set at **9 years**. Each year, the state could decide whether to adjust this number, based on the rate at which unwed pregnant women are being murdered and the ratio of illegitimate pregnancies terminated to illegitimate pregnancies started. There is a balance to strive for. The lower the RCSD, the greater the risk of the progenitor threatening the progenitrix to terminate the illegitimate pregnancy; and the higher the RCSD, the greater the injustice when the progenitrix chooses to terminate the illegitimate pregnancy despite the progenitor being able and willing to pay the FCS. Monies from RCSD will likely be rare, but those which are collected shall go towards the welfare of illegitimately conceived children or another charity of the progenitor's choosing.

**M. Plea Bargain for Failure to Pay FCS** - The FCS (Full Child Support) is the fine (currently calculated by each state) that a progenitor/father shall have to pay into the PAF for the misdemeanor crime of IWI (impregnating a woman illegitimately). Failure to pay this fine shall continue to be a felony (punishable by imprisonment); but in the case of this particular felony, there shall be a plea bargain, which the progenitor/father can make and the state shall accept. He makes this plea bargain by giving the state near 100% assurance that he will not commit IWI again. As of 2020, the nearest he can come to 100% is 99.85%, and he can give this level of assurance to the state by getting a vasectomy, banking sperm first if he so chooses. Taxpayers would then pay the difference between the FCS and the Partial Child Support (PCS),

the PCS being the reduced amount of money (to also be calculated by each state) that the father of the child will be paying into the Public Assistance Fund. The mother of the child would see no difference in her compensation, other than a note indicating the amount being paid for by the father and the amount being paid for by taxpayers.

### **SECTION III: Laws for Ordinary Circumstances**

**A.** In order to protect unwed pregnant women from the danger of either being threatened to get an abortion or being killed for not getting one, the government hereby requires **Impregnating a Woman Illegitimately** (IWI) to be penalized as a misdemeanor, the fine being the monthly payment of **Full Child Support** (FCS) for the **Standard Child Support Duration** (SCSD). The fine, which is currently calculated by each state, shall be paid into the Public Assistance Fund (PAF), aka the welfare system, with the first monthly payment being due on the eighth month after conception. The fine shall start being paid on that month regardless of whether the progenitrix chooses to continue or terminate the illegitimate pregnancy. There shall be a minimum amount, greater than zero, that each state can calculate the FCS to be, so that there is at least a small fine to pay for the crime of IWI.

**B.** The choice of the progenitrix, between continuing and terminating the unwanted pregnancy, shall have no bearing on the progenitor's choice of how he will pay for his crime of IWI. The PAF shall collect the fine for IWI, either the full or partial amount (FCS or PCS), and compensate the progenitrix with the full amount (FCS), but only if she gives birth to the child. If she chooses to terminate the unwanted pregnancy instead, then she shall not receive any compensation, and whatever fine the PAF collects for IWI shall go towards the welfare of other illegitimately conceived children or to a charity of the progenitor's choosing.

**C.** Unless the unborn human dies of natural causes or the progenitor marries the progenitrix, the progenitor shall pay for IWI by either paying the FCS into the PAF or making a **Plea Bargain** with the state, one where he gives the state near 100% assurance that he will not commit IWI again, in exchange for the state only requiring a partial child support payment from him (PCS). If he chooses neither the option to pay FCS nor the plea bargain, then he shall serve a prison sentence, similar to that of a tax evader, for the felony of failing to pay for his crime of IWI.

**D.** The Plea Bargain shall be made by the man giving as close to 100% assurance as possible that he will not commit IWI again. Today this is vasectomy, which is 99.85% assurance. He may bank sperm before the vasectomy, so that he can still have children with a future wife.

**E.** If the progenitor pays for IWI by making the Plea Bargain and the progenitrix chooses to continue the unwanted pregnancy, then he shall pay a partial amount of child support, or PCS. The PCS shall be calculated by each state, just as the FCS is today. The PCS shall be greater than or equal to zero, and less than the FCS. Any nonzero difference between what the mother receives from the PAF (the FCS) and what the PAF receives from the father (the PCS) will come from taxpayers (see Figure 1). This PAF will be sustainable, because the plea bargain ensure that no man will be putting more than one child on public assistance. In the case where a progenitor is paying the FCS or PCS into the PAF, even though the progenitrix chose to

terminate the unwanted pregnancy, he shall continue making the payments for a **Reduced Child Support Duration** (RCSD). The RCSD shall be a number of years, between 1 and 18, established by each state; and those monies shall go towards the welfare of other illegitimately conceived children or to a charity of the progenitor's choosing.

**F.** A progenitrix shall not terminate an IP, or a UP, without registering it first. **WARNING: FOR HER OWN PROTECTION, THE PROGENITRIX NEEDS TO REGISTER AN ILLEGITIMATE PREGNANCY BEFORE THE PROGENITOR FINDS OUT THAT SHE IS PREGNANT. NEVER TAKE A PREGNANCY TEST IN THE PRESENCE OF THE INSEMINATOR IF THE PREGNANCY WOULD BE ILLEGITIMATE.**

**G.** If the progenitor is the husband of the progenitrix, and she registers the pregnancy as an unwanted pregnancy (UP) due to him being abusive, then she does not have to file a police report for his abuse. If she chooses to continue the pregnancy (presumably while he is getting anger management help), then he will not have to pay the FCS into the Public Assistance Fund, since it would just be going back to his wife (he would only pay the FCS into the Public Assistance Fund if she divorces him). However, if **they** choose to terminate the unwanted pregnancy (note that both the husband and wife would have to agree to that choice), then either he shall pay the FCS into the PAF for the RCSD or he shall make the Plea Bargain (his wife could also make the plea bargain on his behalf by getting sterilized herself). If he pays the FCS into the PAF for the RCSD, then those monies shall go towards the welfare of illegitimately conceived children or to a charity of his choosing.

**H.** If the progenitor is the husband of the progenitrix, and she registers the pregnancy as an unwanted pregnancy (UP) due to them being poor, then they may receive financial assistance. Since only 1 count of SUP has been committed, there is no need for either spouse to make the plea bargain in order to receive financial assistance. However, once they register a second UP, then the plea bargain would be required at that time. However, this requirement may be struck from the MRA if lawmakers believe that the government has enough revenue to support poor married couples having large families.

**I.** If the progenitrix is married, and the progenitor is not her husband, then she might register the illegitimate pregnancy and terminate it without her husband's knowledge. However, the progenitor would still be required to pay for his crime of IWI, either by paying the FCS into the PAF for the RCSD or by making the plea bargain with the state (where he pays the PCS into the PAF for the RCSD).

**J.** No doctor shall deny any man of a vasectomy based on marital status, and no doctor shall deny any married woman of a hysterectomy as long as it is with her husband's knowledge. If married couples do not want children, then they shall not be denied of vasectomy and/or hysterectomy services. However, they shall not terminate any pregnancy unless it is registered with the state as an unwanted pregnancy (UP). Registering the UP is necessary for the protection of women against the potential threat of physical violence. If a state were to allow married women to terminate an unwanted pregnancy without registering it, then abusive husbands would be able to get away with their crime of SUP, and adulterers would be able to get away with their crime of IWI with another man's wife.

**K.** If a man rapes a woman, he has committed a felony. If on top of that, it makes her pregnant, then he has committed a capital crime. A capital crime is equal to 3 counts of IWI (a felony is equal to 2 counts and a misdemeanor to 1). Each state is free to determine whether to mandate the death penalty for anyone who commits the capital crime of impregnating a woman by rape. The purpose of such a mandate, or any mandate for that matter, is not to punish the criminal but to prevent the crime from taking place.

**L.** It shall be a felony obstruction of justice for a married woman to terminate an unwanted pregnancy (UP) without registering it, and it shall be a misdemeanor obstruction of justice for an unmarried woman to terminate an illegitimate pregnancy (IP) without registering it. Again, the registration of these two types of pregnancies is necessary for the protection of women. The state cannot protect pregnant women if they will not trust the state to protect them. The protection of pregnant women is what the Maternal Rights Act is all about; and because of that, the MRA should be agreeable to all law-abiding citizens, regardless of whether they used to be *pro choice* or *pro life* (we say "used to be" because everyone who supports the MRA is, by definition, either *new pro choice*, one who supports the MRA only, or *new pro life*, one who supports both the MRA and Fetal Rights Addendum).

**M.** When the progenitrix registers an IP, she needs to provide a blood sample and the name of the alleged progenitor. The blood sample is in case a NIPP test is necessary (NIPP = non-invasive prenatal paternity). Once the state contacts the alleged, he may either confess to being the progenitor or submit a cheek sample for a NIPP test. If a NIPP test were to confirm that he is the progenitor, then he would pay for the test; otherwise, the progenitrix would pay for it. This prevents either of them from lying. If the progenitrix has recently slept with multiple men, then she needs to provide their names, so that the NIPP test can determine which man is the progenitor. In such a case, the cost of the test would be split between the progenitrix and progenitor.

**N.** This is "the law of anonymous progenitors." If the progenitrix fails to provide the name of the progenitor, then she must pay for his crime of IWI. This is to prevent women from sleeping with strangers. There are two ways that she can pay:

- i. Terminate the pregnancy and either pay the FCS\* into the PAF for the RCSD or make a plea bargain by getting a hysterectomy and paying the PCS\* into the PAF for the RCSD.
- ii. Continue the pregnancy and either receive the PCS\* from the PAF upon giving birth or make a plea bargain by getting a hysterectomy and receiving the FCS\* from the PAF upon giving birth.

\* *minimum amount of FCS or PCS, which would vary from state to state*

This law gives the progenitrix an incentive to provide the name of the progenitor, rather than cover for his crime; but if she does not provide his name, it still gives her an incentive to continue the pregnancy. The goal is to assure the progenitrix that she can trust the state to protect her from being threatened into doing something unlawful.

**O.** If an illegitimately conceived child dies, and is certified, on his or her death certificate, to have died of natural causes, then the progenitor/father shall be immediately relieved of his obligation to pay his child support fine. He shall not be relieved, however, if there is any

reasonable possibility that the child was intentionally killed. This law prevents a father from considering the thought of killing his child and covering his tracks in order to get out of having to pay child support.

**P.** If a woman gets pregnant by committing statutory rape with a minor, then she must pay for the crime of IWI rather than the boy. Here are her two options:

- i. Terminate the pregnancy and either pay the FCS into the PAF for the RCSD or make a plea bargain (by getting a hysterectomy) and pay the PCS into the PAF for the RCSD.
- ii. Continue the pregnancy and either receive nothing or make a plea bargain (by getting a hysterectomy) and receive welfare for the child (the welfare would be received by the person who will have custody of the child).

This law gives her the incentive to continue the pregnancy.

## **SECTION IV: Laws for Special Circumstances**

The *Law of Maternal Choice* (LMC), which has been in place since the *Roe vs. Wade* decision in 1973, has made it easy for rapists and sex traffickers to get away with their crimes, because DNA paternity evidence is destroyed whenever a woman gets an abortion without providing a blood sample first. But the Law of Maternal & Paternal Choices (LMPC) will make it difficult for sex traffickers; and it will make it nearly impossible for rapists, as long as rape victims wisely register each pregnancy *before* the rapist finds out. The progenitrix should always trust the state to protect her from a rapist or sex trafficker. But if she still senses danger, then the following procedures can be followed.

**A.** This is "the law of anonymous rapists." If a woman is raped by a stranger, then she needs to report it immediately. Not only does this ensure that she will be believed, but it also enables her to be taken to the ER and offered a drug that will prevent her from becoming pregnant illegitimately. If she does not report the rape until after she is pregnant, then her report will be less credible, and unless law enforcement were to find the stranger, she would have to pay according to the law of anonymous progenitors (III.N). This law (IV.A) prevents a progenitrix from falsely claiming to have been raped by a stranger just to get the progenitor out of having to pay for IWI. The progenitrix needs to trust the state to protect her from being threatened into doing something unlawful.

**B.** If the progenitrix and her sex trafficker know the identity of the man (or men) who slept with her and she is afraid to report the sex trafficker, then she could provide only the name(s) of the man (or men) who slept with her, and once the progenitrix is identified, the state will require him to pay for IWI.

**C.** If the progenitrix and her sex trafficker do not know the identity of the man (or men) who slept with her, and she is afraid to report the sex trafficker, then she could make use of the law of anonymous progenitors (III.N) and let the sex trafficker pay for the crime of IWI anonymously through her.

D. If the progenitrix was raped and she is afraid to report the rapist, then she could make use of the law of anonymous progenitors (III.N) and let the rapist pay for his crime of IWI anonymously through her.

## SECTION V: Conclusion

We expect the Maternal Rights Act to make abortion rare; because why should the progenitrix get an abortion if the progenitor is going to pay child support anyway? Since the MRA involves men sacrificing their child support loophole for the sake of protecting women and children from harm, the MRA is proposed by good men and supported by all women. It's about men doing their part to end abortion. Assuming the MRA works as designed, women should eventually want to do their part to end abortion; and that is through the Fetal Rights Addendum (FRA), aka the "Right to Life Addendum." The FRA would be proposed by good women and supported by all men, because no man wants to pay child support for an aborted child. The FRA would make it illegal to terminate an IP, except for the case of rape in states that do not mandate the death penalty for anyone who impregnates a woman by rape.

In theory, the MRA and FRA could be passed at the same time. But it's likely that many will want to pass only the MRA first, just to make sure it does what it's designed to do; and once they become sure of that, they can support the FRA too. Those, who will support the MRA only, will adopt the *new pro-choice* position, which is about protecting a woman's *right to choose life* (RTCL). Those, who will support both the MRA and FRA, will adopt the *new pro-life* position, which is about protecting both a woman's RTCL and an unborn child's *right to life* (RTL). The new pro-choice position is also called "pro choices" because the MRA converts the current law into the Law of Maternal & Paternal *Choices* (LMPC). The new pro-life position is also called "pro lives" because the FRA would convert the LMPC into the Law of Maternal & Fetal *Lives*. Therefore, as people support the MRA, the pro-choice/pro-life dichotomy will be changing into a tetrachotomy (four sides instead of two). A tetrachotomy is necessary to break the current gridlock between the two sides of the dichotomy, so that our nation can move forward.

Remember that the purpose of law is not to punish the criminal, but to prevent the crime from taking place. If you did not have that principal in mind as you read this act, then you might want to reread it with that principal in mind; because it is the principal upon which the MRA was written. We will know that the MRA was faithful to the purpose of law if all of its opponents are criminally-minded people, while all of its supporters are law-abiding citizens, who will support it with only a few minor changes, if any. Again, since the MRA is about men taking responsibility for impregnating women illegitimately, it is appropriate for men to introduce this bill to a legislature and for women to support it.

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\* Under the MRA + FRA, the progenitrix would have to pay for terminating an illegitimate pregnancy, and this is only fair because the progenitor would already have to pay for starting an illegitimate pregnancy. Each state would be free to come up with its own penalty for the progenitrix, and the penalty would be greater if the child were her husband's. But the purpose of the FRA would not be to punish her for getting an abortion, but to prevent her from getting one. In the case of rape, the state will have to give her unrestricted access to an abortion if she wants one, unless it has mandated the immediate execution of anyone who impregnates a woman by rape. But even then, the state still won't be able to punish the rape victim for getting an abortion if she were to find a way to get one.