



Life at Conception Act - an overview

Protects all unborn by legislatively establishing their “personhood.”

A Life at Conception Act - as introduced in the 111th Congress by Congressman Duncan D. Hunter (H.R. 881) and Senator Roger Wicker (S. 346) - is legislation that, quite simply, would declare the unborn to be “persons” under the 14th Amendment to the Constitution, and therefore entitled to the right to life guaranteed therein. The 14th Amendment states:

“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Uses rather than amends the Constitution since Congress may define “personhood.”

Section 5, 14th Amendment - *“Congress Shall have the power to enforce, by appropriate legislation, the provisions of this article.”*

In the past, corporations have been established as “persons” under the 14th Amendment and the Supreme Court has upheld this notion providing a clear precedent for legislatively defining who or what is in fact a “person” under the Amendment. Certainly a human being yet to be born -- possessing its own unique set of human DNA -- is more worthy of the term “person” than a corporate entity.

Roe v. Wade would be effectively reversed.

- ✓ **Abortion Never Declared Absolute “Right”** - Abortion has never been declared by the Court to be an absolute constitutional right. In fact, when writing the majority opinion in *Roe v. Wade*, Justice Harry Blackmun wrote:

“We need not resolve the difficult question of when life begins. . . the judiciary at this point in the development of man's knowledge, is not in a position to speculate as to the answer.”

The Court then admitted:

“If this suggestion of personhood is established, the appellant's case [i.e. “Roe” who sought the abortion], of course, collapses, for the fetus' right to life is then guaranteed by the [14th] Amendment.”

A Life at Conception Act, by establishing personhood for the unborn, would do just that.

- ✓ **Technological Advances Provide Further Proof that Life Begins at Conception** - Abortion was legalized more than thirty years ago. Since 1973 there have been major breakthroughs in medical technology. We can now detect a fetal heartbeat only 5 weeks after conception and fetal brain waves can be measured at just 8 weeks. Ultrasound allows us to see a baby as he moves, sleeps and sucks his thumb in the womb.

Today human DNA is used as irrefutable proof of a criminal suspect’s guilt or innocence. The fact that each of us possesses a full and unique set of human DNA from the moment of conception is irrefutable proof that we are members of the human race or “persons.”

Most Americans agree that life begins at conception.

Recent polls have demonstrated that a clear majority of Americans believe that life begins at the moment of conception. One such poll, conducted by *Newsweek* and published as a cover story, showed that 58% believe that a new human life begins at the moment an egg is fertilized.

A Constitutional amendment is unnecessary in dealing with *Roe v. Wade*.

- ✓ The Constitution already guarantees the right to life (14th Amendment), it just needs to be enforced.
- ✓ An amendment to the Constitution requires a two-thirds majority vote in both houses of Congress and must be ratified by 38 states.
- ✓ Since a Life at Conception Act uses existing language in the 14th Amendment to protect the unborn, it requires only a simple majority vote in both Houses and the President’s signature for passage.

The Life at Conception Act ends experimentation on humans without prohibiting effective stem cell research.

This legislation protects human life from the moment of conception. Since adult stem cells are not and cannot become a human life, this bill will have no affect on adult stem cell research, which has been successfully used for many years in the treatment of a variety of diseases.

However, it would prohibit experiments on baby embryos where the human life is intentionally created and destroyed. Such experiments on human babies have produced absolutely no medical advances.

The Life at Conception Act would be enforced through elected legislatures, not the hostile federal court system.

By legislatively defining life as beginning at the moment of conception, the Life at Conception Act provides all human life with the protection of the 14th Amendment to the United States Constitution which protects “life, liberty and property.”

In that way, this legislation will remove all obstacles in which unelected judges, by judicial edict, prevent the people and their elected officials from enacting any protection of human life.

With judicial obstacles gone, Congress and state legislatures can then craft language with the specific protections and penalties.

A Life at Conception Act is consistent with Supreme Court Precedent.

Since a Life at Conception Act must pass by majority vote in both Houses of Congress, and be signed into law by the President, the measure will go to the Court with considerable backing in the likely event it is challenged.

Furthermore, if the court attempted to backpedal on its language in *Roe v. Wade* permitting this legislation, Congress could use its power under Article 3, Section 2 of the Constitution to change the jurisdiction of federal courts and eliminate their jurisdiction over abortion.

This kind of legislation has been used by Congress before to reign in the Courts on other themes (see Norris LaGuardia Act). At that time, judges would know that being “fired” from jurisdiction over abortion would be a real threat to their power since it would require the same majority as the Life at Conception Act.

The threat of limiting jurisdiction is a check and balance written by our founding fathers that would be very persuasive in deterring judges from setting themselves up as absolute dictators.

A Life at Conception Act is an achievable means of making progress in defense of the sanctity of life.

The bill will be considered by the Subcommittee on the Constitution in the House and by the Judiciary Committee in the Senate. To get action on the bill, it is essential to recruit a large number of cosponsors.

Through its nationwide Federal Pro-Life Candidate Survey Program and member communications, the National Pro-Life Alliance is stressing that cosponsoring the Life at Conception Act is the true measure of an elected official’s commitment to the pro-life cause.

Of course, the House and Senate have overwhelmingly passed limited measures like the Partial-Birth Abortion Ban and the Unborn Victims of Violence Act. So the political climate is favorable to the question of defining personhood, which is what the Life at Conception Act does.

Win or lose, a mere vote on this legislation will give pro-life activists a reason to mobilize for those candidates who truly support the sanctity of life.

