

103^D CONGRESS
2^D SESSION

H. J. RES. 394

Declaring that the preborn are persons entitled to the guarantees contained in the fifth, thirteenth, and fourteenth amendments to the Constitution of the United States of America and prohibiting abortion within the United States.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 1994

Mr. DORNAN introduced the following joint resolution; which was referred to the Committee on the Judiciary

JOINT RESOLUTION

Declaring that the preborn are persons entitled to the guarantees contained in the fifth, thirteenth, and fourteenth amendments to the Constitution of the United States of America and prohibiting abortion within the United States.

Whereas, in the Proclamation of National Sanctity of Human Life Day, 1988, the President of the United States proclaimed and declared “the unalienable personhood of every American, from the moment of conception until natural death”;

Whereas such proclamation clearly set forth the reasons for such recognition of personhood, as follows:

“America had given a great gift to the world, a gift that drew upon the accumulated wisdom derived from centuries of experiments in self government, a gift that has irrevocably changed humanity’s future. Our gift is twofold: The declaration, as a cardinal principal of all just law, of the God-given unalienable rights possessed by every human being; and the example of our determination to secure those rights and to defend them against every challenge through the generations. Our declaration and defense of our rights have made us and kept us free and has sent a tide of hope and inspiration around the globe.

“One of those unalienable rights, as the Declaration of Independence affirms so eloquently, is the right to life. In the fifteen years since the Supreme Court’s decision in Roe v. Wade however, America’s unborn have been denied their right to life. Among the tragic and unspeakable results in the past decade and a half have been the loss of life of twenty-two million infants before birth; the pressure and anguish of countless women and girls who are driven to abortion; and a cheapening of our respect for the human person and the sanctity of human life.

“We are told that we may not interfere with abortion. We are told that we may not ‘impose our morality’ on those who wish to allow or participate in the taking of the life of infants before birth; yet no one calls it ‘imposing morality’ to prohibit the taking of life after people are born. We are told as well that there exists a ‘right’ to end the lives of unborn children; yet no one can explain how such a right can exist in stark contradiction of each person’s fundamental right to life.

“That right to life belongs equally to babies in the womb, babies born handicapped, and the elderly or infirm. That we have killed the unborn for fifteen years does not nullify this right, nor could any number of killings ever do so. The unalienable right to life is found not only in the Declaration of Independence but also in the Constitution that every President is sworn to persevere, protect, and defend. Both the fifth and fourteenth amendment guarantee that no person shall be deprived of life without due process of law.

“All medical and scientific evidence increasingly affirms that children before birth share all the basic attributes of human personality—that they in fact are persons. Modern medicine treats unborn children as patients. Yet, as the Supreme Court itself has noted, the decision in *Roe v. Wade* rested upon an earlier state of medical technology. The law of the land in 1988 should recognize all of the medical evidence.

“Our nation cannot continue down the path of abortion, so radically at odds with our history, our heritage, and our concepts of justice. This sacred legacy, and the well-being and the future of our country, demand that protection of the innocents must be guaranteed and that the personhood of the unborn be declared and defended throughout our land.”;

Whereas Congress has the power and responsibility to enforce the guarantees contained in the fifth, thirteenth, and fourteenth amendments to the Constitution of the United States of America, which guarantees to all persons the right not to be deprived of life without due process of law, the right to the equal protection of the law, and the right to be free from involuntary servitude, and the power

to enforce such guarantees includes the power to expand the definition of “persons” entitled to such guarantees;

Whereas abortion is a deprivation of the right to life and the right to the equal protection of the law and is the ultimate manifestation of the involuntary servitude of one human being to another; and

Whereas Congress intends by enacting this resolution to enforce the guarantees of the fifth, thirteenth, and fourteenth amendments to the Constitution of the United States of America: Now, therefore, be it

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This joint resolution may be cited as the “Human
5 Life Protection Act”.

6 **SEC. 2. DECLARATION OF PERSONHOOD.**

7 All human beings, from the moment of conception
8 and without regard to age, health, or condition of depend-
9 ency, are persons entitled to the guarantees contained in
10 the fifth, thirteenth, and fourteenth amendments to the
11 Constitution of the United States of America.

12 **SEC. 3. PROHIBITION OF ABORTION.**

13 To secure the rights of preborn persons under the
14 fifth, thirteenth, and fourteenth amendments to the Con-
15 stitution of the United States of America, abortion is here-
16 by prohibited within the United States.

1 **SEC. 4. ENFORCEMENT.**

2 The Congress and the several States shall have
3 concurrent power to enforce the prohibition contained in
4 section 3.

5 **SEC. 5. DEFINITIONS.**

6 For purposes of this resolution—

7 (1) the term “abortion” means the intentional
8 destruction of preborn human life, which life begins
9 at the moment of conception; and

10 (2) the term “United States” means the several
11 States, the District of Columbia, the Commonwealth
12 of Puerto Rico, the Commonwealth of the Northern
13 Mariana Islands, and the territories and possessions
14 of the United States.

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