

107TH CONGRESS  
1ST SESSION

# S. 1373

To protect the right to life of each born and preborn human person in  
existence at fertilization.

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IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2001

Mr. SMITH of New Hampshire (for himself, Mr. HELMS, and Mr.  
BROWNBACK) introduced the following bill; which was read twice and re-  
ferred to the Committee on the Judiciary

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## A BILL

To protect the right to life of each born and preborn human  
person in existence at fertilization.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Right to Life Act of  
5 2001”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) we, as a Nation, have declared that the  
9 unalienable right to life endowed by Our Creator is

1 guaranteed by our Constitution for each human per-  
2 son;

3 (2) the Supreme Court, in *Roe v. Wade* (410  
4 U.S. 113 at 159), stated: “We need not resolve the  
5 difficult question of when life begins . . . the judici-  
6 ary at this point in the development of man’s knowl-  
7 edge, is not in a position to speculate as to the an-  
8 swer . . .”;

9 (3) the Supreme Court, in *Roe v. Wade* (410  
10 U.S. 113 at 156–157), stated: “If this suggestion of  
11 personhood is established, the appellant’s case, of  
12 course, collapses, for the fetus’ right to life is then  
13 guaranteed specifically by the (Fourteenth) Amend-  
14 ment . . .”;

15 (4) the Supreme Court, in *Roe v. Wade*, stated  
16 that the privacy right is not absolute, and stated  
17 (410 U.S. 113, at 159) that: “The pregnant woman  
18 cannot be isolated in her privacy. She carries an em-  
19 bryo and, later a fetus. . . . The woman’s privacy  
20 is no longer sole and any right of privacy she pos-  
21 sesses must be measured accordingly.”;

22 (5) a human father and mother beget a human  
23 offspring when the father’s sperm fertilizes the  
24 mother’s ovum, and the life of each preborn human  
25 person begins at fertilization;

1           (6) there is no justification for any Federal,  
2           State, or private action intentionally to kill an inno-  
3           cent born or preborn human person, and that Fed-  
4           eral, State, and private action must assure equal  
5           care and protection for the right to life of both a  
6           pregnant mother and her preborn child in existence  
7           at fertilization;

8           (7) Americans and our society suffer from the  
9           evils of killing even one innocent born or preborn  
10          human person, and each day suffer the torture and  
11          slaughter of more than 3,500 preborn persons;

12          (8) the intentional killing of preborn human  
13          persons occurs in Federal enclaves, in interstate  
14          commerce activities, and in the States, estimated at  
15          1,300,000 per year and 40,000,000 since 1973; and

16          (9) the violence of intentionally killing a  
17          preborn human person has provoked more violence,  
18          carnage, and conflict reaching into homes, schools,  
19          churches, workplaces and lives of Americans.

20 **SEC. 3. RIGHT TO LIFE.**

21          Upon the basis of these findings and in the exercise  
22          of duty, authority, and powers of the Congress, including  
23          its power under article I, section 8, to make necessary and  
24          proper laws, and including its power under section 5 of  
25          the 14th article of amendment to the Constitution of the

1 United States, the Congress hereby declares that the right  
2 of life guaranteed by the Constitution is vested in each  
3 human being at fertilization.

4 **SEC. 4. DEFINITION OF STATE.**

5 For the purposes of this Act, the term “State” used  
6 in the 14th article of amendment to the Constitution of  
7 the United States and other applicable provisions of the  
8 Constitution includes the District of Columbia, the Com-  
9 monwealth of Puerto Rico, and each other territory or pos-  
10 session of the United States.

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