

# Finding The Right To Life In The Existing Constitution

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Is there a Right to Life in  
the current Constitution?  
What do you think?



Common Answers:

- “I hope so!”
- “I think so!”
- “There has to be.”
- “Yes, maybe.”
- Blank looks



If so,  
where is it?

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Common  
Answers:

“Yes, self evident truths – Life. Liberty and the Pursuit of Happiness” (most common answer – but that is The Declaration of Independence – not The Constitution)

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“I don’t know”

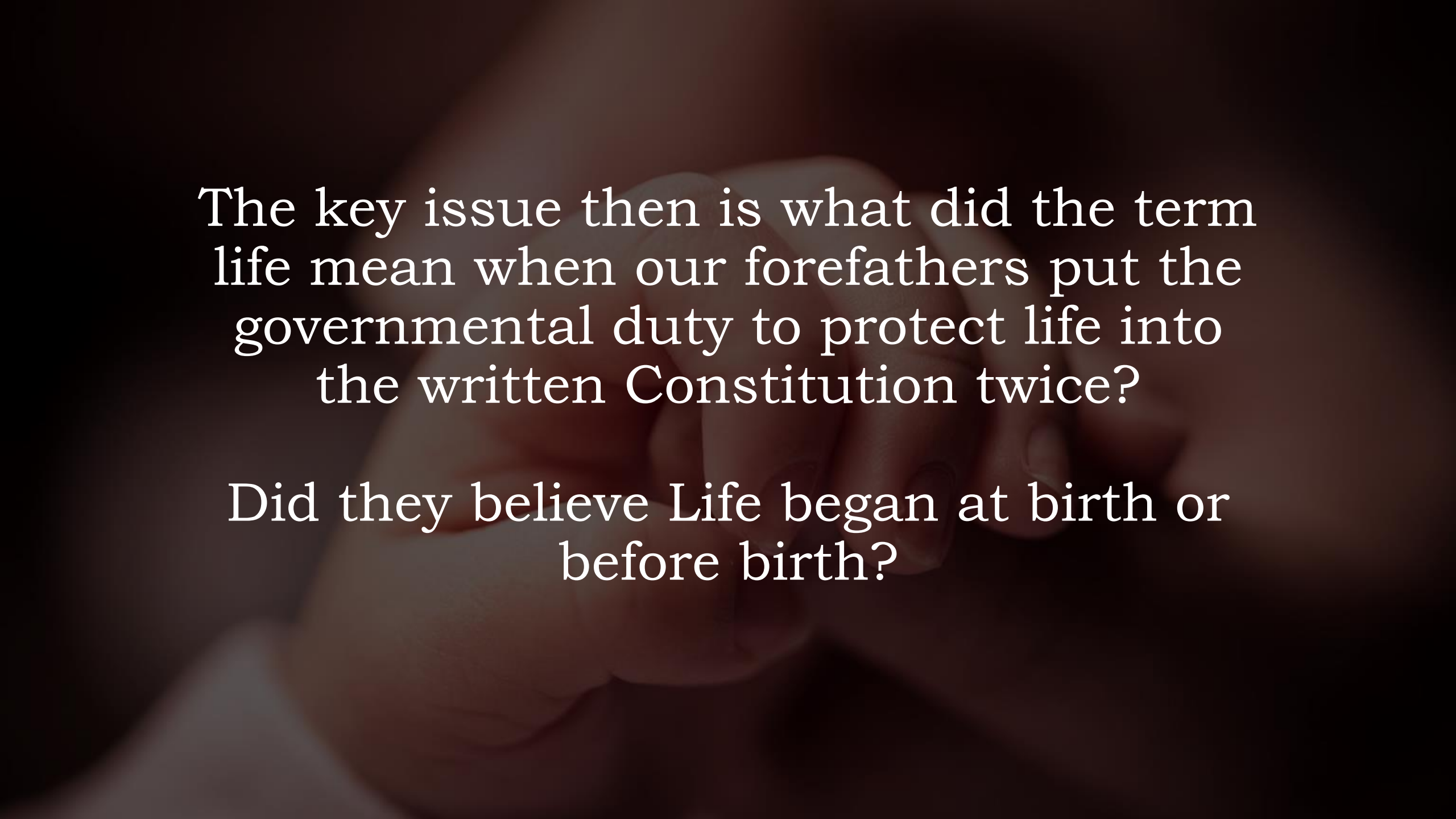
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Correct  
Answer

Yes, The Right to Life is  
in The Constitution  
explicitly, in writing twice  
(undeniably)

5<sup>th</sup> Amendment: “*No  
person shall be  
deprived of LIFE . .  
without due process of  
law.*” (binds federal  
government) (1791)

14<sup>th</sup> Amendment: “*Nor  
shall any state deprive  
any person of LIFE . . .  
without due process of  
law or be denied the  
equal protection of  
law.*” (binds state  
governments) (1868)



The key issue then is what did the term  
life mean when our forefathers put the  
governmental duty to protect life into  
the written Constitution twice?

Did they believe Life began at birth or  
before birth?



## The Triumph of Original Intent

Currently six judges of The Supreme Court believe in the doctrine of Original Intent or Originalism. Originalism correctly holds that applying the original meaning of the words is **the duty of judges**. It is the only method which legitimately honors the consent of the governed, making our system “government of the people, for the people and by the people.” It is not optional. It is their duty.

# The Declaration of Independence

*“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness - That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed, ...”*



The Inner Public Entryway to The U.S. Supreme Court



## THE SIXTH AMENDMENT

This Amendment provides important rights to any person accused of a federal crime. The Sixth Amendment requires a timely trial for someone accused of a crime, to prevent people from unnecessary personal decisions, and from the prolonged stress of prosecution. It also allows the accused to have legal aid in such cases. These rights are important to protecting a fair and open judicial system under the Rule of Law.

"IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEEDY AND PUBLIC TRIAL, BY AN IMPARTIAL JURY..."

SIXTH AMENDMENT

## THE FIFTH AMENDMENT

Three of the clauses of the Fifth Amendment describe the rights of individuals in federal criminal proceedings: the use of a Grand Jury in capital cases, the restriction on double jeopardy, and the right not to self-incriminate through testimony. Familiarly known as "Taking the Fifth," the fourth clause guarantees individuals a fair and open legal process, and the last, known as the Takings Clause, ensures fair compensation to individuals should the federal government decide to take their property for public use.

"NO PERSON SHALL...BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT THE DUE PROCESS OF LAW..."

FIFTH AMENDMENT

## THE WARREN COURT ERA

The Warren Court era was a period of significant change in the Supreme Court. It was during this time that the Court made several landmark decisions that shaped the modern American legal system. The Warren Court was known for its liberal approach to civil liberties and its emphasis on the protection of individual rights.

## STATUTORY INTERPRETATION

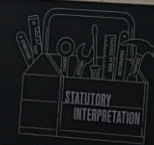
The Constitution, federal statutes, and the Supreme Court's decisions are the foundation of the American legal system. The Supreme Court's role is to interpret the Constitution and to ensure that federal statutes are consistent with it.

"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..."

FOURTEENTH AMENDMENT

## THE FOURTEENTH AMENDMENT

After the Civil War, Congress passed several amendments known as the "Reconstruction Amendments" that fundamentally altered the Constitution. In 1865, the Thirteenth Amendment abolished slavery; in 1868, the Fourteenth Amendment extended citizenship and its privileges to "all persons born or naturalized in the United States," including previously enslaved people; and in 1870, the Fifteenth Amendment prohibited racial restrictions in voting. The task of interpreting these amendments, especially the extent and meaning of the Due Process Clause of the Fourteenth Amendment, has frequently returned to the Court.

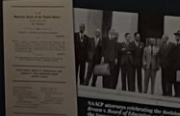


## UNIFORM APPLICATION OF THE LAW

The Supreme Court's role in ensuring uniformity in the application of the law is a critical part of its function. The Court ensures that the same legal principles are applied consistently across all states and the federal government, maintaining the integrity of the legal system.



## BEFORE A CASE



## EQUAL PROTECTION CLAUSE (Amend XIV, § 1, cl. 2)

The clause provides that no state shall "deny to any person within its jurisdiction the equal protection of the laws" but what that means is a matter of interpretation. The Supreme Court has interpreted this clause in many cases, ensuring that all people are treated equally under the law.

## INCORPORATION

The Bill of Rights guarantees certain freedoms from the federal government, and the Supreme Court has held that the Fourteenth Amendment protects some of these rights from interference by state governments. The Court has ruled that the Fourteenth Amendment's Due Process Clause, which guarantees the right to a fair trial, incorporates the rights of the Bill of Rights, making them applicable to the states.



The Inner Public Entryway to The U.S. Supreme Court

What did the Founders say?

James Wilson – Signer of the Declaration, Constitution and Washington Appointee to the Supreme Court

- *“With consistency, beautiful and undeviating, human life, from its commencement to its close, is protected by the common law. In the contemplation of law, life begins when the infant is first able to stir in the womb. By the law, life is protected not only from immediate destruction, but from every degree of actual violence, and in some cases, from every degree of danger.”*
- *“The law throws its shield around the person of every individual, from the highest to the lowest, and from the earliest to the latest period of existence.”*

What did the  
Founders say?

John  
Witherspoon

*“[in America] we have denied the power of  
life and death to parents”* John

Witherspoon, Lectures on Moral Philosophy

Legal abortion gives parents the right to kill  
the child. Abortion and the Constitution are  
incompatible. The Constitution forbids it.

## What did the Founders say?

- *“The care of human life and happiness and not their destruction is the first and only legitimate object of good government.”* - Thomas Jefferson (1809 – Letter to Maryland Republicans)
- Context: James Kent, an early American jurist and legal scholar, wrote Commentaries on American Law (1820s) which became foundational in American legal education. Kent echoed longstanding common-law principles regarding the legal status of children in the womb: *“Wherever such consideration would be for his benefit, a child en ventre sa mere (in the mother’s womb) is considered as absolutely born.”* - Chancellor James Kent (1826 – Commentaries on American Law)

# Gonzalez v. Carhart

## Opinion of the Court

“...Some women come to regret their choice to abort the **infant life** they once created and sustained. See Brief for Sandra Cano et al. as *Amici Curiae* in No. 05-380, pp. 22-24. **Severe depression and loss of esteem can follow.** *Ibid*” p.29



# Protecting Life Is A Moral Good, Neil Gorsuch

In addition, there is the persuasive moral and legal argument that “the intentional taking of human life by private persons is always wrong.” “The Right to Assisted Suicide,” Harvard Journal of Law and Public Policy, Gorsuch, 2000, Summer; 23(3), 599-710, at 697. The Court in *Gonzales* has acknowledged that abortion involves a “painful and difficult moral decision, and that **“... some women come to regret aborting the infant life they once created and sustained”** (Gonzales v. Carhart, 550 U.S. 124, at 159 (2007) The American common law has always been based on the basic proposition that protecting human life is a moral good. “Human life qualifies as such a basic value.” *Gorsuch*, Id. at 699.

# Protecting Life Is A Moral Good, Neil Gorsuch

“The fundamental and irreducible value of human life is further evidenced by the fact that it is essential to well-being. To have a good and fulfilled life, one must have life. Human beings are not merely rational beings, but corporeal bodies. Their fulfillment depends on their having physical lives, life is intrinsic to human fulfillment.” *Id.* ...

Justice Gorsuch goes on to state: “The alternative to an absolute rule against private, intentional killing, moreover is troubling territory. *Id.* at 701.”

Justice Gorsuch makes a compelling “argument for respecting life as a sacrosanct good” in the article, *id.* at pages 696-702.

# VISION PROPOSAL PRAYER POINTS

## For The Supreme Court to Recognize the Right to Life in the Existing Constitution- That Millions Would Join in Prayer

- *That the U.S. Supreme Court would recognize the Right to Life expressly written twice in the Fifth and Fourteenth Amendments and interpret “Life” according to its original intent and public meaning at the time they were adopted to protect the life of children before birth, as well as after birth.*
- That America and the Supreme Court would remember that it was understood that Life is a precious gift from God; that Life must be protected in law before birth, from the first moment of life. Historically, pregnant women during the adoptions of the Fifth and Fourteenth Amendments were usually described as “with child.” Pray that the Court will actually follow the Fourteenth Amendment to make abortion illegal throughout America, just as slavery and segregation are today.
- *That a significant national and international prayer movement would arise and be led to pray for the Supreme Court to recognize the Right To Life in the existing Constitution.*



# THE **MORAL OUTCRY**

themoraloutcry.com

## The Five Reasons to ban abortion in all 50 states

①

### Abortion is a Crime Against Humanity

A crime against humanity occurs when legal protection is withdrawn from a class of human beings, leading to severe deprivation of rights, up to and including death.

②

### Abortion Hurts Women

Studies have proven that no one benefits from an abortion. Many women who have abortions suffer severe emotional distress and trauma that lasts the rest of their lives.

③

### Safe Haven Laws in Every State

Every State now allows a woman to surrender her child to the state to be adopted with no questions asked, no cost to her, and no paperwork. No woman needs an abortion to avoid the responsibilities of motherhood.

④

### 1-2 Million Families are Waiting to Adopt Newborn Babies

Over a million loving families are waiting to adopt newborn babies. As a matter of law, there are no unwanted newborn babies in America.

⑤

### New Science Shows Life Begins at Conception

Advances in embryology have conclusively proven that a new human life exists from the moment of fertilization.

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# The Scientific Consensus on When a Human's Life Begins\*

- A. The biological view that a human's life begins at fertilization ("the fertilization view").
- B. Americans are split on whether the fertilization view is a "philosophical or religious belief" (45%) or a "biological and scientific fact" (46%), and only 38% of Americans view fertilization as the starting point of a human's life.
- C. Since a recent study suggested that 80% of Americans view biologists as the group most qualified to determine when a human's life begins, experts in biology were surveyed to provide a new perspective to the literature on experts' views on this matter. Biologists from 1,058 academic institutions around the world assessed survey items on when a human's life begins and, overall, 96% (5337 out of 5577) affirmed the fertilization view.
- D. A recent study's finding that a majority of Americans believe they deserve to know when a human's life begins in order to make informed reproductive decisions

\*Jacobs SA. The Scientific Consensus on When a Human's Life Begins. *Issues Law Med.* 2021;36(2):221-233.

# Scholarly Research

- Finnis, J., & George, R. P. EQUAL PROTECTION AND THE UNBORN CHILD: A DOBBS BRIEF. *Harvard Journal of Law and Public Policy*, 45(3), 927-1031. (2022).
- Craddock, Joshua J., “Personhood After Dobbs” (May 16, 2025). *Catholic U. L. Rev.* 536 (2025)
- Craddock, Joshua J., “Protecting Prenatal Persons: Does the Fourteenth Amendment Prohibit Abortion?” *Harvard Journal of Law and Public Policy*, Vol. 40, No. 2 (2017)
- Joseph, Anthony, “The ‘Pennsylvania Model’: The Judicial Criminalization of Abortion in Pennsylvania, 1838-1850”, *The American Journal of Legal History*, July 2007, Vol. 49, No. 3, p. 284-320, Oxford University Press



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