

# 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”

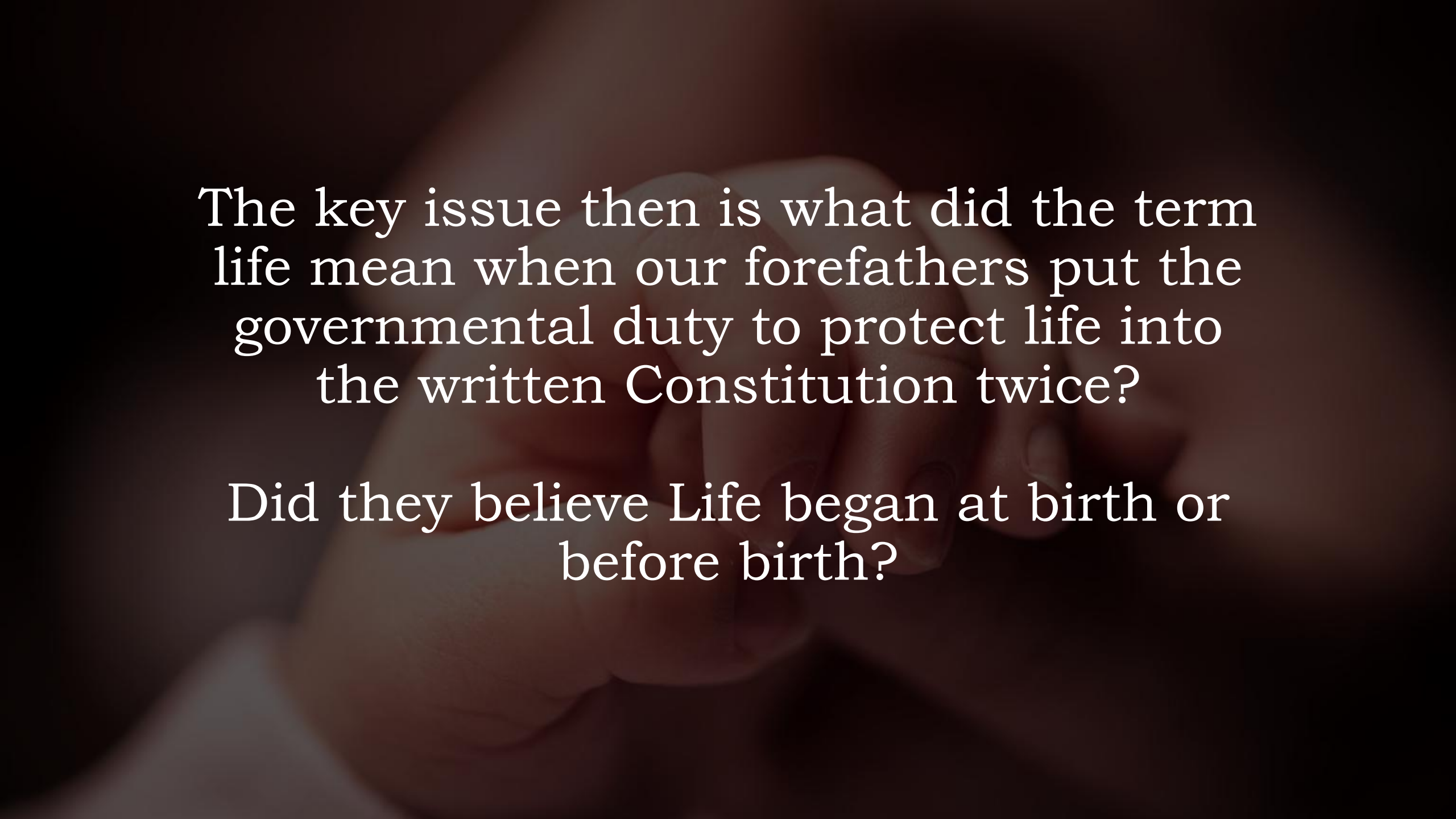
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Correct  
Answer

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 detention, and from the prolonged stress of prosecution. It also allows the accused to have legal aid in each case. 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. Similarly 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

## TAKINGS CLAUSE (Amend V, cl. 5)

## DUE PROCESS CLAUSE (Amend V, cl. 5)

The Due Process Clause of the Fifth Amendment provides an individual citizen with certain rights and liberties. It is a cornerstone of the American legal system, ensuring that the government cannot deprive any person of life, liberty, or property without following fair legal procedures. This clause is often invoked in cases involving government actions that affect individual rights, such as eminent domain, public utility regulations, and administrative decisions. The Supreme Court has interpreted this clause to protect a wide range of rights, including the right to privacy, the right to marry, and the right to travel.



## THE WARREN COURT ERA

The Warren Court era, named after Chief Justice Earl Warren, is a period of the Supreme Court's history from 1953 to 1969. This era is known for its landmark decisions that expanded civil liberties and individual rights. Key cases include Brown v. Board of Education, which declared racial segregation in public schools unconstitutional; Miranda v. Arizona, which established the rights of the accused; and Roe v. Wade, which recognized a woman's right to an abortion. The Warren Court's decisions were often controversial and led to significant changes in American society.

## STATUTE OF THE UNITED STATES

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"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.

## INCORPORATION

The Bill of Rights guarantees people 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 this extension of rights, called "incorporation," is the Fourteenth Amendment's Due Process Clause. Examples of rights that the Court has found to be "incorporated" include the freedom of speech, right to bear arms, protection from unreasonable search and seizure, and right to assistance of counsel. Because of incorporation, many of the Court's cases interpreting amendments to the Constitution involve disputes over state laws or actions.

## 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 in dispute. In Plessy v. Ferguson (1896), for example, the Court decided that racial segregation, "separate but equal," was constitutional. In 1954, in Brown v. Board of Education (1954), the Court overruled Plessy, holding that racial segregation in public schools was "inherently unequal." In later cases, the Court has interpreted the Equal Protection Clause to prohibit discrimination on categories such as gender and disability.

POST-DISPATCH WITH SCHOOL SEGREGATION

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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.”*

Vol. II, Part II, Chapter XII: “Of Natural Rights of Individuals”

- *“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.”*

Vol. II, Part II, Chapter V: “Of Crimes Against the Persons of Individuals”



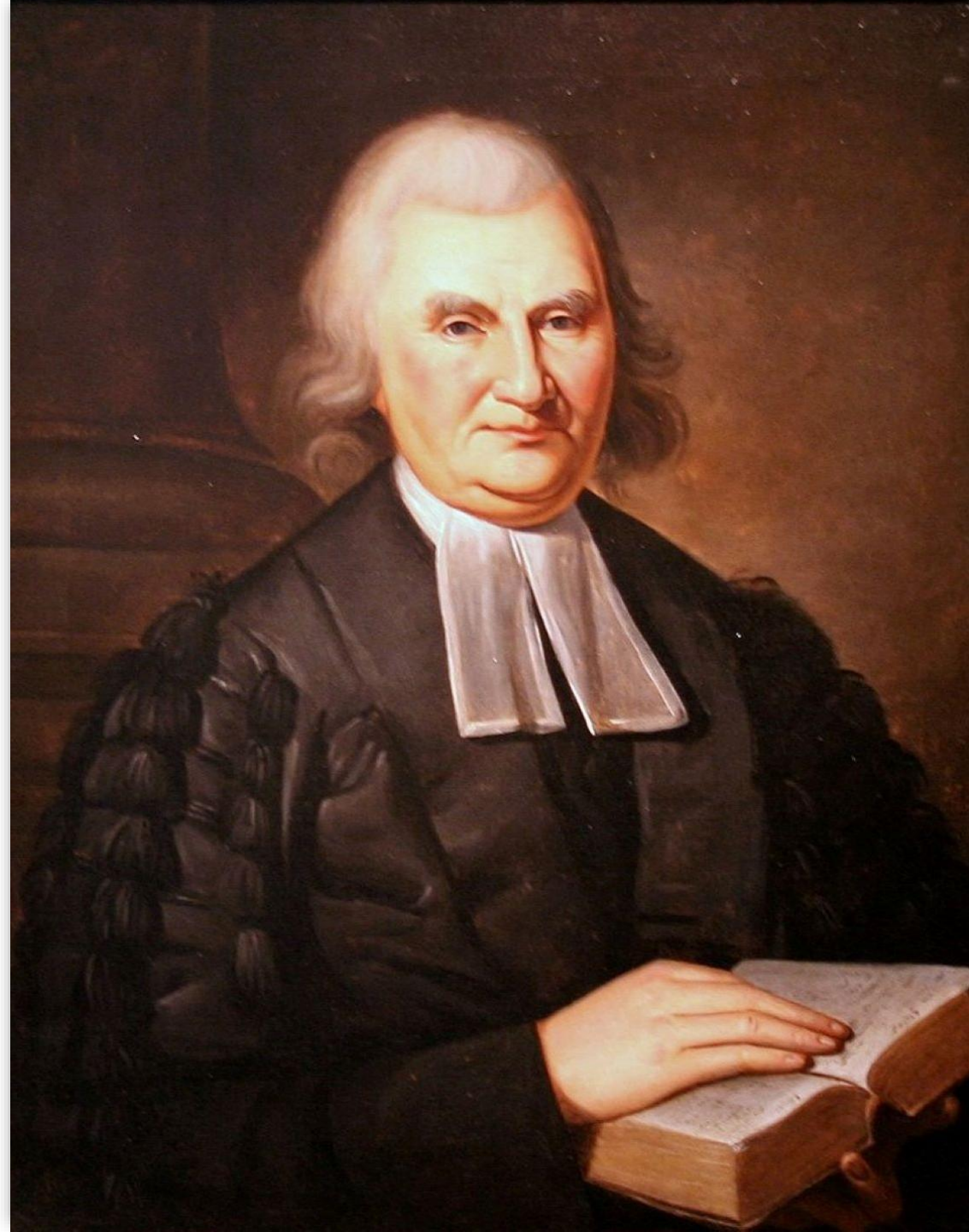
# What did the Founders say?

**John Witherspoon** - Scottish-American Presbyterian minister and president of the College of New Jersey (now Princeton University)

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

(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?

**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."*

(1826 – *Commentaries on American Law*)



From Evidence Bible by Ray Comfort, p. 823:

## What God's Word Says About Abortion

*By Lynn Copeland*

- God speaks very clearly in the Bible on the value of unborn children.
- God's Word says that He is personally made each one of us, and has a plan for each life: "Before I formed you in the womb I knew you, before you were born I set you apart: (Jer. 1:5). Even before I was born, God has chosen me to be His (Gal. 1:15). "For you created my inmost being; You knit me together in my mother's womb . . . Your eyes saw my unformed body. All the days ordained for me were written in Your book before one of them came to be (Psalm 139:13,16). "Your hands shaped me and made me . . . Did You not clothe me with skin and flesh and knit me together with bones and sinews? You gave me life" (Job 10:8-12). "This is what the Lord says - He who made you, who formed you in the womb" (Isa. 44:2). "Did not He who made me in the womb make them? Did not the same One form both within our mothers?" (Job 31:15).
- Because man is made in God's own image (Gen. 1:27), each life is of great value to God: "Children are a gift from God" (Psa. 127:3). He even calls our children His own: "You took *your* sons and daughters whom you bore to Me and sacrificed them . . . You slaughtered My children" (Ezek. 16:20,21).

- The Bible says of our Creator, “In His hand is the life of every living thing and the breath of every human being” (Job 12:10). God, the giver of life, commands us not to take the life of an innocent person: “Do not shed innocent blood” (Jer. 7:6). “Cursed is the man who accepts a bribe to kill an innocent person” (Deut. 27:25). “You shall not murder. (Exod. 20:13).
- Taking the life of the unborn is clearly murder – “He didn’t *kill* me in the womb, with my mother as my grave” (Jer. 20:17) – and God vowed to punish those who “ripped open the women with child” (Amos 1:13). The unborn child was granted equal protection in the law; if he lost his life, the one who caused his death must lose his own life: “If men who are fighting hit a pregnant woman and she gives birth prematurely but there is no serious injury, the offender must be fined . . . But if there is serious injury, you are to take life for life” (Exod. 21:22,23).
- Life is a gift created by God, and is not to be taken away by abortion.
- “I have set before you life and death, blessings and curses. Now choose life, so that you and your children may live.” (Deut. 30:19)



# 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



# 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.

themoraloutcry.com



# 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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