



GLC Weekly

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Harvard Law Journal Documents Unborn Babies are Constitutional Persons, Part 3

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Today is Juneteenth in the United States. On 19 June 1865, U.S. troops came to Texas to enforce the 1863 Presidential Emancipation Proclamation setting all slaves free. Within three more years, the Fourteenth Amendment to the U.S. Constitution was approved by a majority of States, ensuring citizenship to all Americans, including former slaves, and protection of inalienable human rights to every person within the United States:

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges and 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, Craddock’s italics].

The same Amendment should be rightfully understood and applied to protect preborn babies within the United States of either gender, of any color of skin, from the moment of conception or fertilization, whether citizen or not.



Joshua Craddock wrote a *Harvard Journal of Law & Public Policy* article documenting the parallel history of protecting babies in the womb and approving the Fourteenth Amendment guaranteeing equal rights, not only to former slaves, but the right to life of preborn children. His article was titled: **“Protecting Prenatal Persons: Does the Fourteenth Amendment Prohibit Abortion”**

(http://journals.law.harvard.edu/jlpp/wp-content/uploads/sites/90/2018/02/Craddock_FINAL.pdf). Here is Part 3 of excerpts from the article:

C. Anticipated Legal Application

“The Framers expected the Fourteenth Amendment to protect every member of the human species. . . . Senator Jacob Howard, who sponsored the Amendment in the Senate, declared the Amendment’s purpose to ‘disable a state from depriving not merely a citizen of the United States, but any person, whoever he may be, of life, liberty and property without due process. Even the lowest and ‘most despised of the [human] race’ were guaranteed equal protection. . . .

“The primary Framer of the Fourteenth Amendment, Representative John Bingham, intended it to ensure that ‘no state in the Union should deny to any human being . . . the equal protection of the laws.’ He described the Amendment as a remedy to the denial of basic human rights:

‘[B]y putting a limitation expressly in the Constitution . . . so that when . . . any other State shall in its madness or its folly refuse to the gentlemen, or his children or to me or to mine, any of the rights which pertain to American citizenship or to common humanity, there will be redress for the wrong through the power and majesty of American law.’

“Though Bingham never explicitly addressed the issue of abortion, the general consensus in 1868 was that prenatal life was human and therefore included within common humanity. The Amendment cannot, therefore, be legitimately interpreted ‘to exclude a group of individuals who were regarded as human beings at the time the fourteenth amendment was written.’ . . .

“Certainly the Framers of the Amendment did not promote an understanding of ‘legal personhood’ separate from biological humanity. Indeed, they might have relied on the long-established precedent set in *United States v. Palmer*, in which Chief Justice Marshall acknowledged that the terms ‘person or persons’ were broad enough to include ‘every human being’ and ‘the whole human race.’ The authors of the Amendment designed it to protect all biological human beings, regardless of their origin or circumstance. As Justice Hugo Black later put it: ‘the history of the [Fourteenth] Amendment proves that the people were told that its purpose was to protect weak and helpless human beings.’

“The original public meaning of the term ‘person,’ the contemporaneous anti-abortion statutes enacted to protect prenatal life, and the public explanations given by the Framers of the Fourteenth Amendment as to the Amendment’s scope of meaning all support extending protections to prenatal life on originalist grounds. To suppose that the Framers meant to exclude the unborn from the Amendment’s protections and instead ensure abortion as a protected liberty ‘would be to ignore the tenor of the times.’ The Fourteenth Amendment was to be a new birth of freedom for *all* human beings.”

PRAY that the LORD would restore a true understanding and deep valuing of each child, beginning in the womb, as a person, a human being, created in the image and likeness of God, of inestimable value, and worthy of protection by parents, family, the Church, medical professionals, government, and good laws. Pray that within the United States, the Fourteenth Amendment would be understood and interpreted to protect all human life from the moment of conception or fertilization to natural death.

For the LORD, the sacred gift of life, and remembrance of the babies,

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*The purpose of the Global Life Campaign is to **call and equip trustworthy disciples inspired by the Holy Spirit**, to be a catalyst movement to establish principles and practices in nations that align with the Word of God and respect human life.*