



SENATE PASSES BILL OUTLAWING VIOLENCE AGAINST FETUSES

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The U.S. Senate approved legislation Thursday that would make it a separate crime to injure or kill a fetus during a federal violent crime committed against a pregnant woman, upsetting critics who say it's an attempt to erode abortion rights.

The Unborn Victims of Violence Act passed the Senate in a vote of 61-38. President Bush, who has said he supports the measure, is expected to sign it into law.

“Pregnant women who have been harmed by violence, and their families, know that there are two victims – the mother and the unborn child – and both victims should be protected by federal law,” President Bush said in a statement issued Thursday night.

The House of Representatives passed the legislation on Feb. 26 by a 254-163 vote.

The Act

The legislation only applies to violent federal offenses such as crimes on military bases and other federal property, drug-related shootings and threats against witnesses in federal proceedings.

The Senate-passed bill says that violence against a pregnant woman would be regarded as two distinct crimes: one against the woman and one against her unborn child, who would have its own legal rights. An unborn child is defined in the legislation as “a member of the species homo sapiens, at any stage of development, who is carried in the womb.” To be prosecuted, an attacker would not have to know that a woman was pregnant.

Specific details in the bill exclude legally performed abortions from criminal prosecution.

The bill would protect “any person for conduct relating to an abortion for which the consent of the pregnant woman (or a person authorized by law to act on her behalf) has been obtained or is implied by law or for conduct relating to any medical treatment of the pregnant woman or her unborn child.”

Twenty-nine states have laws that make a fetus a second victim of a crime, although some do not cover entire pregnancies.

Critics of the act

Despite the clause in the bill protecting legal abortion, critics fear that by including the definition of a fetus – a life "at any stage of development" -- the law will be used eventually to overturn existing laws protecting abortion rights.

The Senate rejected an amendment to the bill that would prosecute criminals for crimes against a woman and her fetus but would not grant the fetus separate rights.

“This will be the first strike against all abortion in the United States of America,” said Sen. Dianne Feinstein, a California Democrat. She said it could lead to court findings in which “embryonic stem cell research becomes murder and abortion in the first trimester becomes murder as well.”

Abortion in the first trimester -- three months of a pregnancy -- is legal in the United States following *Roe v. Wade*, the 1973 U.S. Supreme Court decision. The decision allows states to intervene, in some circumstances, in the second and third trimesters of pregnancy to protect the life of the pregnant woman and the potential life of the unborn.

Erica Dhawan, age 19, Pennsylvania organizer for Choice USA, said that there should be laws to protect women and the fetus from violence but that anti-abortion activists are using this law as a stepping stone to future legislation.

“It’s a next step, another step. This bill isn’t to protect women. It’s part of a long-term strategy that attempts to put the rights of the fetus on the same level as the rights of women,” Dhawan said.

Proponents of the legislation

Backers of the measure disagree.

“It’s not about abortion,” said Sen. Lindsey Graham, a Republican from South Carolina. “It’s about criminals who attack pregnant women.”

Sierra Correa, age 22, vice president of American Collegians for Life, said that the law is not about abortion but about creating harsher penalties for criminals who harm pregnant women and their unborn children – both victims of the crime.

“If they’ve chosen to keep the child and someone takes that from them, then the penalties come in,” Correa said.

High-profile crimes like the killing of Laci Peterson and her unborn son in California last year built strong public support of the bill, according to its supporters.

By Annie Schleicher, NewsHour Extra

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