

Human Life Amendment Highlights: United States Congress (1973-2003)

93rd Congress (1973-1974)

In 1974 the U.S. Senate Judiciary Subcommittee on Constitutional Amendments held eleven days of hearings on proposed constitutional amendments to protect the unborn: March 6, 7, April 10, 25, May 7, June 4, 26, July 24, August 21, September 12, October 8.

94th Congress (1975-1976)

In 1975 the Senate Judiciary Subcommittee held an additional five days of hearings on proposed amendments: March 10, April 11, May 9, June 19, July 8.

On September 17, 1975, the Senate Judiciary Subcommittee met in Executive Session (closed) and voted eight times on amendment proposals, not approving any. It is reported that in a tie 4-4 vote broadest support was given to a measure offered by Senator Quentin Burdick (D-ND) which provided that the states are empowered to protect life, including the unborn, at every stage of biological development irrespective of age health or condition of dependency.

On April 28, 1976, Senator Jesse Helms (R-NC) made a motion for the full Senate to proceed to consideration of an amendment proposal (S. J. Res. 178) guaranteeing that every human being is a person from the moment of fertilization and entitled to the right to life. Senator Birch Bayh (D-IN), Chairman of the Senate Judiciary Subcommittee on Constitutional Amendments, made a motion to table the motion to proceed. Following debate, the Senate voted on the motion to table, 47 - yes, 40 - no, 12 not voting, 1- present and paired in favor. (Counting paired and declared not voting member, 43 supported the pro-life position - “no” vote - and 49 supported the pro-abortion position - “yes” vote.)

In 1976, the U. S. House Judiciary Subcommittee on Civil and Constitutional Rights held seven days of hearings on proposed constitutional amendments on abortion: February 4, 5, March 22, 23, 24, 25, 26.

96th Congress (1979-1980)

Aside from the standard committee and subcommittee referrals for proposed amendments as they were introduced, the only significant action occurred on July 31, 1979 when Representative Robert Dornan (R-CA) filed a Discharge Petition regarding H. J. Res. 300. Under the Rules of the House, a motion to discharge, if approved, would remove a proposed bill or resolution from committee consideration and

would bring it directly to the House floor for a vote. Representative Dornan's attempt was not successful.

97th and 98th Congresses (1981-1984)

In 1981, the Senate Judiciary Subcommittee on the Constitution held nine days of hearings on proposed constitutional amendments regarding abortion: October 5, 14, 19, November 4, 5, 12, 16, December 7, 16.

On December 16, 1981, the Senate Judiciary Subcommittee voted by a margin of 4-0 to favorably report an amended version of the Human Life Federalism Amendment (HLFA) (S.J. Res. 110) introduced by Senator Orrin Hatch (R-UT):

“A right to abortion is not secured by this Constitution. The Congress and the several States shall have concurrent power to restrict and prohibit abortions: Provided, That a provision of law of a State which is more restrictive than a conflicting provision of a law of Congress shall govern.”

(The Hatch Amendment)

On March 10, 1982, the Senate Judiciary Committee voted 10-7 to favorably report out the HLFA.

On September 15, 1982, Sen. Hatch withdrew the HLFA from consideration by the full Senate at that time.

In 1983 the Senate Judiciary Subcommittee on the Constitution held two more days of hearings on proposed constitutional amendments regarding abortion: February 28, March 7. Senator Thomas Eagleton (D-MO) testified in favor of limiting the HLFA to its first sentence.

On March 24, 1983 the Senate Judiciary Subcommittee voted 4-0 to favorably report the HLFA in an amended form (S. J. Res. 3):

“ A right to abortion is not secured by this Constitution.”

(The Hatch-Eagleton Amendment)

On April 19, 1983, the Senate Judiciary Committee in a tie vote of 9-9 failed to support the motion to favorably report the Subcommittee measure to the Senate but with no objection agreed to report the same proposal without recommendation.

On June 28, 1983 the Senate, after two days of debate, failed to support the Hatch-Eagleton HLFA (S. J. Res. 3) by a vote of 49 - yes, 50 - no 1 - present (two-thirds of those present required for passage).

99th Congress (1985-1986)

On May 15, 1985, the Senate Committee on the Judiciary requested executive comment from the Justice Department regarding two amendments: S. J. Res. 19, and S. J. Res. 21. On March 19, 1986, the Committee on the Judiciary also requested executive comment from the Justice Department regarding two other amendments: S. J. Res. 291 and S. J. Res. 292.

No further significant action occurred.

100th – 108th Congresses (1987-2003)

In the 101st Congress (1989-90), S. J. Res. 3 sponsored by Senator Jake Garn (R-UT), was referred by the Subcommittee on the Constitution back to the full Judiciary Committee on November 20, 1989 with an amendment (S. Amdt.1189) proposed by Senator Mitch McConnell (R-KY). This subcommittee amendment would have modified the text to allow abortions in cases of rape or incest.

No further action was taken by the committee.

Since the 101st Congress, human life amendments have continued to be introduced and referred to committee. However, no additional action has taken place in either the House of Representatives or the Senate.