



## **Unborn Victims of Violence Act**

The Unborn Victims of Violence Act (UVVA) provides that any person who injures or kills a child in utero during the commission of certain federal crimes (including those in military law) would be guilty of two separate offenses – harm to the mother and harm to the child. The death penalty would not be imposed. Abortions are excluded. Twenty-nine states already have laws that recognize unborn children as crime victims. These laws have withstood challenges in the courts. In both 106<sup>th</sup> and 107<sup>th</sup> Congresses this legislation passed the House but was not considered by the Senate.

Recognizing the unborn as crime victims does not conflict with the *Roe v. Wade* abortion ruling. Going beyond the holdings of *Roe*, abortion advocates object to any reference to the unborn child as a separate existing being. In the past, they have introduced single-victim substitute proposals that would increase penalties for harm to the mother while completely ignoring the unborn child as a victim. However, when there are two victims of crime, the law can and must acknowledge them both.

The importance of this issue was brought to the fore in a California case. On April 21, 2003 under California's unborn victim's law, prosecutors brought a double murder charge for the deaths of Laci Peterson and her unborn son, Conner. Prosecutors say that Laci and Conner were killed on or about December 23 or 24, 2002, during the eighth month of pregnancy. On April 13 and 14, 2003, their bodies were recovered and identified separately after washing up on the shore of San Francisco Bay. A Fox News/Opinion Dynamics Poll released July, 2003 shows that 79% of registered voters (69% of whom were identified as "pro-choice") agree that prosecutors should be able to charge an attacker of a pregnant woman with murder if the fetus is killed.

### **I. House of Representatives**

On May 7, 2003, Rep. Melissa Hart (R-PA), introduced the Unborn Victims of Violence Act (**H.R. 1997**); the measure had 136 cosponsors. The bill was referred to the Judiciary and Armed Services Committees. At the request of the family, H.R. 1997 was also called "Laci and Conner's Law." On July 8, 2003, the Subcommittee on the Constitution of the House Judiciary Committee held a hearing on H.R. 1997. Testimony can be accessed at: [www.house.gov/judiciary/constitution.htm](http://www.house.gov/judiciary/constitution.htm). On July 15, 2003, the Subcommittee on the Constitution marked up H.R. 1997, approving the measure 6-yes, 3-no. On January 21, 2004, the House Judiciary Committee marked up the Unborn Victims of Violence Act (H.R. 1997), approving the measure 20-yes, 13-no. On February 11, 2004, the bill was placed on the House calendar. *On February 26, 2004, the House defeated the Lofgren single-victim substitute amendment, 186-yes, 229-no (Roll Call 30), and passed the bill, 254-yes, 163-no (Roll Call 31).* On March 11, 2004, H.R. 1997 was read the second time and placed on the Senate calendar.

In a letter to Congress prior to the House vote, Cardinal William H. Wheeler, Chairman of the Catholic Bishop's Committee for Pro-Life Activities, urged swift passage of the Unborn Victims of Violence Act, remarking "...a single victim approach is unfair to mothers and families who grieve the loss of their unborn children."

After House passage of H.R. 1997, Mrs. Sharon Rocha, mother of Laci and grandmother of Conner, delivered a statement thanking the House for its action and urging the Senate to pass the bill.

### **Cosponsors of H.R. 1997**

Rep Aderholt, Robert B - 5/7/2003 [AL-4]	Rep Akin, W. Todd - 5/7/2003 [MO-2]
Rep Alexander, Rodney - 5/22/2003 [LA-5]	Rep Bachus, Spencer - 5/7/2003 [AL-6]
Rep Baker, Richard H. - 5/7/2003 [LA-6]	Rep Ballenger, Cass - 1/21/2004 [NC-10]
Rep Barrett, J. Gresham - 5/15/2003 [SC-3]	Rep Bartlett, Roscoe G. - 5/7/2003 [MD-6]
Rep Barton, Joe - 9/5/2003 [TX-6]	Rep Beauprez, Bob - 5/7/2003 [CO-7]
Rep Bishop, Rob - 5/22/2003 [UT-1]	Rep Blackburn, Marsha - 5/7/2003 [TN-7]
Rep Blunt, Roy - 5/7/2003 [MO-7]	Rep Boozman, John - 5/22/2003 [AR-3]
Rep Brady, Kevin - 5/7/2003 [TX-8]	Rep Brown-Waite, Ginny - 6/5/2003 [FL-5]
Rep Burgess, Michael C. - 5/7/2003 [TX-26]	Rep Burns, Max - 6/12/2003 [GA-12]
Rep Burr, Richard - 5/7/2003 [NC-5]	Rep Burton, Dan - 5/7/2003 [IN-5]
Rep Buyer, Steve - 5/7/2003 [IN-4]	Rep Camp, Dave - 5/7/2003 [MI-4]
Rep Cannon, Chris - 5/15/2003 [UT-3]	Rep Cantor, Eric - 5/7/2003 [VA-7]
Rep Carter, John R. - 5/7/2003 [TX-31]	Rep Chabot, Steve - 5/7/2003 [OH-1]
Rep Chocola, Chris - 5/15/2003 [IN-2]	Rep Cole, Tom - 5/7/2003 [OK-4]
Rep Collins, Mac - 6/3/2003 [GA-8]	Rep Costello, Jerry F. - 5/7/2003 [IL-12]
Rep Crane, Philip M. - 5/7/2003 [IL-8]	Rep Cubin, Barbara - 5/7/2003 [WY]
Rep Cunningham, Randy (Duke) - 5/7/2003 [CA-50]	Rep Davis, Jo Ann - 5/7/2003 [VA-1]
Rep Davis, Lincoln - 5/22/2003 [TN-4]	Rep DeLay, Tom - 5/7/2003 [TX-22]
Rep DeMint, Jim - 5/7/2003 [SC-4]	Rep Diaz-Balart, Lincoln - 5/7/2003 [FL-21]
Rep Doolittle, John T. - 5/7/2003 [CA-4]	Rep Ehlers, Vernon J. - 6/3/2003 [MI-3]
Rep Emerson, Jo Ann - 5/7/2003 [MO-8]	Rep English, Phil - 5/7/2003 [PA-3]
Rep Everett, Terry - 5/7/2003 [AL-2]	Rep Feeney, Tom - 5/7/2003 [FL-24]
Rep Ferguson, Mike - 5/7/2003 [NJ-7]	Rep Forbes, J. Randy - 5/7/2003 [VA-4]
Rep Fossella, Vito - 5/7/2003 [NY-13]	Rep Franks, Trent - 5/7/2003 [AZ-2]
Rep Garrett, Scott - 5/7/2003 [NJ-5]	Rep Gingrey, Phil - 5/7/2003 [GA-11]
Rep Goode, Virgil H., Jr. - 5/7/2003 [VA-5]	Rep Goodlatte, Bob - 5/7/2003 [VA-6]
Rep Green, Mark - 5/7/2003 [WI-8]	Rep Gutknecht, Gil - 5/7/2003 [MN-1]
Rep Hall, Ralph M. - 11/21/2003 [TX-4]	Rep Harris, Katherine - 5/7/2003 [FL-13]
Rep Hastings, Doc - 5/7/2003 [WA-4]	Rep Hayes, Robin - 5/7/2003 [NC-8]
Rep Hayworth, J. D. - 5/7/2003 [AZ-5]	Rep Hefley, Joel - 5/7/2003 [CO-5]
Rep Hoekstra, Peter - 5/7/2003 [MI-2]	Rep Hostettler, John N. - 5/7/2003 [IN-8]

Rep Hoekstra, Peter - 5/7/2003 [MI-2]  
Rep Hulshof, Kenny C. - 5/7/2003 [MO-9]  
Rep Hyde, Henry J. - 5/7/2003 [IL-6]  
Rep Issa, Darrell E. - 6/5/2003 [CA-49]  
Rep Janklow, William J. - 5/7/2003 [SD]  
Rep Jones, Walter B., Jr. - 5/7/2003 [NC-3]  
Rep Kennedy, Mark R. - 5/7/2003 [MN-6]  
Rep King, Steve - 5/7/2003 [IA-5]  
Rep Kline, John - 5/7/2003 [MN-2]  
Rep LaHood, Ray - 5/7/2003 [IL-18]  
Rep Lucas, Frank D. - 6/26/2003 [OK-3]  
Rep Manzullo, Donald A. - 5/7/2003 [IL-16]  
Rep McIntyre, Mike - 6/3/2003 [NC-7]  
Rep Miller, Gary G. - 5/15/2003 [CA-42]  
Rep Murphy, Tim - 5/15/2003 [PA-18]  
Rep Ney, Robert W. - 5/7/2003 [OH-18]  
Rep Norwood, Charlie - 5/7/2003 [GA-9]  
Rep Oberstar, James L. - 5/7/2003 [MN-8]  
Rep Oxley, Michael G. - 5/7/2003 [OH-4]  
Rep Peterson, Collin C. - 6/3/2003 [MN-7]  
Rep Petri, Thomas E. - 6/3/2003 [WI-6]  
Rep Pitts, Joseph R. - 5/7/2003 [PA-16]  
Rep Putnam, Adam H. - 5/22/2003 [FL-12]  
Rep Rehberg, Dennis R. - 5/22/2003 [MT]  
Rep Reynolds, Thomas M. - 5/7/2003 [NY-26]  
Rep Rogers, Mike D. - 5/7/2003 [AL-3]  
Rep Ryan, Paul - 5/7/2003 [WI-1]  
Rep Schrock, Edward L. - 6/3/2003 [VA-2]  
Rep Shimkus, John - 5/7/2003 [IL-19]  
Rep Simpson, Michael K. - 5/15/2003 [ID-2]  
Rep Souder, Mark E. - 5/7/2003 [IN-3]  
Rep Stenholm, Charles W. - 5/7/2003 [TX-17]  
Rep Tancredo, Thomas G. - 5/15/2003 [CO-6]  
Rep Tiahrt, Todd - 5/7/2003 [KS-4]  
Rep Turner, Michael R. - 5/7/2003 [OH-3]  
Rep Hostettler, John N. - 5/7/2003 [IN-8]  
Rep Hunter, Duncan - 5/15/2003 [CA-52]  
Rep Isakson, Johnny - 6/3/2003 [GA-6]  
Rep Istook, Ernest J., Jr. - 5/7/2003 [OK-5]  
Rep John, Christopher - 5/7/2003 [LA-7]  
Rep Keller, Ric - 5/7/2003 [FL-8]  
Rep King, Peter T. - 5/7/2003 [NY-3]  
Rep Kingston, Jack - 5/7/2003 [GA-1]  
Rep Knollenberg, Joe - 5/22/2003 [MI-9]  
Rep Lewis, Ron - 5/15/2003 [KY-2]  
Rep Lucas, Ken - 5/7/2003 [KY-4]  
Rep McCotter, Thaddeus G. - 5/7/2003 [MI-11]  
Rep Miller, Candice S. - 10/28/2003 [MI-10]  
Rep Miller, Jeff - 5/7/2003 [FL-1]  
Rep Myrick, Sue - 5/7/2003 [NC-9]  
Rep Northup, Anne - 5/15/2003 [KY-3]  
Rep Nunes, Devin - 5/15/2003 [CA-21]  
Rep Otter, C. L. (Butch) - 5/7/2003 [ID-1]  
Rep Pence, Mike - 5/7/2003 [IN-6]  
Rep Peterson, John E. - 5/7/2003 [PA-5]  
Rep Pickering, Charles W. (Chip) - 5/7/2003 [MS-3]  
Rep Platts, Todd Russell - 6/5/2003 [PA-19]  
Rep Rahall, Nick J., II - 6/26/2003 [WV-3]  
Rep Renzi, Rick - 5/7/2003 [AZ-1]  
Rep Rogers, Mike - 7/10/2003 [MI-8]  
Rep Ros-Lehtinen, Ileana - 5/7/2003 [FL-18]  
Rep Ryun, Jim - 5/7/2003 [KS-2]  
Rep Sessions, Pete - 5/22/2003 [TX-32]  
Rep Shuster, Bill - 11/21/2003 [PA-9]  
Rep Smith, Christopher H. - 5/7/2003 [NJ-4]  
Rep Stearns, Cliff - 5/7/2003 [FL-6]  
Rep Sullivan, John - 5/7/2003 [OK-1]  
Rep Terry, Lee - 5/7/2003 [NE-2]  
Rep Toomey, Patrick J. - 5/7/2003 [PA-15]  
Rep Vitter, David - 5/7/2003 [LA-1]

Rep Wamp, Zach - 5/15/2003 [TN-3]  
Rep Weller, Jerry - 5/7/2003 [IL-11]  
Rep Wilson, Joe - 5/7/2003 [SC-2]

Rep Weldon, Dave - 5/7/2003 [FL-15]  
Rep Wicker, Roger F. - 5/7/2003 [MS-1]  
Rep Wolf, Frank R. - 5/7/2003 [VA-10]

## II. U.S. Senate

On May 7, 2003, Sen. Michael DeWine (R-OH) introduced the companion Senate bill (**S. 1019**) (supercedes the earlier S. 146). The measure had 40 cosponsors and was been placed directly on the Senate calendar.

On March 12, 2004, Senate Majority Leader Senator Bill Frist (R-TN) announced a unanimous consent agreement for Senate consideration of the Unborn Victims of Violence Act. The Senate would take up the House-passed "Laci and Conner's Law," H.R. 1997. Two amendments would be allowed: a single-victim substitute amendment offered by Sen. Dianne Feinstein (D-CA) and a domestic violence amendment offered by Sen. Patty Murray's (D-WA). Neither amendment could be amended. The bill could not be filibustered.

The texts of the Feinstein and Murray amendments – Senate Amendments 2858 and 2859, respectively – can be found in the *Congressional Record* (3/12/04) S2804-21. See: [frwebgate.access.gpo.gov/cgi-bin/getpage.cgi?dbname=2004\\_record&page=S2804&position=all](http://frwebgate.access.gpo.gov/cgi-bin/getpage.cgi?dbname=2004_record&page=S2804&position=all)

Passage of the Murray amendment offered opportunities to create procedural problems. But, above all, *the Feinstein single-victim substitute had to be defeated*. As *CQ Today* (3/16/04) indicated, the vote on the Feinstein amendment was pivotal and would be close. "Neither supporters nor opponents of the bill can predict who will prevail on the Feinstein substitute."

*On March 25, 2004, the U.S. Senate in a bipartisan vote approved the UVVA, 61-yes, 38-no, 1-not voting (Roll Call 63).* Prior to final passage, the Feinstein single-victim substitute amendment was defeated, as was the Murray domestic violence amendment. *As expected, the vote on the Feinstein substitute was very close, 49-yes, 50-no, 1-not voting (Roll Call 61).* A point of order was raised against the Murray amendment, requiring 60 votes for passage. *The amendment fell short, 46-yes, 53-no, 1-not voting (Roll Call 62).* The roll call votes can be found online at: [www.senate.gov/legislative/LIS/roll\\_call\\_lists/vote\\_menu\\_108\\_2.htm](http://www.senate.gov/legislative/LIS/roll_call_lists/vote_menu_108_2.htm).

The vote on the Feinstein substitute was the most important vote. Cathy Cleaver Ruse, spokesperson for the U.S. Bishops' Secretariat for Pro-Life Activities, expressed gratitude to the Senate for rejecting this amendment, and stated, "Abortion activists may recoil from the acknowledgment of a child's existence before birth, but their efforts to erase the child as a second victim in a violent crime are an insult to all women and families who have lost a loved one to violence." For her complete statement see: [www.usccb.org/comm/archives/2004/04-058.htm](http://www.usccb.org/comm/archives/2004/04-058.htm).

### Cosponsors of S. 1019

Sen Alexander, Lamar - 5/23/2003 [TN]  
Sen Allen, George - 5/8/2003 [VA]

Sen Allard, A. Wayne - 6/2/2003 [CO]  
Sen Bennett, Robert F. - 9/15/2003 [UT]

Sen Bond, Christopher S. - 5/22/2003 [MO]  
Sen Bunning, Jim - 5/7/2003 [KY]  
Sen Cochran, Thad - 6/19/2003 [MS]  
Sen Cornyn, John - 5/22/2003 [TX]  
Sen Crapo, Michael D. - 5/22/2003 [ID]  
Sen Domenici, Pete V. - 9/11/2003 [NM]  
Sen Enzi, Michael B. - 5/7/2003 [WY]  
Sen Graham, Lindsey O. - 5/7/2003 [SC]  
Sen Gregg, Judd - 5/15/2003 [NH]  
Sen Hatch, Orrin G. - 5/7/2003 [UT]  
Sen Inhofe, Jim - 5/7/2003 [OK]  
Sen Lott, Trent - 5/23/2003 [MS]  
Sen McCain, John - 5/7/2003 [AZ]  
Sen Miller, Zell - 1/22/2004 [GA]  
Sen Nickles, Don - 5/7/2003 [OK]  
Sen Santorum, Rick - 5/7/2003 [PA]  
Sen Smith, Gordon - 5/23/2003 [OR]  
Sen Talent, Jim - 5/7/2003 [MO]

Sen Brownback, Sam - 5/7/2003 [KS]  
Sen Chambliss, Saxby - 5/7/2003 [GA]  
Sen Coleman, Norm - 5/7/2003 [MN]  
Sen Craig, Larry E. - 5/22/2003 [ID]  
Sen Dole, Elizabeth H. - 5/22/2003 [NC]  
Sen Ensign, John E. - 5/7/2003 [NV]  
Sen Fitzgerald, Peter - 5/7/2003 [IL]  
Sen Grassley, Charles E. - 5/7/2003 [IA]  
Sen Hagel, Chuck - 5/13/2003 [NE]  
Sen Hutchison, Kay Bailey - 9/3/2003 [TX]  
Sen Kyl, Jon - 5/7/2003 [AZ]  
Sen Lugar, Richard G. - 5/15/2003 [IN]  
Sen McConnell, Mitch - 5/23/2003 [KY]  
Sen Nelson, E. Benjamin - 6/19/2003 [NE]  
Sen Roberts, Pat - 10/1/2003 [KS]  
Sen Shelby, Richard C. - 5/7/2003 [AL]  
Sen Sununu, John E. - 8/1/2003 [NH]  
Sen Voinovich, George V. - 5/7/2003 [OH]

### III. Law

Because the bill text approved by House and Senate was the same, “Laci and Conner’s Law” went directly to President Bush, who signed the measure into law at an April 1, 2004 White House ceremony.

In his signing remarks, President Bush noted, “As of today, the law of our nation will acknowledge the plain fact that crimes of violence against a pregnant woman often have two victims. . . . [A]ny time an expectant mother is a victim of violence, two lives are in the balance, each deserving protection, and each deserving justice.” For the president’s full statement, with both sound and video, see:

**[www.whitehouse.gov/news/releases/2004/04/20040401-3.html](http://www.whitehouse.gov/news/releases/2004/04/20040401-3.html)**

Cathy Cleaver Ruse, spokesperson for the U.S. Bishops’ Secretariat for Pro-Life Activities, applauded the president’s action, stating, “A woman who loses her child to a brutal attacker in a federal jurisdiction will no longer be told that she has lost nothing.” Ruse observed how legal abortion is the exception to how the law treats the unborn child. “Outside the context of abortion, unborn children are often recognized by the law.” Ruse cites examples. Most states allow legal recourse for prenatal injuries and recognize fetal homicide as a crime. Unborn children can inherit property; be represented by a guardian; sue for a wrongful death if their father is killed; are considered human subjects protected from harmful research, and can qualify as recipients of state-funded health insurance. “The ‘logic’ of *Roe v. Wade* is like the Emperor’s new clothes, and the abortion lobby stands in fear of the day when this logic is revealed to be just as insubstantial.” For Ruse’s full statement, see:

[www.usccb.org/comm/archives/2004/04-063.htm](http://www.usccb.org/comm/archives/2004/04-063.htm)

“Laci and Conner’s Law” being signed by the president culminates a five-year effort working toward this goal.

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