

# Bush signs “Unborn Victims of Violence Act”: legislation targets abortion rights

Kate Randall  
9 April 2004

George W. Bush signed into law April 1 the “Unborn Victims of Violence Act.” The legislation makes it a separate federal offense to cause death or bodily injury to an embryo or fetus while committing any one of 68 federal offenses.

If a pregnant woman is the victim of one of these federal offenses, and the embryo or fetus is damaged or killed, the person committing the offense will be charged with two federal crimes. Moreover, the bill specifically applies to crimes against embryos from the “time of conception.”

The act was promoted by the National Right to Life Committee and other anti-abortion groups and pushed through the House of Representatives and Senate by the White House and the Republican right. Although the legislation exempts abortion procedures from prosecution, the objective of the bill’s supporters is clear: to further the Bush administration’s campaign to restrict and ultimately eliminate women’s right to abortion.

Opponents of abortion have long upheld the view that abortion at any stage constitutes murder of an independent humanbeing and that a pregnant woman’s reproductive rights should be denied on that basis. This directly contradicts the 1973 US Supreme Court ruling in *Roe v. Wade*, which, in making abortion legal, did not consider an embryo or fetus a separate human life.

By covering crimes in which an embryo is protected from the “time of conception,” anti-abortion advocates are seeking to establish a precedent in federal law that could be used to push through new anti-abortion legislation. While exempting abortion, the entire logic of the new legislation—if applied to abortion procedures—would make abortion illegal at any stage of pregnancy, and the doctor performing the procedure a murderer.

Supporters of the Unborn Victims of Violence Act in the US Senate campaigned vigorously against a substitute amendment to the bill sponsored by Senator Dianne Feinstein (Democrat of California) that would have made “termination of a pregnancy” and the “interruption of the normal course of the pregnancy” a crime, but would not have made reference to an “unborn child” as a separate victim.

The new legislation has been dubbed “Laci and Conner’s law,” in reference to the high-profile California case in which Scott Peterson has been charged with the murder of his wife Laci and their unborn son, who was to be named Conner. California law already allows prosecutors to charge assailants with the death of a fetus when a pregnant woman is attacked. Twenty-nine states have some kind of legislation making it a separate crime to harm a fetus.

In the US, the vast majority of murders and other felonies are state crimes. Only certain crimes are federal offenses, including kidnapping, murder of a federal agent, crimes committed while crossing state borders, among others. As the new law applies only to federal crimes, its scope would be limited and might apply to only a handful of cases. This is further indication of its symbolic significance for the anti-abortion fanatics.

The “Unborn Victims” act is the second major piece of legislation signed by Bush in the last six months. On November 5, 2003, the president signed the Partial-Birth Abortion Ban Act of 2003 (PBABA), which makes illegal the medical procedure known as dilation and extraction (D&X). This is an extremely rare procedure—accounting for only .004 percent of abortions performed in the US—during which the fetal skull is penetrated and the contents removed as it exits the woman’s uterus. Most of these cases involve

fetuses with massive cranial abnormalities.

As with the newly passed legislation, the aim of the supporters of PBABA was to chip away at the right to abortion and eventually see it outlawed. PBABA is currently being challenged in cases in Nebraska, New York and California, and is stayed until the outcome of these non-jury trials.

In an effort to defend PBABA, the federal Justice Department has demanded that numerous hospitals turn over medical records of hundreds of abortion patients. This action has been challenged by a number of hospital administrators and denounced by the American Civil Liberties Union, Planned Parenthood, the National Abortion Federation and others as a gross violation of patients' privacy.



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