



Written by [Steve Byas](#) on February 28, 2018

V.P. Mike Pence: Legal Abortion Will End in America

“I know in my heart of hearts this will be the generation that restores life in America,” Vice President Mike Pence said Tuesday at a luncheon sponsored by the Susan B. Anthony List and Life Institute.

This is the generation that will “restore the sanctity of life,” he stated, adding that it is his belief that legal abortion will end in the United States “in our time.”

How will this happen? “If all of us do all we can, we can once again in our time restore the sanctity of life to the center of American law,” Pence predicted. He offered as an example of doing “all we can” the efforts of the Trump administration, asserting that Trump is the “most pro-life president in American history,” who is “keeping his word” on fighting abortion.

Indeed, there have been some victories for the pro-life cause since Donald Trump took office January 20, 2017. Congress has enacted legislation allowing states to defund Planned Parenthood, the notorious pro-abortion organization. Trump reinstated and even expanded the “Mexico City Policy,” which withholds funding from foreign governments and international organizations that perform, counsel, or lobby for abortion.

And, of course, President Trump’s most important action for pro-life was the nomination of Neil Gorsuch to the Supreme Court, another step on the path to the ultimate reversal of *Roe v. Wade*. Although constitutionalists rightly argue that *Roe v. Wade* was unconstitutional (Justice Byron White, one of two dissenters in the 7-2 decision, even called the ruling “an exercise in raw judicial power”), the fact is that there is much that pro-lifers can — and should — do to save the lives of unborn babies until that decision is reversed.

Pence did not say exactly how legal abortion will ultimately end in America, so it is not known if he is thinking the end will come with a future Supreme Court decision. However, the pro-life movement has chalked up many victories over the years that have both saved the lives of millions of unborn babies and affected public thinking on the issue. Today, more than 75 percent of Americans support further restrictions on legal abortion, largely as a result of the persistence of the pro-life movement.

Today, America’s abortion rate has fallen to the lowest number since the 1973 *Roe v. Wade* ruling. While congressional efforts — such as the bill to ban abortions after 20 weeks of gestation, the stage at which scientific evidence suggests the baby can feel pain, which passed the House only to be filibustered in the Senate by pro-abortion Democrats — get most of the attention, much pro-life action takes place in the states.

For example, Alabama passed a law that allows healthcare providers to follow their consciences: They





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can refuse to perform abortions. Ohio recently banned abortions of otherwise healthy babies who happened to be diagnosed with Down syndrome.

Yet, abortion goes on. If Pence is right in his bold prediction that legal abortion will ultimately end, is there a path that will take us there? Certainly, placing good judges on the federal courts, with the goal of finally reversing *Roe v. Wade* is a worthwhile goal. After all, judges who respect the Constitution are needed, regardless of the abortion issue.

But do we just wait — and hope — for that to happen? In the early days of those in the pro-life movement, the centerpiece of their strategy appeared to be a Human Life Amendment. This was unrealistic, as the chances of ever getting two-thirds of Congress to send such an amendment to the states for ratification (which would then require three-fourths of the states' approval) were practically non-existent. Another negative to this approach was that it tacitly agreed that the Supreme Court was correct in its ruling that abortion was a constitutional right, and therefore needed an amendment to the Constitution to change it.

Because of this, the pro-life movement shifted to electing pro-life presidents who would in turn nominate pro-life judges, so as to eventually reverse the notorious *Roe v. Wade* ruling, while chipping away at the ruling with a piecemeal strategy of saving as many babies as they can in the meantime.

It's basically a hope-and-wait strategy, but there is a way to achieve Pence's dream of an America without legal abortion.

The 14th Amendment was adopted in the aftermath of the Civil War, primarily to protect the civil rights of the millions of former slaves. Section 1 declares that no state can "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."

Allowing a baby to be torn to pieces via abortion, without being found guilty of any crime, would certainly seem to be a denial of due process. Even an accused murderer is allowed due process before being deprived of life, liberty, or property.

The second part stipulated that no state could deny any person within its jurisdiction "the equal protection of the laws." This did not mean that all persons were to be treated "equally," because we obviously do not give driver's licenses to six-year-olds, for instance. What it did mean was that whatever protections were afforded to a person under a state's laws had to likewise be afforded to all persons.

In other words, homicide statutes that protect a grown man must also protect an unborn baby girl.

Yet, *Roe v. Wade* turned this provision on its head. Instead of affirming that laws should protect unborn babies like any other resident of a state, *Roe v. Wade* decreed that states cannot protect some of their citizens (unborn babies) from homicide.

What can be done, right now, to move closer to Pence's commendable dream of an America without legal abortion is for states to simply pass a law saying that in view of the 14th Amendment, they are making their homicide statutes apply to all persons — from conception to natural death — living in their state.

As a companion measure, Congress could then pass a law removing federal court jurisdiction from such actions, citing Article III, Section 2 of the U.S. Constitution, something long advocated by former Congressman Ron Paul (R-Texas).

Perhaps Pence could encourage his home state of Indiana to take the lead on this plan, bringing us



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closer to the day that legal abortion is ended in this country.

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