
Declaration to Protect Vulnerable Women and Girls

Model Legislation & Policy Guide



*Advancing the Human Right to Life
in Culture, Law, and Policy*

INTRODUCTION

A legal fight is brewing between pro-life and pro-abortion states. Pro-life states must meet this challenge head on for the safety and protection of women, girls, and the unborn.

A number of aggressively pro-abortion states have implemented so-called “shield laws” in an attempt to immunize abortionists within their borders from criminal and civil liability, even when their actions are a clear violation of the law of a pro-life state. This sets the two states at odds with one another and raises a clear constitutional question both under the Extradition Clause and the Full Faith and Credit Clause of the U.S. Constitution.

The Extradition Clause in the Constitution requires that “[a] Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.” U.S. Const. art. IV, § 2, cl. 2. This means that a state cannot turn down another state's request to extradite fugitives within its borders. The scope of the extradition clause has been extended by federal statute to cover U.S. Territories. *See* 18 U.S.C. § 3182. The Supreme Court upheld the statute in *Puerto Rico v. Branstad*, 483 U.S. 219 (1987) (overturning *Kentucky v. Dennison*, 65 U.S. 66 (1861), which held that federal courts could not compel a state to comply with the Extradition Clause).

The Constitution also requires that a state give “Full Faith and Credit...to the public Acts, Records, and judicial Proceedings of every other State.” U.S. Const. art. IV, § 1. The clause also allows Congress to “prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.” *Id.* Accordingly, the Full Faith and Credit doctrine has since been codified via federal statute: “Acts, records and judicial proceedings or copies thereof, so authenticated, shall have the same full faith and credit in every court within the United States and its Territories and Possessions as they have by law or usage in the courts of such State, Territory or Possession from which they are taken.” 28 U.S.C. § 1738. In practice, a forum court must recognize and enforce virtually all judgments from other states.

Based on the clear reading, shield laws are unconstitutional as they work to prevent both the application of pro-life judgments within the borders of a pro-abortion state and prohibit the extradition of individuals from the same. This fight is one that is coming and will be one for SCOTUS to settle.

Furthermore, pro-abortion states know this and are working to band together to protect their interests in unfettered abortion. New Jersey is currently considering the [Women's Reproductive Health Care Compact](#) that would bind the state with other pro-abortion

states to extend the guards against holding abortionists accountable. Previously, California, Oregon, Washington, and others have committed to supporting each other in preserving abortion on-demand. They clearly see the contours of this fight.

Pro-life states must gear up and push back. Joining together in a pro-life interstate compact would bring together those states that value life into cooperation to protect the women and children within their borders.

For more information on AUL's *Declaration to Protect Vulnerable Women and Girls Act*, or for drafting assistance, please contact AUL's Legislative Team at Legislation@aul.org.

DECLARATION TO PROTECT VULNERABLE WOMEN AND GIRLS

HOUSE/SENATE Resolution No. _____
By Representatives/Senators _____

A Resolution declaring the necessity of [State, district or territory] joining with other states to Protect Vulnerable Women and Children.

Section 1:

This resolution shall be known as the “Declaration to Protect Vulnerable Women and Children.”

Section 2:

Whereas

“**Intentional termination of a human being in the womb**” means the use of an instrument, medicine, drug, or other substance or device with intent to terminate the pregnancy of a woman known to be pregnant; provided, however, that this shall not include medical procedures:

1. to resolve a miscarriage or ectopic pregnancy, or
2. necessary to preserve the life of a pregnant woman or to address a serious risk of substantial and irreversible impairment of a major bodily function, where the attending physician or health care practitioner makes reasonable medical efforts under the circumstance to preserve the life of the human being in the womb.

“**Pregnant**” means the condition of a woman carrying a fetus or embryo within her body.

“**Reasonable medical judgment**” means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical condition involved.

“**Human being in the womb**” and “**Preborn human being**” mean an individual organism of the species homo *sapiens* from conception until live birth.

Whereas the State [or district or territory] of [*Insert name*] has a legitimate interest in respecting and preserving prenatal life at all stages of development. *Dobbs v. Jackson Women’s Health Org.*, 142 S. Ct. 2228, 2284 (2022).

Whereas it is the authority and responsibility of states to protect preborn human beings and the women and girls who bear them.

Whereas Article IV, Section I of the United States Constitution directs that “Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State.”

Whereas the Full Faith and Credit Clause requires each state to give the law of every other state the same faith and credit it gives its own law.¹ “[T]he full faith and credit obligation is exacting. A final judgment in one State, if rendered by a court with adjudicatory authority over the subject matter and persons governed by the judgment, qualifies for recognition throughout the land.” *Baker v. General Motors Corp.*, 522 U.S. 222, 233 (1998).

Whereas mutual assistance in the valuing of human life will strengthen a State’s ability to enforce its laws protecting women, girls, and preborn human beings from violence:

Now, therefore, be it

Resolved, That the Legislature of [State] —

declares and reaffirms that it is proper and right for the State of [State name] and its elected officials to act and to exert reasonable best efforts to collaborate with and assist like-minded States to:

- a. Prevent the intentional termination of a human being in the womb;
- b. Prevent violence against a human being in the womb, including homicide, assault, and battery;
- c. Treat the pregnant woman as the second victim of:
 - a. violence against the human being in her womb; or
 - b. the intentional termination of a human being in her womb;
- d. Protect women and girls against coercion or trafficking for the purposes of intentionally terminating a human being in her womb;
- e. Protect the rights of persons and entities that advocate for human beings in the womb and provide counsel and support to pregnant women;
- f. Promote education of fetal development through appropriate public media channels and public school curricula;
- g. Collect and report statistics and demographics of each abortion performed, to the extent State and Federal law requires or permits it;
- h. [Prevent the negligent destruction of preborn human beings];

¹ Douglas Laycock, *Equal Citizens of Equal and Territorial States: The Constitutional Foundations of Choice of Law*, 92 COLUM. L. REV. 249 (1992).

- i. Enforce and assist in enforcing judgments related to the purpose of this Compact, including through the exercise of the Full Faith and Credit Clause of the United States Constitution; and
- j. Collaborate to bring about the prosecution of any individual or organization who violates the laws of any member State that protect human beings in the womb or his or her mother.

Further, be it resolved that the Legislature of [State] —

calls upon the Governor and Attorney General of [State] to take every necessary action to support, promote, and engage in cooperation with like-minded states to effectuation the purpose of this resolution.

For further information regarding this or other AUL policy guides, please contact:

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