



Testimony of
His Eminence Humberto Cardinal Madeiros
Archbishop of Boston
before the
Subcommittee on Constitutional Amendments
of the
Senate Committee on the Judiciary

March 7, 1974

Mr. Chairman:

I am Cardinal Humberto S. Medeiros. Like my colleagues, I wish to express my gratitude for the opportunity to testify before this Subcommittee. With your permission, the United States Catholic Conference will also submit a more detailed legal memorandum at a later date.

My colleagues and I are aware that many members of Congress have sponsored or co-sponsored proposals intended to correct the situation created by the Supreme Court's abortion decisions of January 22, 1973. This is an extremely significant expression of congressional sentiment. The Senators and Representatives who have taken such action deserve the thanks of concerned Americans who perceive the injustices created by the Court's ruling in denying to unborn babies their inalienable and constitutionally defensible right to life and to birth and in denying to unborn persons "equal protection of the law" and the right of "due process."

A "states rights" amendment, which would simply return jurisdiction over the abortion law to the states, does not seem to be a satisfactory solution to the existing situation. Protection of human life should not depend on geographical boundaries. The Supreme Court's action itself has made abortion a federal question.

I am not a legal scholar and I shall therefore not attempt here either to formulate a proposed amendment to the Constitution or to provide the language of such an amendment. Rather, I shall attempt to set before this Subcommittee basic and necessary considerations which should become the foundation upon which a constitutional amendment should rest.

- 1. The constitutional amendment should clearly establish that, from conception onward, the unborn child is a human person in the terms of the Constitution.**
- 2. The Constitution should express a commitment to the preservation of all human life. Therefore the prohibition against the direct and intentional taking of innocent human life should be universal and without exceptions.**
- 3. The right to life is described in the Declaration of Independence as "unalienable" and as a right with which all men are endowed by the Creator. The constitutional amendment should restore the basic protection for this human right to the unborn, just as it is provided to all other persons in the United States.**

As for an amendment which would generally prohibit abortion but permit it in certain exceptional circumstances, such as when a woman's life is considered to be threatened, the Catholic Conference does not endorse such an approach in principle and could not conscientiously support it.

The teaching of the Catholic Church regarding abortion is very clear: "For God, the Lord of life, has conferred on men the surpassing ministry of safeguarding life - a ministry which must be fulfilled in a manner which is worthy of man. Therefore from the moment of its conception life must be guarded with the greatest care, while abortion and infanticide are

unspeakable crimes." (*Constitution on the Church in the Modern World*, no. 51)

This teaching has been recently repeated by the National Conference of Catholic Bishops of the United States in their resolution of November 13, 1973. They stated: "Finally, we wish to make it clear beyond doubt to our fellow citizens that we consider the passage of a pro-life constitutional amendment a priority of the highest order, one to which we are committed by our determination to uphold the dignity of the human being and by our conviction that this nation must provide protection for the life, liberty and pursuit of happiness of all human beings, before as well as after birth."

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