



Statement of
Archbishop Joseph L. Bernardin
President
National Conference of Catholic Bishops
before the
Subcommittee on Civil and Constitutional Rights
of the
House Committee on the Judiciary

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I am Archbishop Joseph L. Bernardin of Cincinnati, President of the National Conference of Catholic Bishops and the United States Catholic Conference. With me is Terence Cardinal Cooke of New York, Chairman of the Committee for Pro-Life Activities of the Bishops' Conference. We wish to thank the Subcommittee for this opportunity to present the views of the Conference, which reflects the concerns of the Catholic faith community in the United States. We appear here as spiritual and religious leaders, in the belief that the complex issue of abortion cannot be justly or rationally resolved without reference to the profound moral questions which are so intimately involved.

The views of the Catholic Conference are set forth at length in the written testimony which we respectfully submit at this time. I wish only to highlight certain points treated there in greater detail.

I would also request at this time, Mr. Chairman, that the testimony which the Catholic Conference submitted before the Senate Judiciary Subcommittee two years ago be made a part of the record of this hearing.

In the discussion of a constitutional amendment to protect human life, the so-called "religious issue" has often been raised. Actually there is not one religious issue--there are several. There is, for example, the fact which I have already mentioned: namely, that abortion itself involves profound moral questions with an unavoidable religious dimension. For instance, what meaning do we attach to the concept of the sanctity of human life? Under what circumstances, if any, is it morally right to destroy human life? What moral commitments and values must law and public policy embody if society itself is to stand upon a firm basis of respect for human rights--a respect which demands that at least certain violations of human rights be proscribed by law? Many more such questions could be asked. These, however, suggest the complexity of the real religious issue with respect to abortion.

But there is also a "religious" non-issue on the subject of abortion. This non-issue is embodied in the assertion that efforts by religious persons on behalf of a constitutional amendment to protect human life are somehow inappropriate. I am not responding to these arguments as a constitutional lawyer, but I do respond as a citizen and as a religious leader profoundly committed to such an amendment and deeply convinced that my commitment is fully consistent with the American tradition concerning the role of religion in public life.

I begin with a fundamental principle. Abortion is not wrong simply because the Catholic Church or any church says it is wrong. Abortion is wrong in and of itself. The obligation to safeguard human life arises not from religious or sectarian doctrine, but from universal moral imperatives concerning human dignity, the right to life, and the responsibility of government to protect basic human rights. Commitment to a constitutional amendment to protect unborn human life arises from these same basic principles. It is certainly true that the Catholic Church and many other Churches teach that abortion is wrong--just as they teach that racial discrimination is wrong, that exploitation of the poor is wrong, that all injustice and injury to others are wrong. So in my case and that of many other religious persons, religious doctrine powerfully reinforces our commitment to human rights. We are publicly committed on a broad range of domestic and international issues. Within the past week alone, Catholic bishops, continuing a practice of many years' standing, have testified before committees of Congress on full employment and on food stamps. No objections are raised when we give voice to our moral convictions on such matters as these--and that is as it should be. For it is not religious doctrine which we wish to see enacted into law; it is respect for human dignity and human rights--specifically, in this case, the right to life itself.

Human dignity and the right to life are proclaimed by the Declaration of Independence and the Constitution, as well as by the United Nations Declaration of Human Rights. These are not sectarian principles. They are fundamental principles upon which our nation, and indeed any civilized human community, is based. Catholics, as well as other Christians and Jews, believe that human dignity derives from God's creation of each individual. Humanists and many people of no particular religious persuasion see human dignity as based on the inherent value of the individual. This has resulted in a common tradition long enshrined in law and articulated in the affirmation of the Declaration of Independence that all persons are created equal and that among the "unalienable rights" of one who is human is the right to life. For some citizens, religious belief is a motive for commitment to such principles; for others, it is not. Whether it is or is not, I assume, is a question which has no bearing on the merits of efforts to secure legislation or other governmental protection for human dignity and the right to life.

Our country now faces a startling and terrifying fact. With the approval of the law--indeed, with the sanction of the nation's highest court--one million human lives are destroyed each year by abortion in the United States. Considerations of health or economic distress cannot account for this appalling situation. The plain fact is that many--probably most--of these million lives are destroyed because others find it convenient to destroy them. By the hundreds of thousands each year we are killing the unborn for convenience's sake.

In its 1973 abortion decisions the Supreme Court's majority alleged that it was not deciding when human life begins. As a practical matter, the court did decide. Its decision was that human life begins at birth, and that before birth the law can provide virtually no protection to the unborn. This conclusion flies in the face of scientific evidence. The data of genetics, biology and fetology show that fertilization marks the beginning of the developmental process of a new and unique human being who--given no interference or interruption--will grow and develop in the womb until birth marks the start of a new stage of life.

This is self-evident. One who wishes to advocate or practice abortion should at least be willing to acknowledge that abortion destroys human life. As Dr. Bernard Nathanson, former director of the Center for Reproductive and Sexual Health, the largest abortion clinic in the United States, has said, it is

necessary to recognize that in abortion "we are taking life, and the deliberate taking of life ... is an inexpressibly serious matter." Dr. Nathanson, incidentally, resigned from his post with the Center for Reproductive and Sexual Health because of what he has called the "increasing certainty that (he) had in fact presided over 60,000 deaths."

Similar considerations from the viewpoint of the law are raised by Professor Archibald Cox in a recent critique of the Supreme Court decision. He writes that the opinion "fails even to consider what I would suppose to be the most compelling interest of the State in prohibiting abortion: the interest in maintaining that respect for the paramount sanctity of human life which has always been at the centre of western civilization, not merely by guarding 'life' itself, however defined, but by safeguarding the prenumbra, whether at the beginning, through some overwhelming disability of mind or body, or at death." (*The Role of the Supreme Court in American Government*. New York: 1976, page 53)

What should be our response to these facts? I believe the position of the Catholic Conference is well known, but I am pleased to repeat it here. We desire a constitutional amendment to correct the tragic situation created by the Supreme Court's abortion decisions. We desire such an amendment as Catholics, yes, but also and especially as Americans, who believe that our nation--founded on respect for human dignity and human life--should not and must not continue to sanction the legalized destruction of a million human lives each year.

With your permission, Cardinal Cooke will present further comments with respect to our views. I thank you again for the opportunity of testifying today.