

Oral Testimony of Terence Cardinal Cooke

I am Terence Cardinal Cooke, Archbishop of New York. I offer this testimony today as Chairman of the Committee for Pro-Life Activities of the National Conference of Catholic Bishops. I welcome the opportunity to appear before this subcommittee in order to affirm once more that abortion is detrimental to our nation, and to urge the enactment of a constitutional amendment rectifying that situation.

The promotion of abortion which we have witnessed since the Supreme Court decisions of 1973 has grave effects on the lives of individual human beings, on families, and on society itself. It has rendered defenseless before the law millions of the unborn and has created a system of selective justice where some members of society decide who will live and who will die.

I am, further, grateful for the opportunity to appear before you today in fulfillment of our right to speak on matters of public policy, precisely as a religious leader concerned with the moral and spiritual welfare of our society. While noting the complexity of the abortion issue and agreeing that it has moral and religious dimensions, I am convinced that legal protection for the unborn child must be based on a respect for human dignity and fundamental human rights commonly held by people of good will, regardless of their religious affiliation. This conviction is not restricted to one particular religious denomination, or to one particular theory concerning natural law, but it is at the very root of American law. It requires that, if the laws of our government are to be considered valid, they must recognize that human rights are grounded in human dignity and cannot be freely bestowed

and removed by government. Instead human rights call out to be recognized because they exist prior to any particular government. Laws which violate or ignore these rights do not truly remove them, but instead, render themselves invalid.

I am convinced that each day that permissive abortion on demand continues to reflect a situation of lawlessness in our country, the concept of the acceptability of violence is reinforced, the respect for the dignity of each human being is diminished, and the moral fiber of the nation is further unravelled.

Abortion is not a victimless procedure. Every time an abortion is performed, the developing life and future of a human being is violently destroyed. There is no more permanent or decisive form of child abuse than the aborting of the unborn, and yet we live in a society which has attempted to make abortion socially acceptable by fostering an abortion mentality.

Some people in our country have even asserted that abortion is a God-given right, an affirmative good, and have gone to great lengths to promote this attitude toward the destruction of unborn human life. Others have insisted that taking away the opportunity of abortion is an invasion of the privacy which should mark the relationship between a woman and her physician. This ignores totally the fact that there is someone else to be considered. Yes, abortion involves a woman and her physician, but it also affects an unborn child as an innocent third party.

Every abortion also has consequences for the future of the society in which it takes place, for it involves moral, psychological, and emotional factors which play an im-

portant role in making up the character of that society.

All of us are concerned about the growing evidence of violence in our nation. I am convinced that a society is doomed to violence when it allows direct attacks on the most fundamental of all human rights, the right to life itself. The potential for destructiveness in such actions reaches to the very roots of our system and turns its most basic principles upside down. The right to life is replaced by the right to destroy. The very concept of inherent rights is replaced by the concept of privileges bestowed by the state upon those it considers worthy of recognition.

Ready access to abortion has failed to solve society's problems as some of its proponents claimed it would. It has become instead a legal and social disaster and its consequences will be felt for many years to come. We must reverse the current policy if we are to promote the common good of all who live in our society. Without such a reversal of policy we fear that our society's commitment to the common good can only erode further.

The society in which we live has always placed an emphasis on family life. The family, as the United Nations' Declaration on Human Rights says, is "the natural and fundamental unit of society, entitled to protection by society and the state." The family is the place where life originates and human relationships are first experienced, where values and beliefs are found and formed and passed on from one generation to the next.

We find ourselves now in a situation where the widespread practice of permissive abortion brings about the rejection of the concept of protecting family life

through the ordinary means of society and the state. In addition to denying the sanctity of human life and allowing its ultimate destruction, abortion involves a denial of family values and parental responsibilities. It constitutes a threat to all family relationships and so contributes to destabilizing and weakening society itself.

In recent years, especially since the Supreme Court decisions of 1973, our government to a large extent has failed to recognize and support the family as a basic institution with its own roles and prerogatives. The Supreme Court and other federal courts have gone beyond the promotion of permissive abortion with decisions that have undermined various family relationships between husbands and wives, parents and children. At the same time, notions used as a rationale in the abortion decisions have been extended into other areas, such as the care of the terminally ill, and used to override the role traditionally assigned to the family as a mediating agent between the individual and the state.

Increasingly our government

has come to look upon abortion simply as a matter of private, individual choice, as a mechanism to limit population growth, or as a way to deal with poverty or unplanned pregnancy. In doing so, government intervenes in the internal dynamics of the family and substitutes its policies and technical solutions for the compassion, mutual assistance, support, and human love on which family life is based.

These developments are inherent in the logic of promoting abortion, and they underscore the need for corrective action.

In calling for a constitutional remedy, we have no intention of asking the government to take over our own task of teaching moral principles and forming consciences. However, the law does have a teaching function, which is exercised by encouraging or forbidding specific actions according to their assessed impact on the common good.

In evaluating abortion, legislators and jurists inevitably make judgments as to the moral principles which will be reflected in the law. In a real sense, therefore, the question

now before Congress is not whether it will legislate morality, but whether the morality reflected in the law shall respect human life, or legitimate its destruction, along with undermining family structures and values. I submit that the time has come for our elected representatives, in the face of the arbitrary and destructive action by the courts, to resume and exercise their role to protect the common good of all, to enact legislation which embodies moral values essential to the well-being of society and which guarantees the most basic of all human rights, the right to life.

I join with Archbishop Roach in accepting the concept expressed in the proposed Hatch Amendment, and I encourage it as a step in this process.

This approach recognizes that the Constitution does not confer a right to abortion, and it grants to the Congress and the state legislatures the power to legislate against the destruction of unborn life.

Thank you very much.