



**Testimony of**  
**His Eminence Timothy Cardinal Manning**  
**Archbishop of Los Angeles**  
**before the**  
**Subcommittee on Constitutional Amendments**  
**of the**  
**Senate Committee on the Judiciary**

**March 7, 1974**

Mr. Chairman:

I am Cardinal Timothy Manning. I fully associate myself with the remarks of Cardinal Krol. I wish to touch briefly on certain objectionable aspects of the Supreme Court's abortion decisions [*Roe vs. Wade* and *Doe vs. Bolton*] as well as on the appropriate position of the law with regard to human rights.

No responsible American wishes to suggest disrespect for the Supreme Court of the United States. But honest disagreement is not disrespect. Recognition of the crucial role played by the Supreme Court in our system of government should not blind us to the fact that the court can err, as our history indicates. In this case we believe it has done so, and its error is a national tragedy.

It is important to make this point because Supreme Court decisions tend to be invested with an aura which places them almost beyond criticism. When the Supreme Court speaks, it is presumed to be the authentic interpreter of the Constitution. But its interpretation can be mistaken. In the case of the abortion decisions the Court created constitutional doctrine out of opinions which appear arbitrary at best.

Mr. Justice White spoke to this point in his dissent from the majority. "I find nothing in the language or history of the Constitution to support the Court's judgment," he wrote. "The Court simply fashions and announces a new constitutional right . . . with scarcely any reason or authority for its action . . ."

The fact is, nevertheless, that the Court has spoken and its novel doctrine of virtual abortion on request will stand until concerned Americans avail themselves of the means of redress which the Constitution itself provides. I refer of course to a constitutional amendment.

An amendment is necessary first of all to protect the lives of the unborn children who can be killed -- indeed, are being killed at this very moment -- in the wake of the Supreme Court's decisions. But it is also needed to restore integrity to the law itself, to make the American legal system once more the guarantor and protector of all human rights and the human rights of all.

Human rights stand always in need of vindication and protection. One of the distinguishing characteristics of a civilized society, and a particular concern of the Church, is the special care required to provide protection for those of its members who are least able to protect themselves. Conversely, it is a sign of sickness in a society when it becomes callous to the rights of the defenseless and deaf to the pleas of the weak.

I hesitate to say that the United States as a whole has arrived at such a condition. Yet the stark fact is that the unborn are being destroyed in our country at an unprecedented rate, and the destruction goes on because there is no adequate protection in the law. No one who cherishes this nation's historic commitment to human rights can contemplate this situation with complacency.

As Cardinal Krol has remarked, amending our Constitution is not a matter to be undertaken lightly. Yet amending the Constitution is now essential if the American system of law itself is to remain true to its role as protector of the rights of all. It would be impossible to improve on the statement of principle articulated by our Founding Fathers:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.”

An amendment to protect the unborn is needed now in order that these words may continue to express the reality of American belief and practice.

