

The Catholic Lawyer

Volume 19
Number 1 *Volume 19, Winter 1973, Number 1*

Article 10

March 2017

Statements of National Conference of Catholic Bishops

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STATEMENTS OF NATIONAL CONFERENCE OF CATHOLIC BISHOPS

Pastoral Message of the Administrative Committee, National Conference of Catholic Bishops

February 13, 1973

Almighty God, the Creator of the world, has imprinted in the heart of man a law which calls him to do good and avoid evil. To obey this law is the dignity of man, according to it he will be judged (cf. *Constitution on the Church in the Modern World*, #16). In the encyclical letter, *Peace on Earth*, Pope John XXIII spoke of how nations can achieve justice and order by adhering to God's law:

Any human society, if it is to be well-ordered and productive, must lay down as a foundation this principle, namely, that every human being is a person, that is, his nature is endowed with intelligence and free will. By virtue of this, he has rights and duties of his own, flowing directly and simultaneously from his very nature. These rights are therefore universal, inviolable and inalienable (*Peace on Earth*, #9).

. . . . Every man has the right to life, to bodily integrity, and to the means which are necessary and suitable for the proper development of life (*Peace on Earth*, #11).

The Supreme Court, in its recent decision striking down the laws of Texas and Georgia regulating abortion, has stated that the unborn child is not a person in the terms of the Fourteenth Amendment. Moreover, the Court held that the right of privacy encompasses a woman's decision to terminate a pregnancy, although the right of privacy is not an absolute right, and is not explicitly mentioned in the Constitution. In effect, the Court is saying that the right of privacy takes precedence over the right to life. This opinion of the Court fails to protect the most basic human right—the right to life. Therefore, we reject this decision of the Court because, as John XXIII says, “if any government does not acknowledge the rights of man or violates them, . . . its orders completely lack juridical force.” (*Peace on Earth*, #61)

The Court has apparently failed to understand the scientific evidence clearly showing that the fetus is an individual human being whose prenatal development is but the first phase of the long and continuous process of human development that begins at conception and terminates at death.

Thus, the seven judge majority went on to declare that the life of the unborn child is not to be considered of any compelling value prior to viability, i.e., during the first six or seven months of pregnancy, and of only questionable value during the remaining months. Ultimately this means that the fetus, that is, the unborn child, belongs to an inferior class of human beings whose God-given rights will no longer be protected under the Constitution of the United States.

We find that this majority opinion of the Court is wrong and is entirely contrary to the fundamental principles of morality. Catholic teaching holds that, regardless of the circumstances of its origin, human life is valuable from conception to death because God is the Creator of each human being, and because mankind has been redeemed by Jesus Christ (cf. *Peace on Earth*, Nos. 9 and 10). No court, no legislative body, no leader of government, can legitimately assign less value to some human life. Thus, the laws that conform to the opinion of the Court are immoral laws, in opposition to God's plan of creation and to the Divine Law which prohibits the destruction of human life at any point of its existence. Whenever a conflict arises between the law of God and any human law, we are held to follow God's law.

Furthermore, we believe, with millions of our fellow Americans, that our American law and way of life comprise an obvious and certain recognition of the law of God, and that our legal system is both based in it, and must conform to it. The Declaration of Independence holds that all men are endowed by "their Creator with certain unalienable rights," among which are "life, liberty and the pursuit of happiness." The Preamble to the Constitution establishes as one goal of the people of the United States "to secure the blessing of liberty to ourselves and to our posterity." Without the right to life, no true liberty is possible.

The basic human rights guaranteed by our American laws are, therefore, unalienable because their source is not man-made legislation but the Creator of all mankind, Almighty God. No right is more fundamental than the right to life itself and no innocent human life already begun can be deliberately terminated without offense to the Author of all life. Thus, there can be no moral acceptance of the recent United States Supreme Court decision which professes to legalize abortion.

In light of these reasons, we reject the opinion of the U.S. Supreme Court as erroneous, unjust, and immoral. Because of our responsibilities as authentic religious leaders and teachers, we make the following pastoral applications:

- (1) Catholics must oppose abortion as an immoral act. No one is obliged to obey any civil law that may require abortion.
- (2) Abortion is and has always been considered a serious violation of God's law. Those who obtain an abortion, those who persuade others to have an abortion, and those who perform the abortion procedures are guilty of break-

ing God's law. Moreover, in order to emphasize the special evil of abortion, under Church law, those who undergo or perform an abortion place themselves in a state of excommunication.

(3) As tragic and sweeping as the Supreme Court decision is, it is still possible to create a pro-life atmosphere in which all, and notably physicians and health care personnel, will influence their peers to see a value in all human life, including that of the unborn child during the entire course of pregnancy. We hope that doctors will retain an ethical concern for the welfare of both the mother and the unborn child, and will not succumb to social pressure in performing abortions.

(4) We urge the legal profession to articulate and safeguard the rights of fathers of unborn children, rights that have not been upset by this Supreme Court opinion.

(5) We praise the efforts of pro-life groups and many other concerned Americans and encourage them to:

- (a) Offer positive alternatives to abortion for distressed pregnant women;
- (b) Pursue protection for institutions and individuals to refuse on the basis of conscience to engage in abortion procedures;
- (c) Combat the general permissiveness legislation can engender;
- (d) Assure the most restrictive interpretation of the Court's opinion at the state legislative level;
- (e) Set in motion the machinery needed to assure legal and constitutional conformity to the basic truth that the unborn child is a "person" in every sense of the term from the time of conception.

Bringing about a reversal of the Supreme Court's decision and achieving respect for unborn human life in our society will require unified and persistent efforts. But we must begin now—in our churches, schools and homes, as well as in the larger civic community—to instill reverence for life at all stages. We take as our mandate the words of the Book of Deuteronomy:

I set before you life or death
Choose life, then, that you and
your descendants may live

Statement of the Committee for Pro-Life Affairs, National Conference of Catholic Bishops

January 24, 1973

The sweeping judgment of the U.S. Supreme Court in the Texas and Georgia abortion cases is a flagrant rejection of the unborn child's right to life. The Court has chosen to ignore the scientific evidence regarding the unborn child's human growth and development during the first six months of life in the womb of its mother. No consideration has been given to the parental rights of the child's father.

In effect, the opinion of the Court has established that abortion-on-request is the public policy of this nation.

Despite attempts to do so, the Court has failed to justify its opinion on theological, historical or scientific grounds. Nonetheless, during the first six months of the child's life, the Court has made the doctor the final judge as to who will live and who will die. This seems to reverse the history of American jurisprudence that prohibits the deprivation of the right to life without due process of law. Never before has a humane society placed such absolute and unrestricted power in the hands of an individual.

Although as a result of the Court decision abortion may be legally permissible, it is still morally wrong, and no Court opinion can change the law of God prohibiting the taking of innocent human life. Therefore, as religious leaders, we cannot accept the Court's judgment and we urge people not to follow its reasoning or conclusions.

Meeting as the Bishops' Committee on Pro-Life Affairs, we have formulated the following recommendations:

1. Every legal possibility must be explored to challenge the opinion of the United States Supreme Court decision that withdraws all legal safeguards for the right to life of the unborn child.

2. We urge all State legislatures to protect the unborn child to the fullest extent possible under this decision and to restrict the practice of abortion as much as they can.

3. The Catholic Church pledges all its educational and informational resources to a program that will present the case for the sanctity of the child's life from conception to birth. This will include the scientific information on the humanity of the unborn child and the progress of human growth and development of the unborn child, the responsibility and necessity for society to safeguard the life of the child at every stage of its existence, the problems that may exist for a woman during pregnancy and more humane and morally acceptable solutions to these problems.

4. Hospitals and health facilities under Catholic auspices will not find this judgment of the Court compatible with their faith and moral convictions. We feel confident that the hospitals will do all in their power to be the type of institution where good morals and good medicine will be practiced. We are also confident that our hospitals and health care personnel will be identified by a dedication to the sanctity of life, and by an acceptance of their conscientious responsibility to protect the lives of both mother and child. We strongly urge our doctors, nurses and health care personnel to stand fast in refusing to provide abortion on request, and in refusing to accept easily available abortion as justifiable medical care.

In conclusion, we are saying that the Court has written a charter for abortion on request, and has thereby deprived the unborn child of his or her human rights. This is bad morality, bad medicine and bad public policy, and it cannot be harmonized with basic moral principles. We also believe that millions of our fellow Americans will share our reactions to this

opinion. We have no choice but to urge that the Court's judgment be opposed and rejected.

Statement of John Cardinal Krol, President, National Conference of Catholic Bishops

January 22, 1973

The Supreme Court's decision today is an unspeakable tragedy for this nation. It is hard to think of any decision in the 200 years of our history which has had more disastrous implications for our stability as a civilized society. The ruling drastically diminishes the constitutional guarantee of the right to life and in doing so sets in motion developments which are terrifying to contemplate.

The ruling represents bad logic and bad law. There is no rational justification for allowing unrestricted abortion up to the third month of pregnancy. The development of life before and after birth is a continuous process and in making the three-month point the cutoff for unrestricted abortion, the Court seems more impressed by magic than by scientific evidence regarding fetal development. The child in the womb has the right to the life it already possesses, and this is a right no court has authority to deny.

Apparently the Court was trying to straddle the fence and give something to everybody: abortion on demand before three months for those who want that, somewhat more restrictive abortion regulations after three months for those who want that. But in its straddling act, the Court has done a monstrous injustice to the thousands of unborn children whose lives may be destroyed as a result of this decision.

No court and no legislature in the land can make something evil become something good. Abortion at any stage of pregnancy is evil. This is not a question of sectarian morality but instead concerns the law of God and the basis of civilized society. One trusts in the decency and good sense of the American people not to let an illogical court decision dictate to them on the subject of morality and human life.

Statement of Rev. Msgr. James T. McHugh, Director Family Life Division United States Catholic Conference

January 23, 1973

The sweeping judgment of the United States Supreme Court on the Texas and Georgia abortion laws is a terrifying use of judicial power. For practical purposes, the Court has decided that in the matter of abortion, the so-called right to privacy supersedes the right to life. Thus the Court is unable to set any limits to the destruction of the life of the fetus for the first six months of its existence.

This judgment ignores the preponderant scientific data proving that the fetus enjoys a separate, individuated human existence from conception on. It prescinds from holding public debate in many states over the reasons for tolerating abortions in special cases and it overlooks the dangers to women in a totally permissive abortion climate such as New York State.

It employs a reading of history that is narrow-sighted and at times erroneous. With a logic that borders on the absurd it strikes down all limitations on abortion during the first six months of pregnancy—but maintains that this does not amount to abortion on demand.

The opinion of the Court is a violation of the moral and ethical convictions of millions of Americans, and it cannot be harmonized with a dedication to the sanctity of human life. In attempting to place on the medical profession a near-absolute responsibility for abortion, the Court has reneged on its own responsibility to insure protection of human rights. This judgment of the Court will no doubt lead to the formulation of permissive abortion laws throughout the country.

Tragic as this is, it faces those who believe in the sanctity of life with a new challenge. The Catholic Church must utilize all its educational and motivational forces to prevent any further erosion of the value of human life. Pro-life groups must take to the public forum to convince people that easy abortion is bad law, bad medical practice, and bad morality. I strongly believe that the Court action will energize the pro-life movement rather than destroy it.

Courts have erred before in the history of this nation, as The Dred Scott decision attests. In this case, the Burger Court cannot even claim the excusing cause of historical precedent, for the matter of abortion law has been openly debated and carefully nuanced without final resolution for the past decade. The Court has combined a large dose of oversight with an absence of insight to arrive at a decision that creates more problems than it solves. In a society that badly needs a sense of history and of law, the highest Court of the land has dodged its responsibility. Unborn children—and the nation—are the victims of this judgment.

**Statement of Most Rev. Edward D. Head, Chairman Committee on
Health Affairs United States Catholic Conference**

January 26, 1973

On behalf of the United States Catholic Conference's Committee on Health Affairs, meeting in Washington, D.C., and with its support, I wish to express dismay and disappointment at the frightening decision of the United States Supreme Court concerning abortion. We find the Court's position entirely inconsistent with the attitude of reverence for life shown by our Founding Fathers.

The Committee reaffirms its pro-life position and its conviction that

the destruction of innocent unborn babies is morally evil. We stand unalterably opposed to providing abortion service in Catholic hospitals and to anything which might require health care personnel anywhere to participate in abortion procedures in violation of their consciences.

The Supreme Court can nullify laws of the states but it is not within its power to nullify the laws of God.

Catholics dedicated to serving people in hospitals and other health care facilities, like many Americans, have deep moral convictions about the value of human life as a gift of God. We are convinced that these decisions of the Court will never destroy the deep respect of Catholic people for life and their dedication to its preservation. Nonetheless, the Supreme Court judgment and its implications seriously infringe upon the conscience of health care personnel and the ability of our health care facilities to function within the framework of our moral convictions.