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## Testimony on Partial-Birth Abortion Ban

Before Senate Judiciary Committee  
Introduced by Archbishop of Louisville,  
Thomas C. Kelly, O.P.  
February 18, 1998

Good afternoon. My name is Thomas C. Kelly and I am the Archbishop of the Roman Catholic Archdiocese of Louisville. I come before you in the company of my brother bishops, Bishop John McRaith of Owensboro, Bishop Kendrick Williams of Lexington, Bishop Robert Muench of Covington, and Jane Chiles, the executive director of the Catholic Conference of Kentucky, our public policy arm. We speak on behalf of the over 360,000 Roman Catholics in the Commonwealth of Kentucky.

Thank you for the opportunity to testify in support of Senate Bill 121, a bill with prime sponsors Senators David Boswell and Bob Leeper that proposes to ban the partial birth abortion procedure in Kentucky. As the Catholic Conference, we are not new to this debate; the National Conference of Catholic Bishops has been engaged in the effort to ban partial-birth abortions since this legislative debate began. The Conference of Catholic Bishops has participated in many public debates regarding different aspects of abortion for decades. However, this particular debate has been particularly contentious, graphic and necessary for a very simple reason: As Catholic bishops, joined throughout the country with many religious leaders of other faiths, we speak out against partial-birth abortion as an attack on our most helpless brothers and sisters in the process of being born. Partial-birth abortion transcends the accustomed bounds of the abortion debate and is more accurately seen as a form of infanticide. We plead with you as members of the Senate Judiciary Committee to reject this inhumane procedure.

In so doing, you will be in the company of the entire Kentucky congressional delegation,

both the Senate and the House, Democrats and Republicans alike, who have several times now voted to override the Presidential veto of this needed ban. Kentuckians are a pro-life people and they overwhelmingly support the end to this heinous procedure.

### **Bishop McRaith**

You can vote favorably for Senate Bill 121 in the comfort and knowledge that this ban is a "reasonable restriction" on abortion, a concept upheld in the Casey vs. Planned Parenthood Supreme Court decision of several years back. The U.S. Supreme Court has never said that there is a constitutional right to kill human beings who are mostly born. In its official 1995

report on the bill as it was before Congress, the House Judiciary Committee made the very plausible argument that the Partial-Birth Abortion Ban Act could be upheld by the Supreme Court without disturbing Roe.

In Roe, the Supreme Court said that "the word 'person,' as used in the Fourteenth Amendment does not include the unborn." But a partial-birth abortion does not involve an "unborn fetus." A partial-birth abortion, by the very definition in the bill, kills a human being who is partly born, only 3 inches from being born. Indeed, a partial-birth abortion kills a human being who is four-fifths across the 'line-of-personhood' established by the Supreme Court.

Moreover, in Roe v. Wade itself, the Supreme Court took note of a Texas law that made it a felony to kill a baby "in a state of being born and before actual birth," and the Court did not disturb that law.

It is also important to keep in mind that under the doctrine of the Supreme Court, a living just-delivered baby, no matter how premature, is a person under the Constitution. The deliberate killing of such a just-delivered baby - regardless of stage of development or handicap - is legally murder. We need to step back and recognize what we all really know - that it is the same little girl or boy whether or not she or he has traveled that extra three inches.

The ban proposed in Senate Bill 121 is a critical acknowledgment that there is no legitimacy to this procedure. We must put an end to the deception and the misguided advocacy demanding access to this method of abortion. Those who have been told that they needed partial-birth abortions to safeguard their health or future fertility have been tragically misled.

We urge your study of the medical evidence on this procedure. Simply put, it is medically insupportable. Hundred of experts in fetal and maternal medicine have testified to the fact that a partial-birth abortion is never medically necessary. Every medical claim made in support of this brutal procedure has been disproved or abandoned by members of the medical profession, including those who perform abortions.

This past summer the American Medical Association's House of Delegates ratified the AMA Board of Trustees' decision to endorse the bill which was before Congress, a bill virtually identical to the Boswell-Leeper bill. AMA's leaders said that partial-birth abortion "is not

good medicine," and is "ethically offensive to most Americans and physicians.

Senate Bill 121 has been written in a very simple, straightforward manner to define and ban this inhumane procedure.

### **Bishop Williams**

As we wrote with our brother Bishops in "[Light and Shadows](#)", a statement acknowledging the 25 year memorial of the Roe vs. Wade decision, "We see in our culture an ongoing conflict between good and evil, a conflict between life and death. As we strive to assure peace and justice, too often it is forgotten that the common good can only be served when the right to life, the right on which all other inalienable rights of the individual rest and from which they develop, is acknowledged and defended.

No one has spoken more eloquently about the sacred value of human life than has our Holy Father, Pope John Paul II. It is he who reminds us that all who are "sincerely open to truth and goodness can, by the light of reason and the hidden action of grace, come to recognize in the natural law written in the heart the sacred value of human life from its very beginning until its end, and can affirm the right of every human being to have this primary good respected to the highest degree. Upon the recognition of this right, every human community and the political community itself are founded."

As we speak to you this afternoon on the need to ban the partial-birth abortion procedure, we pledge to you our unwavering commitment to mothers, to babies, and to the women who are living with the traumatic aftermath of abortion. In 1984 the Kentucky Bishops developed and have continued to sponsor [Opportunities For Life](#), a statewide telephone hot line staffed by volunteers from all over Kentucky on an around-the-clock basis, 365 days of the year, to provide support and assistance to women in a crisis pregnancy. This program provides information about resources and support in an effort to inform women of their options if they choose life for their babies.

Catholic Charities has long been a significant player in placing babies for adoption. We have partnered for years with the Cabinet for Families and Children in providing this critical service. The Church and its service providers are in a position to offer guidance to women about adoption. We pledge our continued effort to provide this valuable service.

Project Rachel is a post-abortion healing program that is available in several locations throughout our dioceses in Kentucky. The constitutional right-to-abortion has resulted in a post-traumatic syndrome for many women and Project Rachel surrounds them with an opportunity for support and reconciliation.

### **Bishop Muench**

The Catholic Conference of Kentucky will continue to seek ways to support choosing life. Senate Bill 121 provides you with an opportunity to say no to this slippery slope taking us perilously close to infanticide. You are in a unique position to put a stop to this.

We urge you to consider our testimony on this legislation to ban partial-birth abortion and

to not diminish or dismiss it as being simply a "Catholic" issue. We are joined by persons of good will in many denominations who share our concern for this issue. The National Association of Evangelicals (NAE) is a voluntary association of individuals, denominations, churches, schools and organizations comprised of approximately 42,500 congregations nationwide from 48 member denominations and individual congregations from an addition 27 denominations, as well as several hundred independent churches, shares our position. In a resolution adopted by the NAE this past March, they state: "...partial-birth abortion is a great moral wrong. ... (it) is a horrific 'medical procedure' that takes the life of a child in a way scarcely paralleled in the most barbarous ages. Indeed, it is a practice totally unworthy of a civilized nation."

As you approach the mid-point of your work during the 1998 regular session of the General Assembly, we urge you to stay the course that you began when you enacted the law that rightfully requires parental consent for abortion in the case of a juvenile. That landmark vote has paved the way for you to continue on the course of reasonable restrictions upon abortion. Demonstrate your respect for life and for women by supporting informed consent legislation. Regulate abortion clinics so that as long as the misguided policy of abortion-on-demand remains on the books, these sites will be placed under regulatory scrutiny. Support legislation to acknowledge fetal personhood and harms done to that person. Do not water down the parental consent law on the books by allowing a variety of so-called "concerned others" to bypass parental knowledge and authority. And again, we urge you to support this legislation and put an end to partial-birth abortion, a particularly violent form of child abuse.

We thank you for your attention and for all of the important work that you do on behalf of the people of the Commonwealth.

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