



## Brief: Defend life from abortion

86th Regular Session, Policy Paper No. 1 of 43

January 26, 2019

### Key Points:

- 1. Catholics are called to respect life and care for the defenseless.**
- 2. Abortion is a crime which no law can claim to legitimize.**
- 3. Absent a reversal of *Roe*, we support incremental state improvements.**

**A Catholic perspective:** The Texas Catholic Conference of Bishops' opposition to abortion is rooted in our understanding that it is a violation of the fifth Commandment, given to Moses by God: "Thou shall not kill."<sup>[1]</sup> In addition, throughout Christian Scripture, we are reminded of God's love and concern for each human person: "Before I formed you in the womb I knew you, and before you were born I consecrated you."<sup>[2]</sup> We believe Christ teaches us that we must care for each neighbor and that "our neighbor" is precisely the individual who is most vulnerable, marginalized, despised, forgotten, and cast aside.<sup>[3]</sup> Catholics thereby receive two of our most fundamental moral imperatives: *respect life and care for the weak and defenseless*. The very possibility of our salvation rests upon love for God and care for our neighbor.<sup>[4]</sup>

Abortion is a direct attack on the dignity of a human person which promotes and encourages the devaluation and dispensability of life.<sup>[5]</sup> Therefore, the Church teaches: "No one can under any circumstance claim for himself the right directly to destroy an innocent human being."<sup>[6]</sup> In accord with this, Pope John Paul II wrote: "Abortion and euthanasia are crimes which no human law can claim to legitimize. There is no obligation in conscience to obey such laws; instead there is a grave and clear obligation to oppose them by conscientious

objection.... In the case of an intrinsically unjust law, such as a law permitting abortion or euthanasia, it is therefore never licit to obey it, or to take part in a propaganda campaign in favor of such a law, or vote for it."<sup>[7]</sup>

Our stance on abortion is informed by currently accepted biomedical facts, according to which human life begins upon completion of fertilization, at which point a single-celled embryo contains "a new combination of chromosomes that is different from that in the cells of either of the parents."<sup>[8]</sup> What is present thereafter is a new human life whose development is coordinated, continuous, and gradual:

1. Genetic information in the new being guides and controls acts at the cellular level so that *the embryo itself coordinates its development* to accomplish its potential.<sup>[9]</sup>
2. The process that begins at fertilization is, if uninterrupted, *a continuous formation of an individual human being* which is acquiring its definitive form.
3. Multicellular organisms attain a final form by *gradually passing through simpler forms*, yet from the beginning, such beings keep their own identity and individuality.<sup>[10]</sup>

These are the attributes of a living being. They are confirmed by biomedical facts and demonstrate that life begins at fertilization. The

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Catholic tradition—from the Apostles in 2<sup>nd</sup> century to the Church today—has always held that every human life shall be protected and cherished from its beginning.

**Texas Law and Policy:** Before *Roe v. Wade*, Texas had a law that made it a crime to procure an abortion, with one exception which permitted an abortion procured by medical advice for the purpose of saving the life of the mother.<sup>[11]</sup> *Roe* held Texas' laws to be unconstitutional and established a new trimester framework to regulate state laws on abortion.<sup>[12]</sup> As a result, most state laws that previously regulated abortion were pre-empted by the Court's new national standard. However, in *Planned Parenthood v. Casey*, the U.S. Supreme Court opened the door to greater state regulation. It did so by moving away from *Roe's* trimester framework and toward a framework in which states could regulate abortion after *viability*, because that was the point in fetal development at which the State's interest in life has "sufficient force that a woman's right to terminate her pregnancy may be restricted."<sup>[13]</sup> Texas regulates abortion in the Health and Safety Code<sup>[14]</sup> and the following regulations are currently in force:

- partial birth abortion is prohibited;<sup>[15]</sup>
- abortion after 20 weeks is prohibited;<sup>[16]</sup>
- after 20 weeks, abortions may be performed at an ambulatory surgical center if a baby has a severe fetal abnormality;<sup>[17]</sup>
- abortion providers must receive a woman's voluntary and informed consent;<sup>[18]</sup>
- a sonogram must be provided, and the baby's size must be explained, its limbs and organs pointed out, and the heartbeat must be made audible;<sup>[19]</sup>
- an abortion cannot be provided less than 24 hours after a sonogram is provided;<sup>[20]</sup>
- abortion providers cannot perform an abortion on a minor without parental consent;<sup>[21]</sup>
- abortion providers cannot sell or donate a baby's organs or tissue,<sup>[22]</sup>

- abortion providers and their affiliates cannot receive state funding;<sup>[23]</sup>
- monthly insurance premiums paid into a general private or public health insurance plan cannot be used to pay for elective abortions;<sup>[24]</sup>
- abortion providers must report complications to Health and Human Services,<sup>[25]</sup> and
- abortion facilities must be licensed.<sup>[26]</sup>

**Bill Summaries:** Several pro-life bills have passed through the Texas Legislature since the *Roe v. Wade* decision in 1973, but abortion remains legal throughout Texas.<sup>[27]</sup> While we recognize that ending abortion requires a U.S. Supreme Court ruling, we support good-faith attempts to uphold the sanctity of life at the state level. We therefore support legislation which would:

- prohibit all state and local government funding for abortion providers or their affiliates,
- increase funding to abortion alternatives for expectant parents,
- remove the wrongful birth cause of action, and
- establish a trigger ban to prohibit abortion as soon as *Roe v. Wade* is overturned.

**Call to action:** To support this proposal in the Texas legislature, please visit [txcatholic.org/life](http://txcatholic.org/life) to find and contact your lawmaker. Please also pray for Texas and for our legislators, that they may respect innocent life and care for the weak and defenseless.

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*The TCCB is a federation of all Roman Catholic dioceses and ordinariates in Texas. There are 8 million Catholics living in our state. To contact us, call our office at 512-339-9882, email [jennifer@txcatholic.org](mailto:jennifer@txcatholic.org), or find TX-Catholic on [Facebook](#) and [Twitter](#).*

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## Endnotes

1. Exodus 20:13
2. Jer. 1:5; cf. Job 10:8-12; Ps. 22:10-11, 139:15; Jn. 10:10; Mt. 22:37-40; Deut. 6:5; Lev. 19:18; Lk. 10:25-37; Mt. 25:1-46.
3. Lk. 10:25-37.
4. Mt. 25:1-46.
5. Supreme Court of the U.S., *Gonzales v Carhart*. 550 U.S. \_\_\_\_ (2007). [Page 8](#). The Church attaches the canonical penalty of excommunication to this crime against human life. (CCC #2272) In contrast, Pope Francis reminds us: “Things have a price and can be sold, but people have a dignity; they are worth more than things and are above price. ([Address to Participants in the Meeting Organized by the International Federation of Catholic Medical Associations](#), September 20, 2013. Sec. 2, quoting CDF [Declaration on Procured Abortion](#), Sec. 11. See also Pope Francis, [Amoris Laetitia \[On Love in the Family\]](#), The Vatican. (March 19, 2016). Sec. 83.)
6. CCC #2258; CCC #2270; CCC #2278.
7. Pope John Paul II, [Evangelium Vitae \[The Gospel of Life\]](#), The Vatican. (March 25, 1995). Sec 73.
8. Drs. Keith Moore and Vid Persaud. *The Developing Human: Clinically Oriented Embryology*. Page 33.
9. Elio Sgreccia, *Personalist Bioethics: Foundations and Applications* (Philadelphia, PA: The National Catholic Bioethics Center, 2007). Pages 423-424.
10. Sgreccia 425. On continuity, cf. Moore 2.
11. Vernon’s Texas Statutes: 1948, Texas Penal Code: Articles 1191-1194, and 1196.
12. Roe at 164; cf. Casey at 877.
13. *Planned Parenthood v. Casey* 505 U.S. 833 (1992) at 869.
14. Texas Health and Safety Code (HSC), Chs. [170](#), [171](#), [172](#), [173](#), and [245](#).
15. HSC [Ch. 171 § 101-106](#). Effective 2017. Supreme Court of the U.S., *Gonzales v Carhart*. 550 U.S. \_\_\_\_ (2007). [Page 8](#).
16. HSC [Ch. 171 § 044](#). Effective 2013. Several exceptions are made to the 20-week ban. See HSC [Ch. 171 § 046](#).
17. Ibid. at [Ch. 171 § 004](#). Effective 2011.
18. Ibid. at [Ch. 171 § 012](#). Effective 2011.
19. Ibid. at [Ch. 171 § 012\(a\)\(4\)](#).
20. Ibid.
21. Texas Occupations Code [Sec. 164.052\(a\)\(19\)](#); Texas Family Code [Sec. 33.0021](#). Effective 2016. However, minors may seek judicial bypass. See Texas Family Code [Sec. 33.003](#).
22. Texas Penal Code [Sec. 48.03](#); HSC [Sec. 173.005](#).
23. Texas Human Resources Code, Sec. [32.024\(c-1\)](#); 85 RS SB 1 (2017), page [II-72-74](#), [IX-34](#). There is no prohibition on local governments funding abortion providers or their affiliates.
24. Texas Insurance Code, Chs. [1218](#), [1695](#), and [1696](#). Coverage for elective abortion must be separate from other health insurance plans so that general monthly premiums do not fund elective abortions.
25. HSC at [Ch. 171 § 006](#). Effective 2017.
26. HSC at [Ch. 245 § 003](#).
27. Guttmacher Institute, [State Facts About Abortion: Texas](#).