

Address by Jesse Helms at National Pro-Life PAC Banquet

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I think it may not be possible for a Republican Legislator to come to Illinois and leave without mentioning at least once the career of our first Republican President, Abraham Lincoln. I think we can learn much from the work of our fourteenth President.

As you may remember, the Republican Party was formed over the issues of whether slavery could be extended into the territories – the very issues which the Supreme Court in the Dred Scott decision attempted to finally resolve.

Most people believed that Dred Scott spelled the end of the Republican Party. Stephen Douglas could hardly contain himself. The issue, he said, had now been “decided by the highest tribunal on earth and cannot be undone this side of heaven.”

“Whoever resists the final decision of the highest judicial tribunal,” Douglas continued, “aims a deadly blow to our whole Republican system of Government – A blow, which if successful would place all our rights and liberties at the mercy of passion, and anarchy and violence.”

In his speech at Springfield, Illinois, on June 26, 1857, Mr. Lincoln replied:

*“We think the Dred Scott decision is erroneous. We know that court that made it has often overruled its own decisions, and we shall do what we can to have it overrule this.”*

Lincoln continued:

*“If this important decision had been made by the unanimous concurrence of the judges, and without any apparent partisan bias, and in accordance with legal public expectation, and with the steady practice of the departments throughout our history, and had been in no part, based on assumed historical facts which are not acquiesce in it.”*

Well, Dred Scott was not the end of the republicans, or even the beginning of the end. Four years later, in his first inaugural address, Lincoln had fully developed his view of the proper role of the court in a constitutional democracy. He stated:

*“...the candid citizen must confess that if policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions the people will have ceased to be their own rulers, having to that extent*

*practically resigned their government into the hands of the eminent tribunal. Nor is there in this view any assault upon the court or the judges. It is a duty from which they may not shrink to decide cases properly brought before them, and it is not fault of theirs if others seek to turn their decisions to political purpose.”*

The parallels between Lincoln’s difficulties and our own may be obvious. Both court decisions attempted to deny the protection to the law to persons whose biological humanity is beyond question.

Both decisions sought to preempt the Democratic process, and settle once and for all a hotly debated political issue. In both cases, the court settled nothing.

Many who support the court’s abortion decision do so by describing the constitution as a “living document” which the court must be permitted to interpret with the widest possible flexibility. But, when they say the constitution is a living document, they really mean that the constitution is dead, and that the Supreme Court as a supreme undertaker may dispose of the corpse as it pleases.

The court could only deny the right to life by refusing to deal with the biological humanity of the unborn child. The court stated simply that it need not resolve the difficult question of when life begins.

Of course, this is one issue which the court could not answer to make its decision. Having dragged out all the clichés, all the misstatements of legal history, the court carefully avoided the bottom line.

It did not want to confront the inevitable basic question. The only question that really matters in this debate: the deliberate termination off innocent human life.

The facts of human development are very clear and universally recognized. At 24 days from conception there is a regular heartbeat.

At 43 days electrical brain wave patterns can be recorded.

At 56 days all organs of the unborn child are functioning. From this point, all development is simply a refinement and increase in size until the full maturity of that person some 23 years later.

None of the popular and highly quoted arguments of the pro-abortionists deal with these facts. Instead, they rely on Madison Avenue slogans to confuse the issue.

Take for example the slogan, “Abortion Is a Woman’s Right to Control Her Own Body.”

Fine, every person should have the right to such personal freedom. But since when does a pregnant woman suddenly have two different heartbeats; two different sets of brain waves; and two different blood types?

Why have the pro-abortionists sought to escape the human life issue through slogans and catch-phrases? The answer is simple. They must separate the idea of abortion from the idea of killing.

Pro-abortion advocates have the power to end the abortion controversy in congress and disband this and every other right to life group across the country.

Simply show us that the unborn child is not a human being. In years of debate in the Senate, not one advocate of federal funding of abortion has dared to say that abortion is not the deliberate termination of human life.

You may remember that last month the Senate twice passed what has come to be known as the Helms Amendment to remove the jurisdiction of the Supreme Court and Lower Federal Courts from any case involving voluntary prayer in public schools.

Judge Dooling or Judge Grady or Justice Blackmun should not be surprised if they wakeup one morning to find congress has just removed jurisdiction of their courts in any case involving abortion.

Of course, abortion is not identical to the issue of voluntary school prayer. That was intended by the authors of the Constitution to be left to the States – the protection of innocent human life was not.

But, it would be a good place to begin. Just as the limitation of federal funds to pay for the performance of abortion is a good place to begin, but it is not the solution. That can only be achieved by mandatory human life amendment to the constitution.

While many amendments have been introduced, I like to refer to the one I have sponsored as the E.L.A. – The Equal Rights Amendment. It simply reads: “The paramount right to life is vested in each human being from the moment of fertilization without regard to age, health, or condition of dependency.”

And if current trends continue, we may not be more than two congresses away from the necessary number of votes in both houses to pass such an amendment.

I'm often asked by reporters what kind of vote count I hope in the next congress. My answer sometimes surprise them. It's not the magic two-thirds, or even a majority, its simply a solid vote in the Senate of 41 pro-life Senators. Because in the Senate just 41 votes are needed to prevent cloture and thus keep alive a filibuster.

Then when the HEW appropriation bill comes to the floor, or one of the so-called popular constitutional amendments such as Birch Bayh's D.C. voting rights amendment (or as I

should say regarding that city's record, the D and C voting rights amendment) we can all settle back for a nice long summer.

And speaking of Washington, D.C., where the number of abortions exceeded the number of live births, it is time we consider the affects of abortion on America's economic and military needs. If population trends continue to decline, it may be necessary to enlist women in military service if the nation's defense manpower needs are to be met. And whether or not Congress continues to raise social security taxes, it remains to be seen whether the system can survive with fewer and fewer workers contributing to it.

Already in France, where abortion on demand was instituted in 1975, there has been a dramatic down-turn in population. While a birthrate of 2.1 per woman of childbearing age is needed in France to maintain zero population growth, the rate has fallen to 1.84 children. Estimated reported in the New York Times predict that by the year 2030 – that is, in 51 years – the population of France will be only 14 million. The falling birth rate is even more accentuated in other European Countries. West Germany, for example, having a birth rate of only 1.44.

According to our Bureau of Vital Statistics the birthrate in the United States has fallen from 2.02 per woman in 1972 to a figure of 1.83 in 1977, the latest year in which figures are available. A figure substantially below our replacement level.

The present policies of our government simply make no sense.

Sometime ago on a Sunday morning I paid a visit to Duke Medical Center in Durham, N.C., to visit a friend of mine who is in charge of the Children's Hospital. There must have been 50 beds there, tiny little beds with even tinier babies, born prematurely, being given all sorts of life supporting treatment with millions of dollars worth of sophisticated equipment and technology.

As across the corridor in the waiting room I saw mothers and fathers sitting there, one couple praying that their child would live; others waiting hopefully for an encouraging report from the physicians and the nurses.

It occurred to me that what a contradiction this is. Here is the expenditure of millions of dollars, dedicated service by highly trained medical personnel, struggling to save the lives of those little ones. Meanwhile back in Washington, D.C., there are efforts constantly to use the taxpayers' money to exterminate the lives of literally hundreds of thousands of innocent unborn children.

We boast of our technology – we should be proud of it – in saving lives, but we turn right around and, based on the most specious of arguments, say it is all right to use the taxpayers' money to deliberately terminate the lives of innocent unborn children, denying them the right to be born, the right to live productive lives, bring joy and happiness. More and more the American people sense this contradiction.

The Strength of pro-life organizations during the 1978 elections make the pro-life movement the single most important emerging political force in the United States. In Senate races, pro-abortion candidates in Colorado, Iowa, New Hampshire, Minnesota, South Dakota, Mississippi, and Virginia were all defeated by pro-life candidates. Indeed, the right to life movement did better than the Republican Party in picking up new seats in Congress.

In New York State, a newly-formed Right To Life Party attracted more than 100,000 votes and won a place on the ballot. Right to life workers played a key role in Governors' races in Minnesota, Massachusetts, Ohio and Wisconsin.

On election day the New York Times reported a CBS news poll which found that 5 ¼ percent of those asked would vote on the basis of their feeling against abortion.

The 1978 election results suggest a major political realignment is occurring around the right to life issue. Pro-life support rests on its appeal to large segments of Catholics, fundamentalist Protestants and Orthodox Jews.

Translated into practical political situations the pro-life movement is producing a coalition of traditionally Democratic voters who will vote for republican candidates, whether conservative as in Iowa, moderate as in Iowa, or liberal as in South Dakota, because of their right to life views. Most importantly, this is a segment of the population which Republicans have traditionally had difficulty in reaching.

If the CBS poll citing a figure of 5 ¼ percent is correct, this translates into 12 million Americans who form a ready constituency for a national pro-life leader regardless of his other political views.

A look at the results of three of the last five presidential elections suggests the importance of this new political force. You may remember that in the popular vote, President Carter beat President Ford by only 1,682,970 votes.

In 1968, Nixon beat Humphrey by a margin of 510,314 votes. And in 1960, Kennedy was elected over Nixon by only 118,574 votes – approximately 18,000 more votes than Mary Jane Tobin received last year as the Right to Life candidate for Governor in New York.

The 1978 congressional elections are perhaps even more significant. There 20 elections were won by under 4,700 votes. And in 61 races, a shift of only 5 percent in the vote would have changed the outcome.

What do these figures suggest for our agenda in 1980?

First, it is the nomination and election of a President who by executive order will end the use of tax dollars to fund abortions and who will send to congress a Human Life Amendment.

Second, it is the election of majorities in both House and Congress to end the funding and promotion of abortion I federal programs.

And third, it is to elect State Legislators who will end State funding of abortion and who will vote to ratify a Human Life Amendment or to call a constitutional convention if Congress fails to act.

In closing I would like to share a story, which I think, explains the success of Right to Life. It is a story about an accepted custom in Japan, hundreds of years ago.

In those days, in Japan, when a mother became too old, or too ill, to do very much work, it was the “thing to do” for the eldest son to take her up on the top of a mountain and leave her. The place was known, literally, as “the place to leave mother”.

One day, her eldest son was leading a very old lady up the path, up the mountain. She did not protest. She did not complain. Although very feeble, she hurried ahead of her son, as rapidly as she could manage. But ever so often she would stop and break a twig fro ma bush and place it carefully in the middle of the path.

Her son, noticing this, asked: “Mother, why are you placing twigs in the path?”

With tears glistening in her eyes, she said: “I want to be sure you find your way home, safely.”

The son thought for a moment, then gently took his mother’s arm – led her back down the mountain – back to his home, where she lived the remainder of her time with her son who realized the meaning of love.

He took the lead in putting an end to a custom that, until his mother demonstrated her ultimate love, was accepted as “The Thing To Do”.