

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### THE CASE FOR LIFE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PENCE. Mr. Speaker, I rise at the end of a week of activity here on Capitol Hill to do nothing less than to begin a process and an effort that I hope will be a part of the fabric of my career for however long I have the privilege of serving in the United States House of Representatives.

I rise very simply, Mr. Speaker, to make the case for life; to make the arguments, philosophical, intellectual, moral and historical, on this blue and gold carpet, on a regular basis, for the sanctity of human life.

My inspiration, oddly enough, Mr. Speaker, for this series, was just mentioned by the gentleman from Ohio (Mr. BROWN) in his remarks immediately preceding mine. It is almost uncanny to me to have heard it. For my inspiration in rising today on the House floor is none other than a former Member of this body who served as a Member of Congress from 1827 until his death in 1848.

Prior to being a Member of the House of Representatives, John Quincy Adams was President of the United States, and his father President before him. But, remarkably, after one term in Congress, John Quincy Adams felt compelled, Mr. Speaker, to be elected to Congress from the State of Massachusetts and to come to this place. And more than any other purpose, it is clear as one studies his speeches and pronouncements on this floor, that he was a man deeply committed to the abolition of slavery in America.

Just as the gentleman from Ohio (Mr. BROWN) reflected, it is reported that oftentimes on a weekly basis or more throughout the nearly 20 years that John Quincy Adams served as a Member of this Congress, in a Chamber, as you know, Mr. Speaker, just down the hall, the great, grand old man and former President would come, history records, and bring his papers with him and make the moral and the intellectual and the historical and even the Biblical case against slavery in America.

We are even told that some of his colleagues at the time during the course of those two decades actually tried to change the procedural rules of the House, because they thought it rather impolitic to have old Mr. Adams coming down and bringing up that difficult issue again. But he did it, and he did it

well, and he did it without apology. And as I rise today to begin what I hope for however many years I serve in Congress to be a series on the case for life, I am inspired and magnetized by John Quincy Adams.

Now, many may say that John Quincy Adams, who perished, we are told, in the midst of a session of Congress, fell over backwards in his Chair, was carried into a waiting room where he died the next day, some may say that his death in 1848, long before slavery would vanish from this continent, proved that he had failed in his endeavor.

But God works in mysterious ways, Mr. Speaker, and I cannot help but feel to this day that at some time from heaven John Quincy Adams smiled down when he realized that on the back row of the Congress in which he gave those lectures arrived in the year 1847 a tall, lanky man from the State of Illinois who served for one term in Congress, and Abraham Lincoln would later reflect that the speeches on the abolition of slavery that he heard from the great man John Quincy Adams deeply impacted his thinking and his life. And when Abraham Lincoln would then run for the Senate in Illinois and lose, and then be propelled on that same issue to the Presidency, he, no doubt, as is all of our posterity, was in debt to the rantings of that old man.

And here is hoping that my rantings may cast seeds, somewhere, Mr. Speaker, whether in this Chamber or through the means whereby people observe what we do here, that some might reflect on the principles that we share over the course of this series on the case for life and be inspired by it, because it matters.

Despite the fact that ever since Roe v. Wade became law in 1973 America has looked across the street to the U.S. Supreme Court to define this business of abortion, and despite the fact that, frankly, even in this Congress we pay scant attention to the issue, it, nevertheless, is a colossal issue about which our Nation must attend, for one reason and one reason only: 1.6 million abortions are performed in the United States each year. Ninety-one percent are performed during the first trimester, twelve or fewer weeks gestation. Nine percent are performed in the second trimester.

Approximately 1.5 million U.S. women with unwanted pregnancies choose abortion every year, and most are under the age of 25 years and unmarried. And as psychologists across America now reflect, post-abortion stress syndrome, which seems to viciously take hold of women at or around the age of menopause, where in many cases women are led into therapy because of a deep sense of remorse about decisions they made decades before, it is a decision that those 1.5 million women make not just for that day, but for many, Mr. Speaker, a decision that colors much of the rest of their life.

Approximately 6 million women in the United States become pregnant every year. About half of those pregnancies are unintended, and 1.5 million elect to terminate them with legal abortion.

□ 1530

Each year, more than 1 million U.S. teenagers become pregnant, and the teen pregnancy rate has moved in the last 30 years to truly startling statistics. Eighty percent of women having abortions are single, 60 percent are white, 35 percent are black, 82 percent of women having abortions are unmarried or separated, and almost half, this is almost incomprehensible to me, but statistics from Planned Parenthood's National Center for Health Statistics suggest that almost half of American women, 43 percent, will have an abortion sometime in their life. Yet, we rarely talk about it here. A procedure of deep physical and emotional and moral and perhaps even spiritual consequences reflected on through the millennia is scarcely talked about in the center of the most powerful government on Earth.

Today I would like to speak, if I may, about a few of the historical aspects of the case for life. Oftentimes, when I am standing before groups of young people, I will say, rather obliquely, that for roughly 3,000 years in Western Civilization, until 1973, it was the unanimous position of medical ethicists throughout Western Civilization that abortion was immoral and unethical. And I am always amazed at the startled look on children's faces. Because, of course, every student that I see in a classroom was born in the post Roe v. Wade America where abortion is a settled fact. It is a settled legal reality. But to begin with the realization that for 3 millennia through, if I can use the word, through the gestation of Western Civilization, there was, as Mother Teresa often reflected, that core principle that human life is sacred. Often rejected, even by nations and peoples in the midst of our civilization, nevertheless, the sanctity of human life rises out of the march of our civilization, almost like no other.

We all are familiar with the founding documents of this Nation that speak of certain unalienable rights endowed by our Creator, and among them are life. It is an astounding thing to consider. But what did our Founders think of when they thought of life? They were men who reflected on the ancients; they reflected on history. The Founders of this Nation, some of whom are remembered on the walls and carved in stone throughout this building, were truly learned men. So it is important when we think about a reference to the unalienable right to life, what did our Founders think about when they said life? What did they think of as human life? In the context of our common law and in the context of the history of the ancients or the Middle Ages, or even the early church fathers who so deeply

influenced the Founders of this country, it is a consistent, one after another element of the law in history that argues beyond a doubt that abortion was considered a deep moral offense.

In the Lex Cornelia 81 B.C., the Jurist Iulius Paulus applied a text of this law that applied to poisoners and those who dispensed drugs specifically intended to cause abortion, saying that whoever dispenses an abortion pill, regardless of its intention, the law read, set a bad example and was condemned to work in the mines in 81 B.C. One thinks of that story of a young girl who may have had medical complications just last week from having taken the pill RU486 and died. And one thinks of the wisdom of Lex Cornelia from 81 B.C., the dispensing of a pill and a poison that causes an abortion and its harm.

Cicero actually placed it beyond doubt that the offense of abortion was a capital offense punishable even by death. In the Persian Empire, criminal abortions were severely punished. And so it goes.

In fact, the Ephesian, Soranos, often described as the greatest ancient gynecologist from whom we obtain the word and the practice of gynecology were, as history records, deeply opposed to Rome's prevailing free abortion practice. Soranos found it necessary to think first of the life of the mother and resorted to an abortion when he thought the life of the mother was in danger, but it was otherwise unacceptable. At the time of Soranos, Greek and Roman law afforded little protection to the unborn until Christianity took root in the Roman Empire, and then it changed. And from that point forward, after the spread of Christianity in the Roman Empire, infanticide and abortion were treated as equally criminal acts, alongside murder.

Throughout the Middle Ages, the severe penalty for abortion remained in force in all countries of Europe well into the Middle Ages, and it was reflected in many of the writings. I think of John Calvin, one of the early church fathers and someone who deeply influenced the development of common law and Christian theological thinking. He said, John Calvin now, "The fetus, though enclosed in the womb of his mother, is already a human being, and it is a monstrous crime to rob it of life which it has not yet begun to enjoy. If it seems more horrible to kill a man in his own house than in a field, because a man's house is his place of most secure refuge, it ought surely to be deemed more atrocious to destroy a fetus in the womb before it has come to light," John Calvin wrote in the commentary in the Book of Exodus.

Truly astonishing words, but not at the time that he wrote them. To think of that time and to think of that context, what John Calvin wrote about, what the ancients embraced was what was common accepted law, and, of course, our own common law was given birth by those historical moorings.

As James S. Cole wrote in an essay entitled "Abortion at Common Law," long before the settlement of the English colonies on this continent, the common law of England, that is, the law recognized as common to all Englishmen, defined abortion as a crime. In accord with the limits of biological knowledge of the day, it was believed that there was no life until what was known as "quickening," when the movements of the baby could be discerned. Abortion was therefore declared by the earliest authorities a lesser crime than criminal homicide until quickening, and then it was a felony after quickening. Much later, in the 1600s, there was some hesitation to prosecute abortions in which a child died in the womb as opposed to those in which the baby was expelled before dying, because of the problems of proving that the act of beating the mother's abdomen or giving her a poison had caused the death of the child. However, there was no doubt that abortion of a woman who was either "quick or great with child" was unlawful.

In colonial America, abortions were prosecuted under the common law. After the Revolution, the new American States adopted the common law of England as the basis of their own law, including common law crimes. Within a generation, the independent States began to outgrow the English common law, and State legislatures increasingly defined crimes in their States. However, common law crimes survived until superseded by legislative enactment.

Although common law prohibitions on abortion were largely replaced over time with legislative enactments through the 19th century, there was never a gap in which the common law had anything other than a prohibition of abortion. Abortion was a crime during the hundreds of years before the founding of this Nation, and it remained a crime in every State at the beginning of our Nation and throughout the 19th century.

Until the advent of *Roe v. Wade* that, it is worth noting, struck down simultaneously those laws promulgated from the common law in all 50 States, abortion was considered a crime, a deep moral offense, and anathema to medical ethicists.

It is altogether appropriate to point out as well as we consider the ancients today, Mr. Speaker, that the Hippocratic Oath itself carved, depending on who you believe of the historians, and doctors will argue the point, but somewhere between 3,000 and 4,000 years ago, the Hippocratic Oath authored by the great physician Hippocrates begins in many versions with the phrase, "First, do no harm," and in its most classic versions will make reference to abortion; that it was altogether and always inappropriate for the healer ever to end human life, either born human life or unborn human life. It is contained in the Hippocratic Oath. It was what it meant to be a doctor, that you heal;

your charge was to heal human beings. And so the bright line, to put it in modern terminology, Mr. Speaker, the eight-lane superhighway in Hippocrates' mind, it seemed to me, was that the doctor does not kill human beings. Doctors do not end human life. And for 4,000 years, the advance of medical ethics, and every doctor in my State of Indiana and every doctor who takes an oath throughout the Western world raises their hand, in many cases, and takes the Hippocratic Oath.

Now, the edited version oftentimes does not include reference to abortion, but it still includes that line, "first, do no harm." And it is why today so many doctors in America refuse as a professional decision to perform abortions. They simply choose not to be a part of it. In fact, there seems to be some evidence in the medical community of a diminishing availability of abortion in America, because men and women that wear the white smocks and the green smocks of physicians are less and less interested in that fundamental compromise of their mission and their ministry as a healer, according to the Hippocratic Oath.

I spoke of the English common law, which specifically forbade abortion. It did, in some cases, as I mentioned, treat it as a felony and, in other cases, treated it as a misdemeanor; but in all cases it was immoral, wrong, and illegal. Blackstone, who wrote, as I learned in law school, the famous Blackstone Commentaries at the founding of the country; it can be accurately observed that a practicing lawyer could literally consider themselves as having an entire legal library if they possessed one book, not counting the Bible, but Blackstone's Commentaries on the Law. It is taught even to this day in the most secular of law schools, and people understand that Blackstone was, for people practicing the law in the colonies and in the States and in the territories, it was the ultimate resource. And Blackstone was clear on abortion, writing in one of his commentaries, "If a woman is quick with child and by poison or otherwise killeth it in her womb, or if anyone beat her whereby the child dieth in her body and she is delivered of a dead child, this, though not murder was, by the ancient law, homicide or manslaughter."

So whatever may have been the exact view taken by common law of any specific offense, in and around 1803, there was no question that abortion was a crime. And yet, in America today, by a judicial decision and by judicial fiat, that has fundamentally changed.

So why does all this matter? As I talked to some colleagues today, they said to me, now, why are you doing that? Is there some legislation coming to the floor that is going to change things in abortion? And I granted the point that ever since *Roe v. Wade*, we, in the people's House, in the Congress, and in the State legislatures of all 50 States have very little to say about this issue.

□ 1545

It comes down to nine men and women in black robes and the Presidents who appoint them. But it seems to me to be altogether fitting that something that so deeply troubles the heart of half of the American people ought to be something that resonates in the heart of our national government.

That is how I see this Chamber, Mr. Speaker. I said it shortly after 9/11 in a speech that I gave on this same floor, that I viewed the House of Representatives as the heart of the American government and that it ought to resonate with the hearts of the American people. When the hearts of the American people are troubled about an issue at home or abroad, this should be a troubled room. When the hearts of the American people are quiet and at rest, this should be a quiet and amicable place.

It may be over-literalizing it, trying to turn the government into some homotropic version of man, but I think it has merit. And the truth is that while there are millions of Americans who embrace the right to choose an abortion, who take to the street to defend it, who take to the polls to support it, there are, by any measure, a growing number of nearly half of this country who are deeply troubled to live in an America where innocent human life is so callously discarded. It was as Meghan Cox Gurdon called it in an article in the Wall Street Journal a number of years ago, it is, in my judgment, the mother of all rights.

Meghan Cox Gurdon, and I borrow from her essay now, wrote, "The Roe versus Wade anniversaries make me think of the last scene in Schindler's List, the film about Oskar Schindler, the German industrialist who saved a small number of Jews during World War II. The final scene," for those who have seen it, "features actual Schindler survivors with their children and grandchildren line up to place stones on his grave in Israel. What makes the scene so powerful is not just the surprising number of progeny already produced by the Holocaust escapees, but the staggering number of men, women and children who are not there, who never had a chance of life because the Nazis gassed those who would have been their parents and grandparents."

Meghan Gurdon goes on to write compellingly, "When Roe comes up, it has a Schindler-like reverberation in my own family. The fact is, my husband and I, our four children, his three siblings and their combined eight children all owe our lives to the fact that the famous Supreme Court decision did not come until 1973 (and its British equivalent until 1967). For all 17 of us, all descended from two unwanted pregnancies—two pregnancies that produced hasty marriages, some unhappiness, rather more sadness, and even actually two divorces. And I have to say, boy, am I glad that those pregnancies,

dismaying and unexpected as they were, entailing the compromises that they did for those involved, were not tidied up in a clinic so that the young mothers in question could 'get on with their lives.' You, gentle reader, would have been deprived of nothing more than my editorial voice. I and 16 kinsfolk would have been robbed of everything."

It is in every sense, as Meghan Gurdon writes, "the mother of all rights." I think it is why our founders listed life first, that they knew from the spilled blood that had happened on our shores and would happen at the hands of a despotic king. They knew that if a man does not have an unalienable right to life, he has nothing. That if a man or a woman cannot anticipate that government cannot deprive them of their life without due process of law and cannot deprive any human person of their right to life without due process of law, then they are, in the words of John Calvin, like that man in his own home, most grievously offended to have been attacked in what is to be his safest place.

Alexander Hamilton cautioned us against forgetting the ancient parchments, the teachings of ancients, and cautioned those who believed that we could create a society that separated law from moral truth saying, "The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written as with a sunbeam in the whole volume of human nature by the hand of the Divinity and can never be erased or obscured by mortal power."

It is a truth, Mr. Speaker, I have tried humbly to advance today for your and my colleagues' ears and for anyone else who is listening and in the weeks and months and, if the Lord wills it, years ahead. I hope from time to time to come to this floor and do likewise. To begin to take a break from the arguments of the day at home and abroad and to take a longer-view perspective on this Nation and on the vitality of its legal and moral traditions. For it seems to me that abortion is the issue of our time.

I used to say to people when I was younger that I thought abortion was the most important moral issue of our time, and I have since abandoned the adjective because I really do believe that as the late Mother Teresa would say often, that it is the defining issue of our age, and on some days, I believe in a hopeful view of the future, that our posterity will look back and say there was a time when America lost her way, but largely because of a broken heart, she came back. She came back to the truth of the ancient, not because she returned to a puritanical society that judged people in their hour of need, but because America again became a broken hearted society that said, we want to be a place where there are no unwanted children. We want to be a society where crisis pregnant centers come to replace entirely

centers where innocent life is destroyed; where women know that there are better choices, not only for their unborn child, but for them than ever the choice of ending that life.

That is my hope and that is my dream that they will look back on this time and they will say, Mr. Speaker, America got off the path, but she reflected on the truths of the ancients. She reflected on the unalienable rights that she had alienated for a while, of life, and liberty and the pursuit of happiness. And by God's grace, she found her way back, to be a compassionate society and a caring society, but a society that once again embraced the unalienable right to life.

#### THE PRESIDENT'S WAR REQUEST AND AMERICA'S FUTURE COURSE

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from North Carolina (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of North Carolina. Mr. Speaker, the President's request of an \$87 billion supplemental appropriation on top of \$79 billion already appropriated has prompted renewed debate over our military operations in Iraq, our plans for the subsequent reconstruction of that country, and our broader policy objectives in the Middle East.

We must take to a successful conclusion the securing of Iraq, the rebuilding of the country's economy and infrastructure, and the transition to an indigenous democratic government. We must provide our forces in Iraq the resources they need to complete their mission and to enhance their safety and security while they are performing their mission. But the Bush administration must give a full accounting of how we plan to reach these goals, how we are going to meet the costs, and how we are to enlist the necessary international support.

This afternoon, Mr. Speaker, I want to specify certain key questions and expectations that Members of Congress must bring to the consideration of the President's request.

This request is considerably overdue. For far too long the Bush administration refused to estimate the precise costs of the war as it pushed for tax cuts upon tax cuts, mainly benefitting the wealthiest Americans, and as it presided over a 2-year, \$8 trillion fiscal reversal, the largest in our country's history.

But now the bill is coming due, and that stubborn fact, in addition to the critical situation on the ground in Iraq, has forced the President's hand.

That is not to say he has totally come clean. The President's request of \$20 billion for reconstruction covers less than half of the projected costs. And it is bound to increase if his optimistic estimate as to oil revenues and contributions from allies do not materialize. Nor are we ever likely to hear