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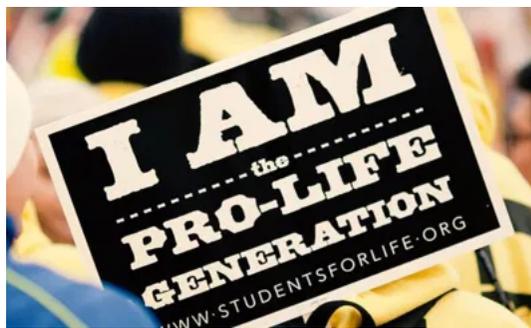
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Deacon Paul Kurmay: New York's Denial Of Life

January 31, 2019



BRIDGEPORT—I have practiced law for nearly 50 years and served as a judge for 36 years. In that span of time, I have never seen a state legislature enact such a condemnable piece of legislation as New York's so-called Reproductive Health Act, which Governor Cuomo deliberately and delightedly signed into law on the anniversary of the infamous decision of *Roe v. Wade*. I realize full well that the subject of abortion is perhaps the most divisive and emotional issue of our time and that the most strident of voices for and against abortion make it nearly impossible to have a

serious, calm and reasonable discussion of the issue. But we can certainly try.

The law begins by stating that abortion and contraception are "a fundamental component of a woman's health, privacy and equality," [and that] the intent of the legislature [is] to prevent the enforcement of laws or regulations that are not in furtherance of a legitimate state interest in protecting a woman's health that burden abortion access." It permits and approves of abortions during the first 24 weeks of pregnancy for virtually any reason based on "reasonable and good faith [professional] judgment." During the third trimester, abortion is permitted (and apparently applauded) if "there is an absence of fetal viability, or the abortion is necessary to protect the patient's life or health." Never has one single word been given such life-taking power as that word "health." The justification could be based on the mother's emotional or psychological health or the fact that even the *most unlikely medical risk during delivery is deemed unacceptable*. A mother could argue that she is unwilling to assume the small risk of having a stroke or heart attack during delivery (no matter how unlikely) because such potentialities threaten her health. The potential "threats" to health are virtually unlimited.

The act also de-criminalized abortion completely, with the stroke of a pen. There is no longer any criminal penalty, *even for abortions not justified under the present law*. In other words, even if the abortion was *not* reasonably necessary for the mother's health or for any other permitted reason, the mother could seek an abortion at the very end of the third trimester and even if the baby were delivered still alive, there would be no criminal penalty imposed for the murder of the child post birth. That is what this act permits, even if unwittingly. Such a scenario is as grotesque and evil as anything Dr. Josef Mengele ever considered during the Nazi reign of terror.

In essence, the act focuses entirely on a woman's privacy rights, as previously defined (rather lately by constitutional standards) by the United States Supreme Court. Remarkably, it never addresses a right presumably as fundamental as privacy— namely the right to life itself. It is axiomatic and self-evident that no constitutional or moral right has any meaning if the simple right to live is not first guaranteed. That is what I find most disturbing about this warped and ill-conceived piece of legislation. It virtually *assumes* that a developing child *in utero* is only a piece of human tissue not worthy of protection until it suddenly bursts forth from the mother's birth canal. It boggles the mind that any reasonable person could believe such an obvious falsehood. The scientific evidence overwhelmingly confirms the existence of human life as early as the first trimester, never mind the third!

And so, the question I pose is this: why has not the abortion debate centered on the question of when human life is created? It appears that the proponents of unlimited abortion would rather "overlook" that fundamental moral, legal, philosophical and religious question than actually deal with it honestly and openly. I had always thought that President Obama was one of the most intelligent and intellectually curious of any of those who served in his high office. He was asked during his campaign if he would sign a bill that would allow a fetus to be considered a person from the moment of fertilization. He replied that such a matter was "above my pay grade." With all due and considerable respect, that was a disingenuous answer. Were it not for the political dilemma he was put in, from an *intellectual* point of view, he and any other serious thinker would have jumped at the chance to discuss such a brain teaser of an issue. The same

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holds true for Catholic politicians who have conveniently chosen to ignore the issue altogether, and even worse, to *assume, without debate*, that human life begins only outside of the womb. Scientifically and morally, there is no basis for such an egregiously-flawed conclusion.

For every Christian, including every Catholic Christian, the biblical basis for the beginning of human life is both clear and unequivocal. Luke's narrative of the Annunciation makes it clear that the moment Mary consented to Gabriel's invitation to become the Mother of God, "the Word became flesh." When Mary approached Elizabeth's door step, we are told that Elizabeth's baby leaped for joy in her womb and that Elizabeth boldly and prophetically proclaimed to Mary: "Who am I that the Mother of *my Lord* should come to me?" Do you realize that these "good" Catholic politicians are impliedly saying that Jesus was not a human being until He was actually born? There is not a single theologian I know of who would ever say such a preposterous and blasphemous thing. It is theoretically possible for a person to conclude that human life begins at birth (despite all the scientific evidence to the contrary), but it is absolutely impossible for a Christian to do so. Such a person would have to reach the impossible conclusion that Jesus had no right to exist in Mary's womb, because, after all, it wasn't really Jesus taking up space in Mary's womb, but only a piece of "pre-human" tissue, no more worthy of existence than a piece of undigested food! For our Jewish and Muslim friends, the Old Testament is just as clear.

This act is quite literally a crime against humanity. It deserves the complete and unequivocal condemnation by the Pope, every bishop, priest, deacon and the religious and lay community. If we as the Body of Christ do not oppose this evil, what evil *will* we oppose? If we do not attempt to protect the innocent unborn, who *will* we protect? And if we are unwilling to come to the defense of unborn children, why in the world should we expect God to come to *our* defense?

Such ponderous questions. And none of them are above our pay grade.

By Deacon Paul Kurmay



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