aborption and sterilization programs, and pay for aborptions under the New York medicaid program.

In Congress the Cranston resolution, Senate Joint Resolution 108, seeks to set the stage for eventual governmental control over life. It would make zero population growth a national policy.

The Presidential Commission on Population Growth and the American Future, headed by John D. Rockefeller, seeks to lead American opinion into the belief that life is not really so sacred after all, and that the destruction of the unborn life must be accepted as a social necessity to stabilize population and solve social problems.

In courts, suits are pending to overturn longstanding statutes which afford legal protection to the unborn.

We protest. We oppose any nominee to the Supreme Court who doesn't hold any efforts to destroy life as repugnant. We approve only those nominees who are totally committed to the preservation of human life. We approve only those who will defend the unborn.

Thank you very much.

I wonder if we could have this included with our testimony?

The CHAIRMAN. It will be admitted.

(The document, "Life Before Birth" was filed with the committee.)

The CHAIRMAN. That is a rollcall vote and we will have a recess.

(A short recess was taken.)

The CHAIRMAN. You may proceed.

TESTIMONY OF ANNETTE GARKOWSKI, L.I.F.E. COMMITTEE, NEW YORK

Mrs. GARKOWSKI. My name is Annette Garkowski and I represent L.I.F.E., New York.

The Lutheran theologian, Dietrich Bonhoeffer, martyred by the Nazis, summed up the viewpoint of Judeo-Christian society on abortion when he wrote—

> To raise the question whether we are here concerned already with a human being or not is merely to confuse the issue. The simple fact is that God certainly intended to create a human being and that this nascent human being has been deliberately deprived of his life. And that is nothing but murder.

L.I.F.E. is an organization of over 2,500 women in New York State, who recognizes that the viewpoint expressed in Dr. Bonhoeffer's words, is being seriously challenged in American society. L.I.F.E. is convinced that the overwhelming majority of American women regard the woman's role, now and in the future, to be the protection and care of the weak, the defenseless, and those who cannot care for themselves.

We have come before you today to respectfully ask you to consider that your decision on the pending Supreme Court nominations bears directly on whether a certain class of weak and defenseless persons—unborn children—will live or die.

The Supreme Court is being asked to strike down laws prohibiting the destruction of unborn life, laws which have been in effect for many years. The ground being asserted by abortionists who seek to strike down these laws is that they are "unconstitutional."

What is "constitutional"? What is "unconstitutional"? Is a particular Justice of the U.S. Supreme Court to feel free to strike down a statute of long standing prohibiting or restricting abortions because

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he personally feels there is nothing wrong with destroying unborn life? Or is he to be guided by the precedent of the long line of cases which have held that unborn children are living beings entitled to the protection of the laws?

President Nixon, in nominating Mr. Powell and Mr. Rehnquist, has indicated that he has chosen them because they are "strict constructionists," men who will not say a law is "unconstitutional" simply because they do not like it or would not have enacted it if they were legislators.

It is indicated that in regard to criminal laws or statutes, the nominees, Mr. Powell and Mr. Rehnquist, will follow precedent, and uphold policy decisions made by legislatures and Congress in enacting strong criminal statutes.

But will they be equally disposed to uphold policy decisions of legislatures which long ago decided that a child in the womb is a living human being, entitled to the laws of protection? Or will they in this case depart from the "strict constructionist" philosophy, and seek to emasculate these laws by interpretation or strike them down by employing the word "unconstitutional" to effectuate their personal point of view.

Legislators and Congress today, as always, must have the ability to perceive not merely the meaning of the laws they make, but the immediate and far-reaching implications and consequences of these laws. If they erase the law's protection of the right to life for any one section or group of human beings, what happens to the basic concept itself of man's right to life and duty of society to protect that right?

Regrettably, there has been very little time between the nominations and these hearings to ascertain whether Mr. Powell and Mr. Rehnquist have ever gone on record in this matter.

Therefore, our committee, LIFE, asks the members of the Senate and of this committee to check the background of Mr. Powell and Mr. Rehnquist in this area.

If it is ascertained that their disposition is to regard laws protecting unborn life as less worthy of judicial respect than laws in the criminal area, we urge rejection of Mr. Powell and Mr. Rehnquist. But if it is ascertained that laws protecting the unborn will be given the same respect as laws in the criminal area, we have no objection to their approval.

Thank you.

The CHAIRMAN. Our next witness is Mrs. Florence Quigley.

TESTIMONY OF MRS. FLORENCE QUIGLEY, BROOKLYN RIGHT TO LIFE COMMITTEE

Mrs. QUIGLEY. Mr. Eastland, and members of the committee, I am Mrs. Florence Quigley of Brooklyn, N.Y.

I speak in behalf of the Brooklyn Right to Life Committee, a group of thousands of New York citizens who support the position of our organization. Briefly stated, our position is one of total opposition to population control programs by Government and to any and all antilife, antimoral legislation or programs. By that we mean Government at any level promoting, implementing or funding with tax dollars, programs of contraception, sterilization, abortion, selective breeding, euthanasia and infanticide.