We start off with, in my view, two very important witnesses representing large organizations who have a keen interest in some of the subject matter that was discussed here. We are very fortunate to have with us today Ms. Kate Michelman, executive director of National Abortion Rights Action League, and Ms. Faye Wattleton, president of Planned Parenthood Federation of America.

I welcome you both, and I suggest that unless you all have decided who should go first, we should start with Ms. Michelman, if that is appropriate. And if that is, then without further ado, welcome, Ms. Michelman. It is a pleasure to have you here. Please begin with your statement.

Senator SIMON. Mr. Chairman, if I can just mention this, Senator Metzenbaum would be here, but he is on the floor with one of his bills, and he asked me to mention that. Otherwise, he would be here to hear both of you.

The CHAIRMAN. I am confident that is true, and I am sure the same is true with Senator Kennedy as well as, I expect, Senators on the other side as well.

Again, welcome. Thank you for being here.

PANEL CONSISTING OF KATE MICHELMAN, EXECUTIVE DIRECTOR, NATIONAL ABORTION RIGHTS ACTION LEAGUE; AND FAY WATTLETON, PRESIDENT, PLANNED PARENTHOOD FEDERATION OF AMERICA

STATEMENT OF KATE MICHELMAN

Ms. MICHELMAN. Thank you, Senator Simon, Mr. Chairman, and members of the Judiciary Committee. On behalf of the 450,000 members of the National Abortion Rights Action League, thank you very much for the opportunity to testify.

Our opposition to this nomination was not arrived at lightly. We examined the selection process by which President Bush nominated Judge Souter. We conducted a thorough and searching examination of his record and considered the impact this nominee could have on the Supreme Court at this very critical historic juncture. Like most of you, we have been impressed by Judge Souter's intellect, knowledge, and wit. But Judge Souter's personal qualifications are not the issue. The issue is whether or not the Supreme Court will continue to uphold the fundamental constitutional right to privacy, including the right to choose.

Mr. Chairman, I know that the Judiciary Committee has many important considerations, but the health and the lives of millions of American women are at stake. This nomination process is not about arcane legal theory or dry historical precedent. Before *Roe* v. *Wade,* millions of American women had to face the horrors of illegal back-alley abortions. I know from very personal experience the shame and the degradation endured by women who were forced to disclose the most intimate details of their lives to panels of strangers who had absolute power over their lives.

Those shameful days could represent our future as well as our past. For the very first time in our Nation's history, the Supreme Court is on the very brink of taking away an established fundamental constitutional right. At best, we are just one vote away from losing our right to choose. This results directly from the 10-

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year legacy of administrations using the judicial appointment process to attain the goal of depriving women of the right that is absolutely central to every aspect of their entire lives. Under these extraordinary circumstances, we urge you to withhold your consent to the nomination of Judge Souter to the Supreme Court unless you are absolutely certain—absolutely certain—that he will respect and protect our fundamental right to privacy, including the right to choose.

Nothing in Judge Souter's record or his testimony has convinced us that he, indeed, recognizes a fundamental right to privacy, including the right to choose. After listening to the testimony, we remain intensely concerned that, if confirmed, Judge Souter would destroy 17 years of precedent and cast the deciding vote to overrule *Roe* v. *Wade*. And we cannot overlook Judge Souter's suggestion yesterday that unmarried people may not even have a fundamental right to use contraception, which indicates an unacceptably narrow view of our constitutional protections.

Judge Souter has refused to even discuss his general approach to discerning whether there is a fundamental right to choose. And I must say that if there were any question, any question at all, about whether Judge Souter supported the principles upheld in *Brown* v. *Board of Education*, surely he would not be confirmed without offering clear assurances that he supports the constitutional principle of equality. *Roe* v. *Wade* was the single most important decision affecting the lives and health of American women. It should be considered as clearly settled as *Brown* v. *Board of Education*.

Judge Souter has indicated that he believes the right to choose is open for reevaluation. *Roe* v. *Wade* has become an integral part of the fabric of the lives of women and families. It is the foundation for layers of rulings that grant us medical options and protect our most personal decisions.

We understand that abortion is a complex issue that involves serious moral, religious, ethical, and philosophical questions. Some of us may differ on what circumstances for terminating a crisis pregnancy are consistent with our own moral views. But the fundamental principle established in *Roe* v. *Wade* was that the decision must be left in the hands of the individual and not the State.

Mr. Chairman, the life, the health, the lives, the future of millions of American women rest in the Senate's hands. You are the conscience of the U.S. Constitution. Confirming a new Supreme Court Justice is a momentous task that will affect generations to come. We recognize that you face pressure to fill this vacancy on the Court, and we also recognize that Judge Souter has won considerable support. But I would suggest that there is a time for politics, and there is a time for principle. The politics may be difficult, but the principle is clear.

At stake in this confirmation process is nothing less than the future of the constitutional protection of a woman's fundamental right to make her own reproductive decisions. But the right to choose does not exist in a vacuum. It is entwined with all the fundamental liberties that comprise our Bill of Rights. No woman—no woman—can be truly free and self-determining if the Government has the power to compel her to continue a pregnancy and undergo childbirth against her will.

We consider placing Judge Souter on the Supreme Court to be too great a risk. We urge you to put the health and lives of American women above every other consideration and withhold your consent to this nominee.

Mr. Chairman, I have with me some supplementary materials relevant to Judge Souter's record which I would like to make part of the official record at this time.

The CHAIRMAN. Without objection, it will be made part of the record.

Ms. MICHELMAN. Thank you very much. I appreciate it.

[The information of Ms. Michelman follows:]