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September 20, 1990

The Honorable Joseph R. Biden
Senator from Delaware
489 RSOB
Washington, D.C. 20510

Dear Senator Biden,

I'm accepting your kind invitation to enter a statement for the record, in regard to the nomination of Judge David Souter to the Supreme Court of the United States. I speak not as an authority but as a citizen who feels it is imperative that all the facts be scrutinized and circumstances be considered, not condemned, as you have so faithfully stated.

Some remarks by witnesses and Senate members indicate essential facts regarding Roe v. Wade have been overlooked. In order to come to

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(2) Biden a 8.

a fair, just and reasonable conclusion, I offer them now for consideration by all the members of your committee. I most sincerely urge them to keep in mind the far reaching ramifications of this decision.

I apologize for this handwritten letter and all its "misprints" but my typewriter refused to type. Time did not permit a "re-write".

I admire and respect the manner in which you've conducted the hearings. I'm hoping you will call Judge Souter back for more questioning.

I wish you the very best and extend those good wishes to all your "co-workers" on the "jury". — Sincerely, Arlene Smith (Mrs Cassius F Smith)

(23B) Biden a 1

The reason there is such a polarization between Pro-Choice and Anti-Choice advocates, is that neither will fully acknowledge the deep-seated feelings relevant to the opposite viewpoint.

In order to resolve this issue, all of us must put aside our preconceived notions, — and listen, as if for the first time, to the arguments put forth.

Point and Counter-Point:

Point: (1) The Catholic Church dictates that there be no abortion, for any reason, because human life is sacred.

Counter Point: (2) Many other religious orders believe that a woman has the right to choose, because they have witnessed the tragic results of forced pregnancies. Freedom of Religion gives her that right.

Biden
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③
(recopied)

① Just the idea of a developing being, damaged, denied birth, is a horrifying thought.

② To force a woman, after a brutal assault and rape, or a young incest victim, perhaps scarred for life, to go full term would be "cruel and unusual punishment" - meted out to a defenseless child (a horrifying edict) and a very vulnerable female, subject to deep psychological problems.

① Conception signals the beginning of a person and deserves the full protection under the law.

② Religious denominations sharply disagree, objecting to specific religious doctrine or dogma being imposed by law on all Americans.

(4) Baden a 1

(1) "Thou shalt not kill"

(2) Nowhere in the Christian Bible does Jesus say birth control or abortion is a sin. He preached mercy and forgiveness.

(1) Woman who choose abortions and doctors who perform them are criminals.

(2) Woman who choose abortions are exercising their legal right under the I, IV, V, IX and XIV Amendments — "the right to privacy", "freedom of religion", "to be secure in their persons, houses, "against unreasonable" "searches and seizures"; "nor be deprived of life, liberty, property — #XIV . . ". . . no state shall make or enforce any law which shall abridge the privilege or immunities of citizens of the United States."

(5) Baden a.1

(2) continued: The decision is a difficult one, wrought out of desperation. A casual outlook is very much the exception, not the rule

(1) Outlawing abortions will save millions of babies.

(2) Outlawing abortions will affect millions of babies and result in millions of women and young girls (afraid to confide in their parents) being mutilated, left sterile or dying from unsafe and illegal abortions. See (5-B)

(1) The fetus must be protected at all cost.

(2) And the cost is great when circumstances are brushed aside and no concern is shown the pregnant mother,

(5-B) Biden a.s.

(2) continued: In 1969, in New York City alone, 200,000 women were hospitalized due to being butchered by abortion quacks. In 1970, 107 died

(6) Biden
a.s.

(2) continued: their families, their husband, children — when little or no provisions are made available to ensure these unwanted ~~babies~~ infants are supported, protected and nurtured — as they deserve to be. See (6-B)

Millions of youngsters have died and are dying — from starvation and crippling diseases — the world over. Nations unable to care for their people face a dismal future.

Here in the United States: increasing homelessness, joblessness.

In 1986, Los Angeles reported 20,000 abandoned children, some in trash cans,

Neglect cases increased ~12%, 1986-87

Homicide is the top cause in injury

(6-B) Leden
a. 8.

① Many couples are eager to adopt newborns.

② Are woman and young girls to be treated as factories to meet supply and demand?

A much more humane act would be to adopt one of the many, many children, praying, with diminishing hope, to become part of a real family.

(7) Baden a.d.

(continued) - related deaths
1/5 Children receive no post-natal care along with their mothers

12,000,000 live below the poverty level
40% receive no immunizations
#20th The United States has a shameful infant mortality rate. 19 countries place above our nation.

80% of prisoners were victims of child abuse. / The United States is the only industrialized country without maternity leave.

Children having children: 600,000 babies are born to girls 10-18 each year. - those babies face the highest risk of Sudden Death Syndrome.

Addicts inflicting their habits - and Aids (on) their unborn children - providing their

(8) Reden
a.1.

continued: children as models for pornography, leading to prostitution.

In Haiti, 85% live in absolute poverty. Parents used to (have) 13 kids and would be lucky if 2 lived. Now young people have 2 or 3; they're growing up and going to school, made possible through Family Planning.

All things considered, I believe that abortion is far less harmful to "mankind" than the human tragedies that now occur every day under man-made law.

(9) Biden a.s.

Until the need for abortions is eliminated, they should be made safe and legal, ~~to avoid the human tragedies that occur every day, caused by man-made laws~~. (Repeated)

The means to drastically reduce that need are already in place — prevention, education and research.

Planned Parenthood, America's oldest, largest and most respected Family Planning organization, has been working for 74 years to ensure that every child is a wanted child (~~to ensure~~) who will be welcomed into the family with open and loving arms.

In support of their efforts, Congress should reauthorize Title X, our nation's

(10) Biden a.8

family planning program.

Congress should also facilitate research to develope safer and more effective contraceptives.

RU2 produced in Germany has been proven to be safe and effective. It also shows promise for treatment and cure in other areas of serious medical concern.

Education is the key: * I would like:—

A. to have printed material, listing alternatives, procedures, prevention, dangers of casual sex, be made available to patients in Clinics and doctor's offices before the decision to have an abortion is made.

B. To establish Parent-Teacher Sex Education classes to explain to the adults, the schools

(11) Biden a J.

program and offer suggestions how to explain this vital information to their children in a natural and comfortable way in their own home.

c. To stress in the Sex Education classes the importance of education, requirements of the workplace, and the dangers of sexual encounters, the demands of parenthood (and family life) and the wisdom to postpone both until they are mature adults.

D. To encourage churches, schools, advertisers, the media — wherever appropriate — to stress the wisdom of monogamous relations. Make it the "in thing". TV - Movies

E. To challenge those in the Arts and entertainment field to meet their responsibility to enrich our

(12) Biden a.d.

lives and not degrade ~~it~~ them. Too often sex is portrayed as an exercise between strangers rather than a blending of two people who care about each other, respect one another. Sex is a treasure, not a tool, to be used to glamorize a product with which it has no relation. As is the case in much of today's advertising. Such emphasis misrepresents basic values and misleads our young people.

We are not bound by a narrow reading of the Constitution. Progress and enlightenment serve as beacons for changes, new requirements, unforeseen by our forefathers.

The Bill of Rights allows us to apply

(13) Biden a.s.

to rules of common sense, fairness, justice, common good in the context of today's world, opening the door for another change — long overdue — the Equal Rights Amendment.

Does Judge Souter think women should have equal rights? Please ask him and any other question you deem proper (from my letter.)

I hope this letter has been worthy of your time and you've gained an insight as to what a 72 year old great-grandmother in California thinks about these important issues. Please share it with others on the panel as the message was meant for them, too, of course. Thank you.

Arlene Smith