

inquire to determine whether or not these men are qualified to serve and uphold the Constitution.

Senator TUNNEY. Thank you.

Mrs. BUFFALINO. We will take care of the children.

Senator HRUSKA. Mr. Chairman, I have no questions, but I have an observation. It might be thought to be relevant and it might not, but I made inquiry as to how many attorneys were on the staff of Mr. Rehnquist and found there were 16, four of them being women, and Mary Lawton has been Assistant Attorney General in the Office of Legal Counsel, so he is aware of the existence of the talents in the weaker sex, and is employing them and relying upon them a great deal. I am sure.

When I say "weaker sex" that is an attempt to be facetious.

Senator TUNNEY. I was about to say, Senator, you have ruined everything. [Laughter.]

The CHAIRMAN. You are excused. You have made a fine contribution.

Mr. John J. Sullivan.

I want to ask, after this witness, if there is anyone here who wishes to testify.

Mr. Sullivan, how many pages do you have?

Mr. SULLIVAN. I would like to spend about 7 minutes, if you please.

The CHAIRMAN. That is fine.

TESTIMONY OF JOHN L. SULLIVAN, EXECUTIVE MEMBER. LONG ISLAND RIGHT TO LIFE COMMITTEE, INC.

Mr. SULLIVAN. If you will correct my name to John L. Sullivan, it might impress Senator Tunney.

My name is Mr. John L. Sullivan, and I represent the Long Island Right to Life Committee, Inc.

We are a committee of 20,000 who are also concerned with the unborn.

I was impressed with the bevy of beauties up here preceding me. I know them and I am sure it is a pleasant respite for you gentlemen who have had to go through many tedious discussions today.

I am sure you are also disappointed that your rollcall came at a time when they were presenting it, because they were pleasant to look at.

I think the pleasantness to look at them also reflects the femininity which they bring to this fight to protect the unborn, and I think they have retained all of the basic ingredients that we gentlemen respect in our women, and they have shown this in their presentation to you today.

This letter to the committee was composed by a lawyer on our committee so, if you will bear with me, I will read it. I would like to comment just briefly that as a director of the family service division, I am quite concerned with the emphasis on splitting up the basic unit of our society, the family.

In New York State, from which I come, we have on the books for 1 year-plus now a law that has denied the rights of an individual. Three hundred thousand such individuals have been aborted in New York State, 60 percent of whom have come from outside of New York State from other States.

I think the other States are kind of pleased that we have our law on our books, because they do not have to face the issue.

I think, too, our contiguous States of Connecticut and Massachusetts—I am sorry, Senator Kennedy is not here—also have to look at what happens to these girls when they go back to their States.

Our statistics in the Bureau of Vital Statistics show there is a very small percentage of women harmed by the abortion procedure. I know of personal instances, one reported to me by a pilot who is in our big brother program, of flying a girl home to Chicago on the evening flight. She had come in the morning to have her abortion in New York, and she hemorrhaged on the way back to Chicago. He almost had to make an emergency landing but, fortunately, there was a nurse on board who was able to stop the hemorrhaging. The girl was 16 years old, was met at the airport by the putative father, and disappeared.

Who handles her statistics?

Hopefully, Senator Kennedy's State and the State of Connecticut will also handle some of these statistics to give us a realistic picture of what abortion is doing to our women.

Gentlemen, you are gathered here to consider the qualifications of two men who might be elevated to the highest judicial forum in the Nation. As Justices of the U.S. Supreme Court they, with their colleagues, will be called upon to render decisions affecting the life, liberty, and property of citizens of our country. The sequence of these three elements for consideration as they appear in the 14th amendment is in my opinion not accidental.

The priority which is given to the consideration of life before liberty or property is logical since life is a condition precedent to freedom or ownership of property. It is this question of life that I, as the representative of the Long Island Right to Life Committee, Inc., which comprises a membership in excess of 20,000 in the Nassau-Suffolk area, together with literally millions of others of like mind, wish to stress. In your evaluation of these nominees, it is important for us to know what these men believe with respect to the beginnings of life, the meaning of life, and the protection afforded to it by our Constitution.

I hasten to emphasize that we do not look to the Court for its attitude on social planning or its members' personal moral outlook on this issue, but rather for its assessment in terms of the traditional respect for life inherent in our institutions, customs, and particularly in our laws.

With respect to the latter, it is common knowledge in the field of jurisprudence that the unborn infant is recognized as being a human life possessing rights which can be exercised in a court of law. This is the case where a child is injured in the womb as a result of one's negligence. Here the child has a cause of action. Also, in the laws of the distribution of decedents' estates, the child in the womb is recognized as living and having rights.

Under the circumstances any law which permits the destruction of the unborn is violative of the same 14th amendment. It does then, in effect, discriminate against a substantial number of our citizens and deprives them of not only their civil rights but their basic, fundamental human rights.

The gentlemen who were here yesterday, who took an awful lot of time on civil rights, I respect their opinion, but without their right to be born, then civil rights are not even available to any of us.

Certainly candidates for our highest court must then, as men of the law, look to the equal protection aspects of our legal system when it confronts the phenomenon of abortion, the destruction of fetal life, fetus meaning "young one".

The logical question at this point is, When does this life, which the Court must protect, begin. We in New York State feel the answer has to come from the Supreme Court of the United States. We do not feel we can beat the law presently on the books in New York, where children continue to be aborted each day. It has to be the Constitution or the U.S. Supreme Court which is going to make that ruling.

The question is, When does this life, which the court must protect, begin. The answer is that it begins with conception and this is supported by all competent medical science and medical men. At the moment of conception, the geneological code has been established, whatever that person is going to be; race, sex, color, have been established, and it is just a development in the process of 9 months.

Even such experts as Dr. Gutmacher and Dr. Spock admit human life starts with the fertilization of the egg even though they are pro-abortionists.

No one seriously holds that the beginning of life is sometime subsequent to conception. In such case, the members of the court have a profound question as to what they will do when called upon to address themselves to who will have the right to life.

Gentlemen, thank you very much for your time. If you would, in behalf of the committee and people like us, ask the gentlemen who are nominated this basic question, we would certainly appreciate it, and we feel you are the only ones who can ask this for us.

The CHAIRMAN. Thank you, sir.

Are there any other witnesses on this list?

If not, the hearings are closed, and the committee will meet in executive session at 10:30 tomorrow morning.

(Whereupon, at 4:55 p.m., the committee adjourned.)