

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.

We believe in the Judeo-Christian concepts which recognize God as the Author of Life and we are unalterably opposed to legislative social engineering such as Senator Packwood's bill and the Cranston resolution which seek to create an antilife environment where the only logical choice becomes abortion on demand and, therefore, wholesale slaughter of innocent children. We feel it necessary to state that it is of critical importance to the Brooklyn Right to Life Committee and to the country to raise some questions about Mr. Powell and Mr. Rehnquist.

1. Do they regard unborn children as a complete, unique, human, genetic entity or do they regard these little ones as a glob of protoplasm, devoid of humanity to be aborted and discarded at the whim of a society that is fast losing its respect for all human life? The U.S. Constitution forbids cruel and unusual punishment. Is there anything crueller than scraping or sucking a child from the protection of his mother's womb, sometimes tearing him limb from limb or drawing him in a toxic solution, and having him suffer a cruel asphyxial death? At 7 weeks a child responds to stimuli. At 8 weeks there are recordable electric brain tracings. Aborted children feel pain.

2. Do these men believe that the quality of life is more important than the fact that a human life exists?

If Mr. Rehnquist and Mr. Powell hold fast to the Judeo-Christian principles upon which this country is founded, that each person, no matter how small or helpless, is entitled to his God-given right to life, then we ask confirmation of their appointment to the Supreme Court.

3. We ask one more question: Will these two men be critical and prudent enough to question the validity of the national committee to study the population situation in the United States when they realize that it is headed by the same man who has publicly stated his commitment to population control by Government and why not—this man holds the patent rights to one of the intrauterine devices widely used abroad? This antilife chairman, the brother of New York Governor Nelson Rockefeller, is John D. Rockefeller III. How objective and unbiased can the findings of this commission be?

If Mr. Rehnquist and Mr. Powell believe, as the antilife advocates do, that the Supreme Court should declare unconstitutional, or "water down" by loose interpretation, the State statutes which have traditionally regarded the unborn child as a human being and, therefore, entitled to protection under law, then we ask in the best interests of our country, that the Senate of the United States reject these men as being disqualified for appointment to the Supreme Court.

The CHAIRMAN. Thank you, ma'am.

Any questions?

Senator TUNNEY. I have one question, Mr. Chairman.

I was not able to tell from the testimony of any of you ladies if you have any evidence that would lead you to believe that Mr. Powell or Mr. Rehnquist is unqualified for service on the Court?

Mrs. BUFFALINO. May I answer?

Senator TUNNEY. Yes.

Mrs. BUFFALINO. Unlike many women in our society who claim to represent us, we women have great confidence in our Senators and our Judiciary Committee, and we are simply asking you if you would

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.