

The CHAIRMAN. Ms. Wattleton.

STATEMENT OF FAY WATTLETON

Ms. WATTLETON. Thank you, Mr. Chairman, and to the committee. It is also my pleasure to speak before you this morning.

I speak as the president of the Planned Parenthood Action Fund, which is the political advocacy arm of the Planned Parenthood Federation of America [PPFA]. PPFA is the Nation's oldest and largest nonprofit, private provider of reproductive health care in this country. For 75 years, we have given men and women access to the information and medical care that enable them to decide when and if they will be parents. Every year, nearly 2 million Americans—many of them young and poor—come to our 879 medical centers. We are not a special interest group, as some have implied. Our views represent those of millions of Americans—as a matter of fact, the majority of Americans—who want to preserve their right to make their most fundamental private reproductive decisions.

Last week, David Souter told us that the responsibility of a Supreme Court Justice, and I quote, "is to make the promises of the Constitution a reality for our time and to preserve that Constitution for generations that will follow us." We agree completely. We also believe that one of the promises of our Constitution is the protection of our fundamental right of privacy and reproductive freedom.

Until these hearings, Judge Souter's views on these constitutional promises were virtually unknown, and Planned Parenthood did not oppose his nomination. Instead, supported by 87 percent of the electorate, we asserted that Americans have the right to know Judge Souter's views on fundamental issues such as the rights of privacy and reproductive freedom.

But after days of evasive answers and filibusters, we know little more about his views on these issues than we did before the hearings began, and what we do know is profoundly disturbing. It is clear that Judge Souter sees reproductive freedom as an unsettled issue. He does not accept reproductive rights as an established constitutionally protected right, one of the promises of our Constitution.

Judge Souter acknowledged the existence of a right to marital privacy but would not acknowledge the right of married people to use contraception as outlined in *Griswold*. He also refused to comment on the later *Eisenstadt* decision that extended this right to unmarried people.

In fact, he said in regard to *Griswold*, and I quote, "If there were a successful attack on *Roe*, that would call into question prior privacy cases." This is a contention that Planned Parenthood has made all along.

In other words, Americans may not have the fundamental right to prevent unwanted pregnancy, much less the safety to terminate a problem pregnancy.

Judge Souter steadfastly refused to answer questions about a woman's right to abortion, saying that it would be inappropriate for him to comment because it is likely that *Roe v. Wade* would be coming back to the Supreme Court. And yet he was willing to com-

ment extensively on the appropriate standard of review for cases including gender discrimination, the free exercise clause, racial discrimination, all of which are likely, like *Roe*, to come before the Court.

He refused to tell Senator Kennedy if he considered abortion moral or immoral, even in cases of rape or incest, saying it would, and I quote again, "dispel the promise of impartiality in approaching this issue" if it came before him. Yet Judge Souter has no qualms about expressing his own moral views about the death penalty and white-collar crime, issues on which the Supreme Court is repeatedly asked to rule.

The resignation of Justice Brennan has left the Supreme Court precariously balanced. Last year, and again this year, the Court issued decisions that seriously weakened *Roe* and unleashed wholesale assaults on reproductive rights in State legislatures nationwide. Indeed, when asked what the practical consequences of overturning *Roe* would be, Judge Souter reduced the issue to a Federal-State squabble.

Twenty-four years ago, when David Souter was counseling a young woman in Boston facing an unwanted pregnancy, Planned Parenthood was doing similar work, working with trained counselors, nurses and volunteers all over the United States. The one experience that Judge Souter claims as his sole source of sensitivity on this critical issue of private life is an experience that Planned Parenthood clinics cope with every day. We know, as do most Americans, that *Roe v. Wade* liberated American women and saved our lives like no other recent Supreme Court decision. Its real life consequences have been matched by few judicial acts in the history of our republic.

For women and their families, the right to reproductive choice creates a foundation for exercising many of the other constitutional privileges we enjoy as Americans. Clearly, the health and well-being of American women and of future generations that David Souter expressed concern about will rest in the hands of the next Supreme Court Justice. What choices will my daughter, your daughters, our granddaughters have? Will the promises of our Constitution remain a reality for them? It depends largely on the views of the next Supreme Court Justice on privacy and reproductive freedom.

Any Supreme Court nominee who rejects the fundamental nature of these privacy rights in a democracy must likewise be rejected by the citizens of that democracy. American women, quite frankly, are quite tired of having our rights placed up for grabs. We urge you to keep the faith of the American people and American women, women who will not forget who nominated the next Justice and who confirmed him. We urge you to reject the nomination of David Hackett Souter to the U.S. Supreme Court, and thereby send a message that the period of tolerance for political gamesmanship around our fundamental reproductive rights has ended.

[The prepared statement of Ms. Wattleton follows:]