

The CHAIRMAN. I think you did a very compelling job doing just that.

Ms. Smeal.

#### STATEMENT OF ELEANOR CURTI SMEAL

Ms. SMEAL. I am Eleanor Smeal. I am the president of the Fund for the Feminist Majority, and I am also the chair of NOW's advisory committee.

For the past 25 years or 20 years, I personally have worked on women's rights. I have toured this country, and I would like to speak from my heart. And so I am submitting formally my testimony representing my organization and the research of a professional staff, and also the able assistance of Prof. Erwin Chemerinsky, professor of law at the University of Southern California at Los Angeles. It goes through many points of law that were discussed here. But I would—

The CHAIRMAN. Your entire statement will be placed in the record.

Ms. SMEAL. I would like to submit for the record my entire statement which goes through the right to privacy for women, for gays and lesbians; it goes through the rape shield laws; it goes through the whole affirmative action and the middle tier scrutiny; and it goes through essentially original intent, and all this as to how it impacts sex discrimination in this country.

But I also would like to speak from the heart because I believe that it is impossible in 5 minutes to summarize what we believe will happen if the fifth vote goes on this Court, not only against a woman's right to choose, for abortion, but also for birth control, but also another vote to make it ever so hard to fight discrimination in this country.

We have examined everything of Mr. Souter, and there is not one shred of evidence to show that he would maintain the current status, let alone not go backwards. In fact, every act as attorney general and every decision as a judge that had to deal with discrimination on race or sex helped to push us backward. And if it was the national standard, God help us all.

It would be a pity to add such a vote, but to add such a decisive vote is, indeed, a tragedy. I hear a lot about him being warm and understanding and he will listen. Warm and understanding. Yet when he was asked by you all, not once but several times, what would happen if *Roe* was reversed, he gave a legalistic argument. He talked about the political consequences that we would have different laws in different legislatures. He talked about the complications to federalism. To federalism?

When he was asked again, he alluded sneakily to this 1-, 2-hour session some 24 years ago. But, again, he couldn't say what would happen to women. The word "women" did not cross his lips when asked what would happen.

I have a bracelet. The bracelet has the name of Becky Bell on it. Two years ago this past Sunday, she died trying to get an illegal abortion. She was the victim of the parental consent law of the State of Indiana. We don't have to imagine what is going to happen, Senators. We know what is going to happen. Becky died

needlessly because politicians will not stand up and not give women a chance to choose. She was 17 years of age. We don't have to dream what she would look like. We can see her picture. She would be in college today.

That was with the current Court. One more vote, and there will be many more Becky Bells, many more Rosie Jimenezes. We have a bracelet for her. She was the first victim of the Hyde amendment.

In fact, we have a monument already for the courageous women who will die because they had no choice. Right now as I stand here, as we have all talked, women have died from illegal abortion. Worldwide, one woman dies every 3 minutes from an illegal abortion where abortion is illegal. That is the ones who die. The ones who are maimed, the ones who are injured, the ones who can never live a normal life again, are too countless to name.

Are we going to join the reactionary regimes of Romania? Oh, we all criticize Ceausescu today. But our American Government favored his policies that led to the slaughter of women with the highest death rates from illegal abortion.

What is wrong with us? Are we going to go back to an uncivilized day? And do not put us in the box of being single-issue people. Molly and myself and the other women here have marched not only for women. We have marched for minorities. We have marched for gays and lesbians. We have marched for the lesser and the most, for dignity and the rights of people.

That literacy test that you spoke of, Senator Kennedy—and I am so glad that you were appalled by it. I knew you would be. You always stand for justice. If Judge Souter had come from a Southern State, having that position on a literacy test, he wouldn't be considered a moment. You know and I know what literacy tests meant. We know what bias testing is. That he would defend it today and say that New Hampshire has no discrimination just shows that he is insensitive to what discrimination is because such tests are inherently biased, inherently discriminatory. And, yes, women know about such tests. We are challenging tests that are discriminatory all over this Nation right now because we are kept out of scholarship programs and educational programs, and we defend them not only on the basis of sex discrimination but race discrimination.

Yes, we are upset. We feel inadequate. We have pictures, and we have bracelets. But, more important, we have a heart that has walked those streets for 20 years, 25, my colleague to my left for 40 years. And if he is confirmed, it all goes to shreds.

I hope you can live with your conscience because the burden is on you, and we will not forget. We will hold you accountable to the best of our ability.

[The prepared statement of Ms. Smeal follows.]