

for having advanced the woman's cause, because they are pro-choice.

I know that my name came up as a participant in these proceedings, because I was one of the women lawyers who actively opposed the pro-choice position adopted in recent years by the L.A. County Bar Association and the ABA. I argued then, as I am arguing now, that these organizations do nothing to help women lawyers in their everyday lives as lawyers, when they declare that they are pro-choice.

This position does not address the problems of juggling home and career or the discriminatory attitudes of male judges and colleagues who measure achievement and success solely in male terms of power and victory, or the scarcity of women as law professors, judges and managing partners. Instead, it pays lipservice to the cause of women, while providing women lawyers with no tangible support or gains.

Likewise, to the extent you, as Senators, are inclined to confirm Judge Ginsburg, because she appears to represent women, without careful consideration of precisely what is implied by the particular views she holds of women's place in society, you will not be advancing the cause of American women. Instead, I regret to say you will be granting lifelong authority to a woman who believes we should deny our womanhood to be an equal with men.

Because Judge Ginsburg holds this view, I oppose her nomination and urge you to vote against confirmation.

Thank you.

Senator HATCH [presiding]. Nellie.

STATEMENT OF NELLIE J. GRAY

Ms. GRAY. I am Nellie Gray, president of March for Life Education and Defense Fund.

We are deeply concerned and have been for more than 20 years now about the value and dignity of life in America. What I see is certainly that abortion is the most visible sign of a callous disregard for our right to life. Abortion is murder. Yet, Mr. Chairman, after listening to some of the hearings this week, I come to you today in strong opposition to the confirmation of Judge Ginsburg as a Justice of our Supreme Court, because she has, by her own testimony, shown a personal and professional inclination to factors which disqualify any American as one to decide the fate of human beings; namely, she has shown prejudice against a whole class of innocent human beings. She has shown privilege for criminal behavior of women. She has shown a fatal error of both fact and law, and this whole coverup of this terrible error about murdering innocent children.

I want to address the prejudice and also the privilege first. What I see is that no American and no nominee to the Supreme Court may announce with impunity that any member in a whole class of innocent human beings is a nonperson who is the subject of deliberate killing by another human being. Yet, the nominee seeking confirmation by this committee indicated in her testimony that she is prejudiced against preborn human beings. She has elevated her prejudice to the right of a pregnant mother to murder her own

child. This open and notorious show of prejudice alone disqualifies this nomination for any official position.

Before considering this nominee further, I think the committee might ask also the nominee to open eyes and heart and mind and ears to the simple fact, not an opinion, but the simple fact of the humanity of each preborn child. To deny that a preborn human being is in existence at fertilization is either intellectual dishonesty or culpable ignorance.

Information on the humanity of a child is in popular shows and magazines, and the committee and the nominee could take notice of that fact. A unique human being is in existence when the father's sperm fertilizes the mother's ovary. Abortion is murder of that individual human being in existence.

The elements of murder are here, first, the criminal act of one human being killing another human being, and, second, the criminal intent of deliberately killing an innocent human being. Abortion is not merely to terminate a pregnancy. Abortion is to deliver a dead baby. Thus, the right to life of each human being in existence at fertilization must be protected by the laws of the United States, without any exception. And the Supreme Court, in its footnote 54 of *Roe v. Wade* made it very clear that it is inconsistent and untenable for society and its laws to treat the murder of a preborn child as a crime of less degree than the murder of a born human being.

I was particularly struck by the privilege that the nominee was asking for a woman. She has stated, in effect, that only a woman shall decide whether or not to have an abortion. That means a pregnant mother shall decide whether or not to hold her innocent child captive and deliver the child to a killer at the abortatorium. This is advocating raw privilege based on female gender, and not equal rights for male and female.

The nominee has demonstrated and spelled out her avowed devotion to privilege for females, her preference for the equal rights amendment, her tendency to be acutely aware of sex discrimination, not for males, but only for females.

The nominee has openly declared that she has prejudged that the abhorrent behavior of murder, when decided to be perpetrated by a pregnant mother against her preborn child, is privileged behavior, but the same abhorrent behavior decided by a male would not be privileged.

Women libbers have been unfortunately successful in intimidating the males not to really take issue with the women libbers. It is extremely important now that men no longer wimp out with the women libbers and let them have their way on this ugly and radical behavior. Otherwise, men will have denied themselves the rights of fatherhood and the responsibility to protect their own lives and born and preborn sons and daughters.

She has also shown a discrimination against only for, in favor of the born females to treat preborn, male and females, as property. I see nothing in any of her testimony or her indications of a responsibility that she is looking for from born females. In addition, data suggest that this female privilege has developed into an ugly area of genocide.

One example is the District of Columbia, where almost 80 percent of the abortions for DC residents were suffered by black pregnant mothers. Would this be tolerated, if it was occasioned by anything other than women libbers' ugly demand for privileges?

There is an equal care and protection for both mother and the child. The pregnant mother and the physician are the natural protectors of a child. But the nominee has set up an unnatural and a needless conflict between a pregnant mother and her child. After all, the mother doesn't own the right to life of anyone. No one owns the right to life of another human being, and the rights of the mother and the child are compatible and are not in conflict, and the government have a valid interest in protecting the life of both the mother and the child.

The nominee has shown a fatal error of fact in not recognizing the human being as a human being, a fatal error of law in not recognizing that it is a crime against humanity, as enunciated by the Nuremberg Trials, to kill human beings. Abortion is not legal, and the Supreme Court did not make it so with *Roe v. Wade*. Rather, the Supreme Court is bound by the principles of the Nuremberg tribunal, which talks about the crimes against humanity and states that individual persons and governments are responsible for these crimes against humanity, of which abortion and genocide are included.

There is a big coverup, also, about the evil of abortion, and I would like the committee to ask the nominee some important questions: Can the woman be just a little bit pregnant? What really goes on behind the closed doors of an abortion chamber? Why do press and media not show us what abortion looks like?

But the women libbers have used euphemisms to try to cover up, and so what we have is the unfortunate situation of a nominee to the Supreme Court asking for the privilege of killing the innocent children. Our country suffered with other classes of people, namely, the slaves, and the holocaust. And now, as we saw from the message at the Holocaust Museum, this must never happen again, and people do not stand by while these errors of both fact and law go on. Our country cannot suffer any more the slaughter of the innocence.

Mr. Chairman and members of the committee, I ask respectfully not to confirm the nomination before you.

[The prepared statement of Ms. Gray follows:]