

NOMINATION OF JUDGE CLARENCE THOMAS TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

THURSDAY, SEPTEMBER 19, 1991

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee met, pursuant to notice, at 9:03 a.m., in room 325, Senate caucus room, Russell Senate Office Building, Hon. Joseph R. Biden, Jr. (chairman of the committee) presiding.

Present: Senators Biden, Kennedy, Metzenbaum, Leahy, Heflin, Simon, Kohl, Thurmond, Hatch, Simpson, Grassley, Specter, and Brown.

OPENING STATEMENT OF CHAIRMAN BIDEN

The CHAIRMAN. Good morning, everyone. The hearing will come to order.

Let me say at the outset we have a very ambitious schedule today. We have a total of 44 witnesses today that we want to hear from and we will hear from; 23 are opposed to Judge Thomas and 21 are supporting him. There will be a total of 12 panels of witnesses today.

Today we start off with what I consider to be one of the most distinguished panels to speak before this committee or, quite frankly, any committee. The array of talent on this panel is enviable.

Let me begin by introducing the panel, and I am told they will speak not in the order of introduction but in reverse order.

Let me begin by introducing the Hon. Madeleine Kunin, former Governor of the State of Vermont and currently a Distinguished visitor for public policy at the Bunting Institute at Radcliffe College. She is also president of the Institute for Sustainable Communities at the Vermont Law School.

Is it the University of Vermont Law School, Governor?

Ms. KUNIN. It is separate.

The CHAIRMAN. It is separate from, just as it is in Delaware, the Delaware Law School.

And Ms. Kate Michelman, executive director of the National Abortion Rights Action League and probably the most outspoken and most articulate spokesperson for that position in the country.

And Ms. Faye Wattleton who is president of Planned Parenthood Federation of American and, again, probably the best known leader that organization has had and extremely available, I note, over the

years to not only this committee but to major news and talk shows in America making the position of Planned Parenthood known.

And Ms. Sarah Weddington, an attorney in private practice in Austin, TX, who has done a number of very significant things, but one of the things that maybe is most poignant for the purposes of this hearing is that she was the attorney in *Roe v. Wade*.

With that, let me begin with you, Ms. Weddington. I am told the panel would like to move that way. Then we are going to move across, and we will go to Ms. Michelman, Ms. Wattleton, and the Governor will conclude.

Welcome, again, and please, if you can help us, try to keep your comments to 5 minutes. There will be questions. You will have more than 5 minutes to speak, I assure you. Any longer statement that you may have, we will at your request be delighted and anxious to put it in the record for the record.

Good morning, welcome, and the floor is yours.

STATEMENTS OF A PANEL CONSISTING OF SARAH WEDDINGTON, ATTORNEY, AUSTIN, TX; KATE MICHELMAN, EXECUTIVE DIRECTOR, NATIONAL ABORTION RIGHTS ACTION LEAGUE; FAYE WATTLETON, PRESIDENT, PLANNED PARENTHOOD FEDERATION OF AMERICA; AND MADELEINE MAY KUNIN, FORMER GOVERNOR, STATE OF VERMONT, AND DISTINGUISHED VISITOR FOR PUBLIC POLICY, BUNTING INSTITUTE, RADCLIFFE COLLEGE, CAMBRIDGE, MA, AND PRESIDENT, INSTITUTE FOR SUSTAINABLE COMMUNITIES, VERMONT LAW SCHOOL, SOUTH ROYALTON, VT

Ms. WEDDINGTON. Thank you. Mr. Chairman, Senator Thurmond, I want to express appreciation for the opportunity to be part of this distinguished panel and to contribute, even if only for a few minutes, to the importance of this deliberation. My name is Sarah Weddington. I am the attorney who litigated and won *Roe v. Wade*.

In 1969, abortion was illegal in my home State of Texas and, in fact, outlawed except to save the life of the woman. However, women did find a way to get abortions—those with money who flew to California and New York, those without resources who often went to Mexico, where it was illegal, or back alleys. And the result was women who died or were seriously injured. It is not a day I ever want to go back to.

A group of women then were trying to provide information about the safest places to go and were afraid they would be prosecuted as accomplices to the crime of abortion. They asked me to look it up. I was the only woman lawyer they knew, and they needed someone who would do it for free. And so I ended up being the person whose research led to *Roe v. Wade*.

It will soon now be 20 years since that decision, and yet I am fearful for its health and well-being because I believe, if the Senate confirms Judge Thomas, that he will vote to overturn *Roe v. Wade* and that laws as extreme as those in Texas will once again be enforced in this land.

I have tried to watch these hearings very carefully. They have been frustrating, not very enlightening, and I tried to find a way to express my frustration. In the attorney general's office in Texas,