The CHAIRMAN. Thank you very much, Ms. Michelman.
Ms. Wattleton.

STATEMENT OF FAYE WATTLETON

Ms. WATTLETON. Mr. Chairman and members of the Judiciary Committee, I am indeed honored and I appreciate the opportunity to appear before you today in my role as president of Planned Parenthood Federation of America and the Planned Parenthood Action Fund. For 75 years, as advocates and providers of reproductive health care, Planned Parenthood has empowered tens of millions of men, women, and their families to have control of their lives—enabling individuals to make informed decisions about reproduction and to obtain quality medical services to prevent unwanted pregnancies.

Precisely 1 year ago, this committee heard Kate Michelman and I ask you solemnly to reject now-Justice David H. Souter, and we heard him in the introduction to his appearance before you indicate that he believed in making the "promises of the Constitution a reality for our time, and to preserve that Constitution for the generations that will follow us." We too believe that such a living document as the Constitution must be nurtured and preserved. And yet with Mr. Souter's ascension to the Court, we do stand at the precipice of the reversal of one of the most important rights that American women have attained and have had recognized in this century.

Mr. Souter refused to answer questions on the substance of the right to privacy in the Supreme Court rulings that have flowed from the right to privacy. In his first opportunity on the Court, he expressed himself in a way that many of us thought unimaginable. In *Rust* v. *Sullivan,* he voted with the majority in upholding the Federal bureaucracy's power to enforce speech censorship between a woman and her doctor.

In permitting the Government to prohibit any discussion of abortion in family clinics, the Court in *Rust* struck at one of the most sacred tenets of our liberties—the right to free speech.

The Senate, like the American public, has responded with outrage to the *Rust* decision and has acted boldly to overturn it. But I must say that had the Senate been as bold in insisting that Judge Souter explain his philosophy on reproductive rights, it might have rejected his candidacy instead of leaving American women to hope for the best, and we might not have had the gag rule today.

This year, Americans watched and listened to learn of Judge Thomas' views on the right to privacy. The committee did not hesitate to press him on other "unsettled" doctrinal questions, nor did he refuse to express his philosophy on those matters. He did not even refuse to answer questions on the full range of privacy. What he did refuse to acknowledge, however, was that privacy extends to my right as a woman to terminate an unwanted pregnancy.

There are those who argue that Judge Thomas should not be forced to answer questions about abortion because other candidates have not been required to do so. But the fact that this committee did not press other candidates on this issue is not a reason to fail to press this candidate on this issue.

A high Court nominees's views on the constitutional right to choose abortion have never been more critical than they are today. The Supreme Court is now heavily weighted toward rightwing extremism, and an upcoming reconsideration of *Roe* v. *Wade* is virtually guaranteed. If Judge Thomas fully accepts the natural law doctrine as regards fetuses, it would make him more strongly anti-abortion than any other sitting Justice because that doctrine holds that abortion is constitutionally outlawed rather than subject to State regulation.

We fear that if Mr. Thomas is confirmed he will join the others on the Court who have signaled their willingness to dismantle *Roe*. This is the first time in constitutional history that a fundamental right recognized is in danger of being denied.

Prior to these hearings, much has been written about the clear objections that Mr. Thomas spoke on with respect to *Roe* v. *Wade*, and with his failure to answer the questions on this matter, we have to ask ourselves why.

Mr. Thomas also signed a report that you questioned him about, and he has given his excuse as one that he did not read the report carefully. Well, he had an opportunity to comment on that report, and why did he fail to comment on whether he supported *Roe* v. *Wade* or the doctrine underlying *Roe* v. *Wade*?

But even if we give Mr. Thomas the benefit of the doubt, there is absolutely nothing in his record that indicates that he supports *Griswold*, which gave the Americans the right to practice contraception.

Finally, it strains logic that this man who has boldly spoken out on controversial issues also claims that he has never read or thought about the historical *Roe* v. *Wade* decision, even though he was in law school when it was handed down. His testimony leaves all of us as Americans in a difficult position, both in evaluating his disposition toward the constitutional privacy protection and in evaluating his overall credibility and integrity.

Any Supreme Court nominee who fails to reveal his or her judicial philosophy in this area of established constitutional law or who rejects the fundamental nature of Americans' reproductive rights must likewise be rejected by those who represent us. We urge you to refuse to confirm Clarence Thomas.

[The prepared statement of Ms. Wattleton follows:]