

Organizations Join Americans United for Life Action's Call to Investigate Elena Kagan

Dear Senator:

The undersigned organizations are writing today to express our strong opposition to the confirmation of Elena Kagan to the United States Supreme Court.

We also join Americans United for Life Action in their call for an investigation into the discrepancies between Kagan's testimony before Congress and written documentation of her undue influence on medical organizations while advising President William J. Clinton on partial-birth abortion legislation.

Kagan wrote in a June 22, 1996 memo that a meeting with the American College of Obstetricians and Gynecologists (ACOG) was "something of a revelation." She learned in the meeting that "In the vast majority of cases, selection of the partial-birth procedure is not necessary to avert serious adverse consequences to a woman's health."

In spite of this knowledge, she wrote in a December 14, 1996 memo that the release of a proposed statement by ACOG that partial-birth abortion is never medically necessary would be a "disaster." Kagan thereafter drafted an amendment to ACOG's statement which stated that partial-birth abortion "may be the best or most appropriate in a particular circumstance to save the life or preserve the health of a woman."

ACOG's executive board adopted Ms. Kagan's suggested change into their final statement on January 12, 1997, without consulting ACOG's Select Committee, which had written the initial draft statement. When advising President Clinton in an April 10, 1997 memo on whether partial-birth abortion is ever medically necessary, Kagan cited the ACOG statement as "the most reliable opinion" without mentioning her involvement in amending the statement.

President Clinton and numerous courts (including the United States Supreme Court) ultimately relied on the ACOG statement to justify opposing the Partial Birth Abortion Ban Act.

Kagan claimed in her hearing "there was no way in which I would have or could have intervened with ACOG . . . to get it to change its medical views on the question." Instead, she claimed that she was trying to get ACOG to issue a statement that "accurately reflected the views" they had already expressed. However, this statement conflicts with her account of her June 1996 meeting with ACOG.

These discrepancies in Kagan's statements cast doubt on her respect for scientific evidence as well as her ability to serve as an unbiased justice on our Nation's highest Court. We urge you to conduct a thorough investigation before casting your vote on her confirmation.

Thank you for your service to our country.

Sincerely,

Gary Palmer
President
Alabama Policy Institute

Jim Minnery
President
Alaska Family Council

Katie Walker
Director of Communications
American Life League

Cathi Herrod
President
Center for Arizona Policy

Phil Burress
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Kevin Smith
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Dave Bydalek, J.D.
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Tom McClusky
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John Stemberger
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Margaret H. Hartshorn, Ph.D.
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Jo Tolck
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Rev. Thomas J. Euteneuer
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One More Soul

Fr. Frank Pavone
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Emily Buchanan
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