brain. Recently, one Federal appeals court judge who was duty-bound to enforce the Supreme Court's misguided precedents called the procedure "deeply disturbing and morally offensive." The Court recently granted cert. to consider the constitutionality of the Partial Birth Abortion Ban Act. The Court's decision in this case will likely determine just how far *Roe* and its progeny reach.

1.3 million abortions are performed each year in America, and researchers from the Guttmacher Institute have pointed out that, "[w]hile a small proportion of women who have abortions do so because of health concerns or fetal anomalies, the large majority choose termination in response to an unintended pregnancy." According to these researchers, the two most common reasons for abortion in 2004 were "having a baby would change my life" and "I can't afford a baby now." These reasons were cited by 74 and 73 percent of women, respectively.

As you will hear today, it is clear that abortion has dangerous and long-lasting effects on women and families. A recent article published in the Journal of Child Psychology and Psychiatry concluded that, of the young women studied, "[t]hose having an abortion had elevated rates of subsequent mental health problems including depression, anxiety, suicidal behaviors and substance use disorders."

Abortion affects not only the woman involved but also the family as a whole. Professor Alvaré will discuss the far-reaching implications of *Roe v. Wade* on family law and the family unit.

As evidenced by polling data, a majority of Americans support limiting abortion to specific circumstances including rape and incest and to save the life of the mother. Yet there remains a great misunderstanding by the public as to the real scope of *Roe v. Wade*, a misunderstanding that is exhibits in polling questions stating that *Roe* protects a right to an abortion in only the first 3 months of pregnancy.

In fact, *Roe* is much more sweeping. And today's hearings will examine both the legal and societal impact of *Roe* in addition to common misunderstandings of the decision.

I would like to thank all our witnesses this afternoon—we will be hearing from them shortly—for their hard work and for being here today. We very much look forward to their testimony here this afternoon.

One of the witnesses, Ms. Conway, it's been brought to our attention that there is rough weather up in New York. She was held up at the airport, and she is on her way. We expect her to be here, although we are not quite sure if she is going to make it or not. I would ask unanimous consent that her testimony be included in the evidence, without objection, if she doesn't make it. If she does make, she'll be able to testify here herself.

At this time I would yield to the gentleman from New York, Mr. Nadler, who is the Ranking Member of the Committee, for the purpose of making an opening statement.

Mr. NADLER. Thank you, Mr. Chairman.

I have to admit I was a bit perplexed by the title of this hearing, the "Myths of *Roe v. Wade*"? As the Ranking Member, I am often called upon to explain what's going on in this Subcommittee. It's often very difficult, but for the first time, I was really stumped.

Evidently, despite the catchy title, it appears to be another hearing providing an opportunity for people to air their views on *Roe* and why they think it was bad law or bad policy. Nothing very novel here. We have long disagreed on this issue for the last 30 years or so, and we have had to agree to disagree.

That division is also evident among the American people. No matter how we poll the question, the one result that always comes through is that there is a wide diversity of opinions on various aspects of the *Roe* decision; that people support the fundamental right of choice and diverge on specifics about it. This diversity of fundamental beliefs on this very important subject has long been an important reason to keep the decisions out of the hands of Government.

Of course, I'm troubled by the idea that polling or public opinion—and, frankly, I am just as happy that a pollster isn't here if she doesn't get here because I think that polling data should be irrelevant to this question because polling data should not be relevant to the Bill of Rights. That's not why we have a Constitution or an independent judiciary. That's an old-fashioned view, but I still think it has some merit.

As Mr. Justice Jackson did it—put it, rather—as Mr. Justice Jackson put it in *West Virginia Board of Education v. Barnette*, a case that pre-dates this controversy by about 30 years, "The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials, and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech or free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote. They depend on the outcome of no elections."

Unfortunately, that's precisely the direction in which we appear to be headed. The political branches of Government seem determined to shatter the principle of an independent judiciary. Regrettably, we live in a time when court-packing is seen as the path of moderation and manipulating jurisdictional statutes to bar the courts from areas we may disagree with them as reasonable legislation.

Today, we are talking about *Roe*, and reasonable people of good will can disagree. But I fear for our Nation and our liberties when the bedrock of our rights, the Bill of Rights, and the independent judiciary remain under attack.

Roe is under attack today as never before. With the appointment of Justice Alito, it could well fall or be rendered a nullity by narrowing it, as Justice Alito proposed back in 1985.

That is no myth. That is why I plan to reintroduce legislation with Senator Boxer that will codify *Roe v. Wade* into statute. Members need to go on record: Are they willing to protect women's fundamental rights or not? If the courts fail to be guardians of our rights, then Congress, as we did with the Religious Freedom Restoration Act or with recent legislation responding to the Kelo decision with respect to—what was that in respect to?—eminent domain, we must act.

I welcome our witnesses. I look forward to their testimony. Thank you, Mr. Chairman.

Mr. CHABOT. Thank you very much.

I would note one of the things I—before I yield to the gentleman from Arizona, our votes finished up for the day and the week earlier today, so we have no more votes today. The good thing is that we won't be inconvenienced by votes——

Mr. NADLER. In that case, Mr. Chairman, I move we adjourn. [Laughter.]

Mr. CHABOT. We won't be inconvenienced with having to go over and vote, so we should be able to go right through this hearing. The bad thing is that many Members have a tendency to head back to their districts as soon as votes are over for the week. And so even though this is a topic of significant interest to an awful lot of people on both sides of the *Roe* decision, there may not be quite as many Members here, and that's why, because the votes are finished for the week.

I would now yield——

Mr. NADLER. Can we ask twice as many questions then?

Mr. CHABOT. Mr. Nadler can ask twice as many questions, if he'd like to.

The gentleman from Arizona, Mr. Franks, is recognized for 5 minutes.

Mr. FRANKS. Well, thank you, Mr. Chairman, and I want to thank you for holding this hearing and to thank each of the witnesses for being here and just all of the people there in the chamber.

You know, I think it's important to remember today why we were really all called to this place, why we're here in this chamber. The bedrock foundation of this Republic is the belief that all human beings are created equal and endowed by their Creator with certain unalienable rights of life, liberty, and the pursuit of happiness.

Roe v. Wade was a desecration of that foundational belief, and it sets itself apart from all of the other egregious decisions that courts have made over the years in that it has resulted in the killing of one-third of an entire generation of Americans—45 million children are now dead, and as we speak, that cataclysmic heartbreak continues.

And no matter the rhetoric, each time an abortion takes place, a nameless little baby dies a tragic death. And all the gifts he or she might have brought to humanity are lost forever. And a bereaved mother, whether she realizes it or not immediately, is never really the same.

Mr. Chairman, the abortion on demand error that *Roe v. Wade* forced upon America has made the abortion industry wealthy, but it has emotionally impoverished the mothers who are the second victims in that tragedy. And I know that we will probably hear today from the women who have had abortions that statistically those who have are far more subject to depression, to substance abuse, to relationship problems, or suicide. Some are left infertile for life. *Roe v. Wade* and its progeny has forced all of this upon the women of this country.

And, Mr. Chairman, with your permission I have here 2,000 affidavits from women who have had abortions. They wanted their testimony, their story about their pain as a result of abortion, to be