

An Open Letter to the American People:

For many years, before, during and after my service as surgeon general of the United States, I've been known for presenting my unvarnished opinion on medical matters, regardless of the views of political parties or outside influences. The time has come for me to do so again.

I was deeply disturbed to learn the Elena Kagan, the nominee for Supreme Court scheduled for a Senate committee vote next week, manipulated the medical policy statement on partial-birth abortion of a major medical organization, the American College of Obstetricians and Gynecologists (ACOG) in January 1997.

The problem for me, as a physician, is that she was willing to replace a medical statement with a political statement that was not supported by any existing medical data. During the partial-birth abortion debate in the 1990s, medical evidence was of paramount importance.

Ms. Kagan's amendment to the ACOG Policy Statement--that partial-birth abortion "may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman"--had no basis in published medical studies or data. No published medical data supported her amendment in 1997, and none supports it today.

Indeed, there was, and is, no reliable medical data that partial-birth abortion is safe or safer than alternative medical procedures.

There are other medical options.

In my many decades of service as a medical doctor, I have never known of a case where partial-birth abortion was necessary in place of a more humane and ethical alternative. Not only have I never seen such a case, but I have never known of any physician who had to do a partial-birth abortion--nor have I ever met a physician who knew of anyone who had to perform one out of medical necessity. In fact, partial-birth abortion has risks of its own, and could injure a woman.

Medical science should not have been twisted in 1997 for political or legislative gains.

Ms. Kagan's political language, a direct result of the amendment she made to ACOG's Policy Statement, made its way into American jurisprudence and misled federal courts for the next decade.

She misrepresented not only the science but also misrepresented her role in front of your elected representatives in the United States Senate.

This is unethical, and it is disgraceful, especially for one who would be tasked with being a measured and fair-minded judge.

Americans United for Life Action has released a thorough and comprehensive report on this matter, a report that provides substantive evidence of Ms. Kagan's actions in this matter. I ask that Senators and the American people give this report their most serious consideration. I urge the Senate to reject the politization of medical science and vote no on the Kagan nomination.

Sincerely

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Surgeon General of the United States Public Health Service, 1981-89