

Statement of Eleanor McCullen

Hearing on the Nomination of the Honorable Ketanji Brown Jackson to be an Associate Justice of the Supreme Court of the United States

March 24, 2022

Mr. Chairman, Ranking Member Grassley, and Members of the Committee:

My name is Eleanor McCullen, and I'm honored to be with you today in opposition to the nomination of Judge Ketanji Brown Jackson to the Supreme Court of the United States. I'm grateful for your service to our country. I have dedicated much of my life in service to empowering women as a sidewalk counselor. I was also the lead plaintiff in an important free-speech case, *McCullen v. Coakley*, which the Supreme Court decided *unanimously* in support of free speech in 2014.

Today, I would like to touch on two topics near and dear to my heart: 1) the importance of empowering and supporting pregnant women who feel alone and without options; and 2) the importance of confirming judges committed to preserving one of Americans' most cherished freedoms: the freedom of speech.

For decades, I have served as a sidewalk counselor to offer hope, help, and love to Boston's women and their families as they approach abortion facilities feeling alone and questioning their ability to become a mother. So many women I've met feel as though their *only choice* is to end the life of their child. It is in that moment of isolation and fear that I have the privilege of offering hope . . . and offering a different choice—one that empowers the woman to know she is *fully capable* of becoming a mom *and* having a successful and happy life.

When I see a woman approaching, I always say “Good morning! I'm Eleanor. How can I help you?”

It's a powerful moment when a woman looks at me and our eyes connect, and she stops to talk. It's in that moment I promise her she will never walk her journey alone.

Women often share with me their fears and concerns about carrying their pregnancy to term. I honor their thoughts and uncertainties and say, “I understand; that *is* a challenge. But I also know you *can do it* with support, and I will *surround* you with *all kinds* of support! I will stand with you throughout the nine months and beyond.”

And for hundreds of women, our conversations that begin on the sidewalk have turned into life-changing friendships.

I provide them whatever resources they might need in that moment, including medical care and financial support. In the days and months following, I'll invite them to my home for a meal; I'll help them get baby clothes and bassinets. I've even hosted baby showers for some. I'll help women find a place to live if they need one and money to cover the rent. If they need to find a

job, I help them secure employment. I've helped pay for their education and even their children's education. I support women and their families long after their babies are born.

For me, it's a joy to be able to offer women hope, love, kindness, and support no matter what time of day or night they might call and need me. One of the greatest blessings of my life has been witnessing a woman's life transformed as she realizes she is fully capable of being a mom *and* having a happy and successful life.

And being able to watch their children grow up—children who might not be here had the mother not stopped to talk to me there on the sidewalk—is an incredible privilege.

I now have so many women's children on my refrigerator, my husband tells me we might need a second refrigerator.

In the midst of this joy, I also know first-hand the painful reality of being unable to give women the love and support they seek when the government tries to violate our free speech rights.

In 2007, Massachusetts enacted a “buffer zone” law prohibiting pro-life speakers from coming within 35 feet of the entrance, exit, or driveway of an abortion facility.

As you might imagine, this prevented us from compassionately serving women and their children because the law prevented us from having quiet, intimate conversations with them. Being forced to yell across a busy street would be completely contrary to the role and mission of a sidewalk counselor.

I quickly realized that if I wanted to continue serving women and their children as a sidewalk counselor, I had to challenge the law. Even though I never thought I'd be part of a lawsuit, I knew I couldn't compromise or allow Massachusetts to rob Americans of our constitutional freedoms. So I stood for women. For their children. And for every American's right to free speech, regardless of their views on life and abortion.

I was deeply saddened to find out that Judge Jackson, while working in private practice, advocated in favor of Massachusetts' previous “buffer zone” law in her amicus brief on behalf of abortion clinics and abortion advocacy groups including NARAL. In her amicus brief, she and her colleagues maligned pro-life sidewalk counselors, characterizing us in ugly and false ways.

Her misrepresentations certainly don't describe me or any of the sidewalk counselors that I have worked with over the years who provide support, love, and options to women. Indeed, the entire reason I challenged the “buffer zone” law was because I did not want to shout from a distance or come across as insensitive or compassionless to the women and families I served with love.

Thankfully, in 2014, after years of litigation, all nine Justices of the Supreme Court agreed that Massachusetts's “buffer zone” violated the First Amendment. Following the Supreme Court's decision, other states abandoned similar laws, allowing sidewalk counselors across the country to speak freely and continue serving women and their families.

I'm thankful the Supreme Court ruled unanimously in my case. When a woman is alone, sidewalk counselors walk with her in that moment. When a child is just minutes from losing his or her life, sidewalk counselors serve as their voice.

As Americans we will disagree on many important issues. But that's the beauty of why our Constitution protects free speech and allows each of us to speak truth with love and kindness. My hope is that this precious freedom which preserves our nation from tyranny and violence will remain respected and upheld.

I would ask Judge Jackson that if she is confirmed to the Supreme Court of the United States she will choose to uphold all Americans' First Amendment freedoms.

In conclusion, you might wonder why I am so passionate about supporting mothers and free speech. Well, it's called love. And love . . . you can't argue with that.

Thank you.