

Questions for the Record for Judge Michael P. Boggs
Senator Al Franken

1. At your hearing before the Senate Judiciary Committee, we discussed an amendment that you voted for during your time in the Georgia House of Representatives that would have required all doctors to list the number of abortions they had performed in the last ten years in publicly available profiles. This amendment ultimately failed, but would have put doctors who perform abortions at greater risk of harm. You said that you were not aware, at the time you voted for this amendment, that doctors who provided abortions had been targeted and killed, and that clinics where abortions were provided had been bombed. You said you were not aware of the public safety issues associated with requiring doctors to release the number of abortions they had provided, and that you did not have the opportunity to study this amendment or speak with your colleagues about it because it came up on the floor.

The amendment was originally adopted without a recorded vote in the Georgia House of Representatives on February 8, 2001. The full bill, which included the amendment, was then sent to the Senate for consideration. The Senate passed a version of the bill that did not include the amendment. The bill was then sent back to the House, where your chamber voted on whether to put the amendment back into the bill. This second vote on the amendment occurred on March 21, 2001, and although the amendment failed, you voted to include it in the bill.

- (a) Are you aware that this amendment came up for a vote twice in the Georgia House of Representatives, first on February 8, 2001 and second, on March 21, 2001?

Response: Yes. Having reviewed the House Journal, I am now aware of both the unrecorded and recorded votes.

(b) Did you have time to review the amendment or discuss it with your colleagues when it came up for a vote the second time, on March 21, 2001, almost a month and a half after the first time the amendment was proposed and voted on by your chamber, on February 8, 2001?

Response: The amendment came up first in February of 2001 on the floor of the House and was passed without a recorded vote. I do not recall this amendment nor any debate or discussion of it at that time. The matter was reintroduced again on the last day of the 2001 legislative session as an amendment to H.B. 156. The last day of the session is generally considered to be the busiest legislative day of the year. We convened at 10:00 a.m. and adjourned at midnight. The House journal for that day alone consists of 489 pages. Although I understand from recent press reports that the issue of violence against abortion doctors was debated on the House floor that day, I do not recall that debate. Because of the volume of bills and amendments that day, it would not have been uncommon to have only a few minutes of debate before a particular vote. I do not remember having even heard of the amendment prior to the author presenting it on the floor of the House just prior to the final vote. To the best of my recollections, this amendment was never discussed in any Democratic caucus meeting I ever attended, I recall no correspondence from House Democratic leadership regarding the anticipated amendment at any time, and I do not recall discussing it on the floor of the House with any Democratic or Republican member. I am also certain that I did not speak to Democratic Party leadership about the safety concerns for doctors posed by this

amendment, nor did I even hear of such at the time. I did not co-sponsor this amendment, and to my knowledge, I never spoke to the author about this amendment.

On February 13, 2001, The Atlanta Journal-Constitution – the main newspaper in Georgia – published an editorial criticizing the Georgia House of Representatives for adopting this amendment. The editorial noted that in “the past six years, at least five abortion-providing doctors have been murdered, and dozens of others have been harassed with bomb scares and threats to harm patients and medical personnel.” The editorial called the amendment “dangerous” and said that it “would make targets out of doctors who perform legal abortions.”

(c) Were you aware of this editorial or any other news coverage about this amendment during the almost month and a half when the amendment was being considered, from February 8, 2001 (or earlier) until March 21, 2001?

Response: Respectfully, I have no memory of reading this editorial in the February 13, 2001 edition of the *Atlanta Journal-Constitution*. Atlanta is 240 miles north of my former legislative district. As a result, I only occasionally read this publication during the time this editorial was published.