The CHAIRMAN. Thank you very much. Let me point out that you did exactly what I asked; you limited your comments to 10 minutes. I made a mistake, as has been pointed out by my staff and by the distinguished Senator from South Carolina, in that we had allegedly told every witness that they would be limited to 5 minutes because we have somewhere near 90 witnesses. And my physical constitution—that is one of the reasons why I would never want to be a judge.

Now, having said that, because we gave the first two panels 10 minutes, we will let the next panel as well go 10 minutes. But everyone else should be on notice from this point on that they are limited to 5 minutes. That little light will go off in 5 minutes.

Now, we will not be offended, Professor Michelman, if you get closer to 5 minutes than 10. But I will not cut you off, and I will not cut the next panel off either if they are under 10 minutes. But I would appreciate it if you would make it as short as possible.

The Senator from South Carolina keeps telling me to tell you what I have already told you, but I will tell you again. Your full statements will be placed in the record.

STATEMENT OF FRANK I. MICHELMAN

Mr. MICHELMAN. Thank you very much, Mr. Chairman. I think I get your message, and I will aspire to comply.

My name is Frank Michelman. I have been a member of the Harvard Law School faculty since 1963. That is 28 years there, and I am proud to say that I have survived.

What I would like to talk about is the one-issue issue; that is, the question that has been raised so many times about whether it is right or sensible for you to give a central place in your deliberations to the nominee's record on the question of abortion rights and your colloquies with him about that question.

Let me say first that we have to distinguish between the ideal and the actual. As an ideal matter, I would agree that there are strong reasons for striving to keep the process of nominating and confirming Justices from being used for purposes of packing the Court with friendly ideologues or with people who you think are going to decide one or another issue as you would prefer.

The independence of the judiciary may be in some ways an unachievable ideal. It is, nevertheless, a central tenet of our constitutional system. It aims at noble ends. It is an idea well worth reinforcing. And it does seem clear that this ideal may be compromised and eroded by deliberate, sustained attempts at court-packing through the process of selecting judges. And if that is true, then that concern certainly applies to your part of the process—that is, advising and consenting.

That is the ideal. What about the actual? Well, we all know that responsibility begins at home, and in this case it seems to me that home means 1600 Pennsylvania Avenue. Presidents Reagan and Bush both ran and were elected on platforms openly avowing a purpose to pack the Supreme Court with a view to overturning *Roe* v. *Wade*. Many Americans think they have good reason to believe that Presidents Reagan and Bush have had that plank in mind when choosing judicial nominees; maybe not in each and every