

The CHAIRMAN. Professor, you went well beyond the 10 minutes. I did not cut you off, because, obviously, it was such a heartfelt statement you were making.

Ms. KING. Thank you, Senator.

The CHAIRMAN. It was as moving statement. I understand the degree of difficulty, I think I understand—let me rephrase that, I appreciate how difficult it is for you, a proud woman who probably has been reluctant to talk about her past, not for lack of pride, but for concern that others may react like maybe many people did, black and white, with a sense of sympathy. And knowing of you and your reputation, that is the last thing you want or need or seek.

But I appreciate your testimony, and I hope you all appreciate—I know that your two colleagues, knowing this place as well as they do, will fully appreciate what is about to happen, and that is there is only about 2½ minutes left for me to go and vote. If I miss the vote, I assume, Professor, you will do what you would do for a student in class and write a note for me, indicating that you were the reason I was late.

With that, we will recess. I am told that we are going to have three votes back to back. We try to catch the very beginning of the third vote and get back to start, so we will recess for approximately 15 to 17 minutes. We will, I say to the last panel, we will in fact have the last panel, made up of Ms. Holyfield, Bryant, and Frazier, we will hear their testimony today, but keep in mind we are going to honor the fact that Yom Kippur is tomorrow and the observance begins late this afternoon, so we are going to try very hard to finish by 4.

Again, I will recess for 15 minutes—

Senator SPECTER. Senator Biden.

The CHAIRMAN. I am sorry, Senator Specter, I yield the gavel to you. I am going to go vote, and you can recess whenever you feel appropriate.

Senator SPECTER [presiding]. Thank you very much, Mr. Chairman.

As Senator Biden noted, we are in the midst of a vote, so I have gone over to vote and I have come back and had to leave just as Professor King was testifying. I have tried to read your statements on the subway, but have not got too far on reading the statements.

I did get into Ms. Lichtman's statement and noted the concern on the issue of women's rights and I believe on the abortion issue. Let me ask a question of you women, generally, and that is, a central core of concern has been raised by a number of Senators about Judge Thomas not answering how he is going to rule on *Roe v. Wade*. Judge Souter, now Justice Souter, refused to answer that question, as well, and nine Senators voted against Judge Souter on that basis.

Do you think that—I am sorry, Ms. Lichtman and Ms. Greenberger have not made statements yet, so you—

Ms. LICHTMAN. I thought you were significantly advantaged, as no one else had had the opportunity to hear our statement, but we are prepared to answer your questions, if you would prefer to go on.

Senator SPECTER. I think that is a core question. Candidly, it is not the core question for me, but I think it is for some Senators, and there has been a contention—I have stated my view and it is worth just a momentary summary.

I think I have pressed hard on answers to questions, but I believe that when it comes to an issue like *Roe v. Wade* or a specific case. You have to have it in the context of a specific factual situation, you have to have briefs, arguments, deliberation among the Justices and then a decision. There are a lot of permutations of the way the issue can arise.

But I would be interested to hear your views on that question. Professor King.

Ms. KING. As I stated, Senator Specter, my opposition to Judge Thomas has a number of sources, not just his lack I think of understanding about the reproductive needs of black women, but I do indeed believe that the right of privacy, a right of privacy that includes a broad range of choice, is one of the bottom principles or basic principles that I would look for in a Supreme Court Justice. It is not the only one.

I feel that way about the principles articulated in *Brown v. Board of Topeka*, and I would be opposed to any nominee whose record did not demonstrate an appreciation of the fundamental nature of that principle for our jurisprudence.

I am not suggesting that he needs to be examined on *Roe v. Wade* as a specific case holding. I am, in fact, concerned about his views about the right to privacy and reproduction.

Senator SPECTER. So, you would not disqualify him, Professor King, solely on his failure to answer how he would rule on *Roe v. Wade*?

Ms. KING. Not on how he would rule on that specific case, but I would disqualify him, if I were not satisfied about how he felt about the right to privacy and reproductive choices, more generally, yes.

Senator SPECTER. So, you would want an inquiry as to his philosophy?

Ms. KING. Yes, indeed, Senator.

Senator SPECTER. Well, he testified fairly extensively about his recognition of a right to privacy and a right to marital privacy and a right to privacy for those who were not married. Do you think his testimony went far enough in that respect?

Ms. KING. Let me say, Senator, that by examining his record before these hearings and listening as well as I could, with my other responsibilities while the hearings were going on, yes, he indeed made those statements, but I would say that he certainly was not as clear as I would like him to be about exactly what right to privacy he was affirming.

Senator SPECTER. Ms. Greenberger, how do you respond to those issues?

Ms. GREENBERGER. I think there are several bases for my concerns with Judge Thomas' testimony here with respect to the right to privacy in general, as well as covering the issue of abortion in particular that go beyond the concerns with respect to Judge Souter, which I had, as well.