

have one more panel tonight. I will try to come back before that panel is completed. This will be the only time I will have absented myself from these hearings, but I must be over on the floor for a moment.

Now, with that, let me suggest that we go to Senator Leahy.

Senator LEAHY. I will take just 1 minute.

The CHAIRMAN. Please go right ahead. Senator Leahy.

Senator LEAHY. Mr. Law, I was not going to really ask any questions here at all, but I heard reference saying almost in a flippant way we would just be concerned about why you are concerned about remarks regarding the Lehrman article on the part of Judge Thomas, but that was a pretty substantial remark you made, saying wholeheartedly applauded it.

I read the Lehrman article. If one were to follow specifically the arguments made in the Lehrman article, it would make all abortion unconstitutional, am I correct in that?

Ms. LAW. Absolutely correct, it would constitutionally require that abortion be treated as murder, whatever the circumstances of the woman or the desires of the individual State.

Senator LEAHY. Whether there be rape, incest, whatever it might be?

Ms. LAW. That is absolutely correct. I think if you think about a nominee who cited an article advocating slavery and describing it as a superb example of the application of natural law to protect historic rights of property ownership, we would have no trouble in seeing that as a serious problem.

My complaint is that I feel that women's reproductive rights, however they are defined, are being treated as something less than fully serious.

Senator LEAHY. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. I might point out, Professor Law, there is probably no issue since slavery that has divided a nation as much as this issue has.

Let me yield now to my colleague from Colorado.

Senator BROWN. Thank you, Mr. Chairman.

Professor Law, I want to go back to the judge's record on the circuit court of appeals. My understanding is that he is now joined in approximately 120 opinions. Can you help us in looking at those opinions, of those 120 how many would you disagree with the conclusion he has reached?

Ms. LAW. I cannot really help you on that, because, as he indicated in his testimony here earlier this week or last week, many of the cases that he was involved in were regulatory technical opinions on which I could not form an opinion, because I am not sufficiently sophisticated in the areas in which—and as Professor Grey indicated, people studied those opinions with some care and did not seem to think they were a major source of concern, so I have not done that detailed analysis myself.

Senator BROWN. Well, are there any of them which you would cite as ones which you would be in disagreement with the conclusion?

Ms. LAW. I cannot think of one, no.