

All of the evidence before he wanted your confirmation was that he was opposed to abortion. I cannot believe what he says here. He has never said, I believe *Roe v. Wade* should be the law; I believe in the right of privacy; it applies to people under the *Roe v. Wade* doctrine. He has evaded and skirted.

I say 10; he will not vote to uphold *Roe v. Wade*.

Ms. MICHELMAN. I would have to agree with Sarah, Senator. I think the evidence is very clear; his record is clear. In all the years he was a policy official, as he describes himself, and was, he spoke out on many issues, and when he spoke about the right to privacy it was always a critical comment, you know, suggesting that the right was an invented right, criticizing *Roe v. Wade*, applying natural law saying it was a splendid example, choosing that one article that is an extreme attack on the right to choose as a splendid example.

He had many opportunities during the years to say something positive. Now, he comes before this committee and he says he has only skimmed the article. He says he signed a report, but he did not read it. He says that, you know, he took an extreme position, but he did not mean it. It is very hard to believe; it just raises serious questions of credibility.

I just do not have any doubt in my mind that if he is on the Court, he will join the others, Rehnquist and Scalia, in moving this Court to overturn *Roe*, and my fear is that he will go much further than any sitting Justice. That Lehrman article suggests that States would have no right to even legislate in the area of abortion; that it would require States to outlaw all abortions even in the cases of life endangerment.

I just do not think he would uphold this fundamental right, and I think this right is so basic and so fundamental, just like the right to free speech, that unless he is acknowledging that right and that it exists in the Constitution—you know, protects that right just like free speech—I just don't think he should sit on this Court.

Senator SIMON. So you give him—

Ms. MICHELMAN. I am a 10.

Senator SIMON. Ten. Ms. Wattleton?

Ms. WATTLETON. I would add to that. My view is that this is not a candidate that would uphold the doctrine that recognized women's rights to the integrity of our bodies. And since Mr. Souter, whom you all expressed your hope would find such privacy residing in the Constitution, has joined the Court and has voted not only to—well, has not been asked to vote on *Roe*, but has voted on something even more extreme, and that is whether Americans' freedom of speech will be restricted by the Government.

And a candidate whom you had high hopes for just a year ago has gone on to say that with respect to Government policy and the intervention of Government, our very thoughts can be controlled and the words that we say can be restricted. It seems to me to leave this in a very unusually charged environment.

So it is within the context of a failure to answer those questions that we are opposing him, and I would add that I believe that he is a 10 and that he would vote with the majority, as he has voted with his political benefactors and has spoken philosophically in their behalf.