

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.