

principle that you will constantly keep in mind, and as much as possible adhere to where the circumstances permit?

Judge O'CONNOR. Senator Byrd, it is an important and a sound concept in my view and one which will always be appropriately considered. Only when the judge or justice becomes convinced in his or her own mind that something was previously incorrectly resolved and that there are sufficient reasons for reaching a contrary result, would that obtain, but this is a very serious business.

Senator BYRD. Judge O'Connor, I think that we strict constructionists should feel very comfortable with that response. I am applying the term to myself, and I feel very satisfied with it. If I had been able to express it so eloquently and so succinctly as you, were I in your position, I would have said just what you said.

I think your responses reflect that you have been well prepared. I think they have indicated on your part a juridical approach to the questions. You have I think been as forthright as one can be and you have been honest, in my judgment, in your responses. You have at all times been conscious of the fact that you cannot go beyond a certain line in responding to questions, lest once you have been confirmed you would find you have created difficulties for yourself, in which case you either would have to act in a way that left others thinking that you broke your word, or on the other hand you would have to be untrue to yourself.

I compliment you. I think you have demonstrated the demeanor and the bearing that a Justice should have, and I intend to support your nomination enthusiastically. I congratulate you, and I will do everything I can to expedite the Senate confirmation of your nomination once it is reported from this committee.

Judge O'CONNOR. Thank you, Senator Byrd.

Senator BYRD. Thank you, Mr. Chairman.

The CHAIRMAN. Senator, do you have any other questions? Senator Byrd, do you have any other questions?

Senator BYRD. No.

The CHAIRMAN. Do you wish to confess any other errors of the past? [Laughter.]

Senator LEAHY. Mr. Chairman, if that happens you will find the attendance will really swell around here. [Laughter.]

The CHAIRMAN. Does any other Senator have—

Senator BYRD. Mr. Chairman, will you allow me to respond to that question? [Laughter.]

I have heretofore confessed to those errors, so it is not a matter of news but simply a matter that I thought was appropriate for this record in this particular instance.

The CHAIRMAN. Does any other Senator now request any additional time? We gave the Senator from Alabama additional time and we want to be fair to all Senators. Does any other Senator request any additional time on either side?

Senator BIDEN. Mr. Chairman, I would like 60 seconds to make a comment.

The CHAIRMAN. The Senator from Delaware.

Senator BIDEN. Mr. Chairman, I think that the line of questioning about the nominee's personal views on abortion is appropriate and has been appropriately directed to her. I think her distinction

between her personal views and what she would or would not do as a Justice of the Supreme Court is equally appropriate.

If I can make an analogy, I think it would be appropriate for us to ask the Justice, were it an issue, what her view on membership in the Nazi Party would be and whether or not that should disqualify her from the bench—and that is not an issue in that case, but to make the analogy—but it would be inappropriate for us to ask her how she would vote as a Justice of the Supreme Court on the Nazi Party marching through Skokie, Ill., or whatever the suburb was. I think it would be inappropriate to ask her to comment on that but I do think it would be appropriate, were it an issue of the day as abortion is, to ask her what her personal view would be on whether or not she should or should not be a member of the American Nazi Party.

Therefore, I think you have made the distinction well. I want to publicly compliment my colleagues. I must make a public confession also. I was not at all sure that there was going to be the judicial demeanor and the good manners and the good conscience displayed by some of my friends who are characterized by the press and me as the New Right. I compliment them on their demeanor. I think their questions were appropriate. I think they conducted themselves well, did justice to themselves and the committee, and that your answers were equally judicious and appropriate.

The CHAIRMAN. Does any other Senator have any further questions?

Senator DOLE. Mr. Chairman, if I may just comment, I think Senator Biden has done pretty well, too. [Laughter.]

The CHAIRMAN. Does any other Senator have any other questions?

Senator LEAHY. Mr. Chairman, was the Senator from Kansas asking for a vote on that last observation? [Laughter.]

Senator DOLE. I would not want to have a vote on Senator Biden. It would be too close. [Laughter.]

The CHAIRMAN. Senator Denton, did you want any additional time now?

#### COMMITTEE REPORT

Senator DENTON. No, sir. I would request that a written record be made, a written report, of these proceedings. Is that in order?

The CHAIRMAN. Well, all of this will be printed.

Senator DENTON. A report written by the committee staff is the request I am making, which I understand is distinct from the normal transcript and so on.

The CHAIRMAN. The entire hearing will be printed and reported, and the committee's report will be prepared by the staff. If you have any questions, why, you feel free to get in touch with the staff.

If we finish this hearing today, which I think we will do, then we will place this nomination on the calendar for Tuesday. Of course, any member can carry it over a week if he wants to, but at the same time we wish to expedite it and to get action as soon as convenient.