

discussion of, major prior decisions of the Supreme Court. Not the slightest impropriety would be involved in, and much could be gained by, public exposition of the candidate's fund of information on these cases, interest in the problems they have posed, and reaction to the judgments made.

Even these few considerations make it clear that the Senate's next job is not to confirm Mrs. O'Connor but instead to find out who she really is—that is, what convictions she possesses on great issues. I thus return to my theme that deliberativeness, not haste, should be the watchword respecting the confirmation inquiry. The fact that a woman is the present candidate must not (as Justice Stewart indicated) be dispositive of choice. It should certainly not jackknife basic and normal processes of selection. At this point, no prejudgment—either way—is thinkable.

Other vacancies may soon arise. The precedent of lightning-fast decisions in the matter of choosing our Supreme Court Justices would be a bad precedent indeed.

The CHAIRMAN. Senator Specter of Pennsylvania.

### OPENING STATEMENT OF SENATOR ARLEN SPECTER

Senator SPECTER. In exercising the Senate's prerogative to advise and consent, I think we should evaluate Judge O'Connor on her capacity to interpret the Constitution with respect to the legal issues that will confront the next generation as well as this generation.

Among the many difficult matters facing our society, none is more important than bridging the "generation gap." The genius of our Constitution is that it provides a framework for government spanning generations, eras, centuries—which depends on the quality of judicial construction that is up to this tough task.

Judge O'Connor, if confirmed at age 51, is likely to have a pivotal part in applying the Constitution 10 years from now in 1991, 20 years from now in 2001, and perhaps even 30 years from now in 2011.

No one said it better than Justice Holmes in *Abrams v. United States*, in 1919, when he wrote: "Time has upset many fighting faiths." As highly charged and important as the issues of today are, and there are many which fit that description, there will be totally unpredictable matters which could confront this prospective Justice in the next two decades and beyond into the 21st century. Accordingly, as I see it, our task is to confirm a Justice who has the intelligence, training, temperament, and judgment to span that generation gap.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

The President of the United States has designated the distinguished Attorney General of the United States, William French Smith, to present his nominee, Sandra Day O'Connor, to the Senate Judiciary Committee. I now request the Attorney General to present the nominee to the Judiciary Committee.

### STATEMENT OF HON. WILLIAM FRENCH SMITH, ATTORNEY GENERAL OF THE UNITED STATES

Attorney General SMITH. Mr. Chairman and members of the committee, I am very pleased on behalf of the President to present Judge Sandra Day O'Connor to this committee and to the Senate, his nominee for the position of Associate Justice of the Supreme Court of the United States.

In assisting the President with this nomination, in the weeks before and the weeks after he made his decision, I had the occasion