

able to report not only to the full Senate but also to the President, and indirectly to the citizenry who elected him, that your nomination represents a campaign promise kept.

Hopefully our report will be that you are the perfect model for future Reagan Court appointees—that you, Judge O'Connor, as an individual are first committed, without apology and uncompromisingly, to protecting the role of the States within the constitutional concept of division of powers within our Federal system of government; that you, Judge O'Connor, are secondly an individual committed personally and professionally to limiting your role in the judicial branch to adjudication rather than legislation; and that you as an individual are lastly committed to opposing the permissiveness which has fostered disrespect for society's laws and disrespect for the sanctity of life.

Your responses to these questions posed by myself and my colleagues will contribute to the outcome of this report; be it favorable or otherwise, and I hope that they will clear up some of the conflicting contentions that have been raised since the announcement of your nomination.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Heflin of Alabama.

OPENING STATEMENT OF SENATOR HOWELL HEFLIN

Senator HEFLIN. Mr. Chairman, I ask unanimous consent that a prepared statement appear in the record as if read in full but I will attempt to limit myself to the requested time of 3 minutes and will abbreviate my statement.

Mr. Chairman and Judge O'Connor, the task that brings us here today is a most important one. It is the process by which a branch of Government renews itself, of regeneration, of pumping new blood into the life of a great and vital institution.

In my opinion—and I say this, Mr. Chairman, only after careful reflection—there are only two institutions absolutely indispensable to the independence, health, and maintenance of our republic: a free, fair, vigorous press, and a strong and independent judiciary. While Presidents may come and go, their faithful execution of the law is subject to an ultimate check. While a great many men and women may deliberate and legislate in these very Halls, the laws they pass do not interpret themselves.

The Federal judiciary—the highest court in particular—not only has the last word as to what our laws say but also as to whether they may permissibly say it. The Court to which this capable jurist has been nominated is the ultimate arbiter of our most sacred freedoms, the guardian of our most cherished liberties.

In fulfilling our constitutional duty to advise and consent, the men and women of this body will cast no more important vote in this session of Congress, for we are voting not so much to confirm Sandra Day O'Connor but to reaffirm our belief in the very concept of justice and its preeminence among values in a free and thriving republic.

As our first President told his Attorney General, Edmund Randolph, some two centuries ago, "The administration of justice is the firmest pillar of government." If justice is both the ultimate goal and indispensable for the survival of a free republic, we best insure

it by the people we select as its custodians. That is what we are about today—selecting a custodian for our most precious commodity, a trustee for our most valuable resource.

I am one of the few Senators who have had the privilege of knowing the nominee personally before her nomination. Having participated with her under the leadership of the Chief Justice of the United States in the recent Anglo-American legal exchange on criminal justice, I learned firsthand of her exceptional intelligence, her hard-working preparation of the issues at hand, and her unswerving adherence to integrity.

Further, knowing of her deep devotion to the American judicial system, I can safely venture that President Reagan's appointment to the Supreme Court will reflect great credit on his administration, the Court itself, and indeed the Nation at large.

Judge O'Connor, if I could leave you with but one guiding thought, it would be to carry indelibly etched in your conscience and follow as religiously as is humanly possible, the admonition of one of our greatest jurists, Learned Hand, who wrote, "If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice."

Thank you.

The CHAIRMAN. Without objection, the Senator's entire statement will be placed in the record.

[Material follows:]