

The CHAIRMAN. Senator Denton of Alabama.

OPENING STATEMENT OF SENATOR JEREMIAH DENTON

Senator DENTON. Thank you, Mr. Chairman.

Welcome, Judge O'Connor.

As I remarked at our meeting in July, I am personally delighted that President Reagan has nominated a lady to be Associate Justice of the Supreme Court. For an attorney, this is the highest tribute which the Government can bestow, and by his choice the President has reposed the highest trust in you as an American, an attorney, and as a jurist. I congratulate you on that nomination. I respect you. I like you.

Although many of my colleagues have previously and publicly indicated their approval of your nomination, and your appointment seems highly likely, I am obliged by conscience—the only one I have—to raise certain issues. First, it has been brought to my attention that President Reagan may have been misled by a July 7, 1981 report prepared by a senior Justice Department official, a report which purported to represent your record and your attitude on matters, some of which were subjects specifically established in the 1980 Republican platform, and one of which has been reported to have been verbally established by our President as a criterion for filling the first Supreme Court vacancy.

It appears from some analyses that there is a substantial difference between your record and the Justice Department official's report of your record, and that there may be reason for the concern in the minds of many regarding these differences on such issues as abortion and women in combat, among others. I hope we can clear up that matter.

While I realize that people of good conscience can be in favor of abortion under certain circumstances, I firmly believe that this Government is founded upon respect for the dignity of humankind. While respecting the differing views of others, I would consider the establishment by our Government of a disposition amounting to a permanent decision not to protect the life of an unborn human being to be a point of no return in a recently accelerated, alarming trend away from the principles upon which our Government was founded and by which this Nation achieved greatness.

In my understanding, that greatness derives from the consensual definition of humankind as possessing infinite dignity and worth by virtue of being a form of life created in the image and likeness of God, with the inalienable rights of man, the prerogatives for those rights, being endowed by that same Creator. By that concept, the revolutionary conclusion was reached that governmental direction did not repose in the overriding divine right of a single king but in the consent of the governed, each one of which was considered equal to all others in this respect of dignity.

Granting that abortion is a single issue but counting it fundamental to our democratic form of Government, I regard legalized abortion as a denial of the most fundamental and efficacious national principle of this Nation. My judgment on voting on your confirmation or on the confirmation of any other nominee—male or female—to the Supreme Court will be affected by that belief of mine.