

The CHAIRMAN. Well, we are very grateful that you would take such time and with such thoroughness examine the record of nominees. One of the reasons why we do, in fact, ask your association to be here is because of its over 100-year practice of being involved.

I have often wanted to ask you, and I will reserve it now for maybe over a cup of coffee, what you all did during the Tammany Hall days. I would like to know more about that.

Mr. FEERICK. I have to research that myself.

The CHAIRMAN. I am serious. It would be a fascinating thing to look at. I have often wondered whether or not the origins of the practice of the bar of New York City of looking into judicial nominations was a response to the patronage system and concern about it that existed in the days of the late 19th century. It has just been an historical curiosity on my part. Maybe if the historian of the association knows the answer to that, I would appreciate being dropped a note for my own edification, no other reason.

Mr. FEERICK. You are certainly correct in pointing to corruption in New York as being a precipitating cause of the founding of our bar association, which is exactly right.

The CHAIRMAN. I thank you for your testimony.

Mr. FEERICK. Thank you.

The CHAIRMAN. Now, Mr. Wiesenfeld, it is a pleasure to have you here. You have been immortalized by your being a participant, and a named participant, in one of the most significant Supreme Court cases of the last 20 years, and maybe longer, and it is a pleasure to have you here. The floor is yours for 5 minutes.

#### STATEMENT OF STEPHEN WIESENFELD

Mr. WIESENFELD. Thank you, Chairman Biden. Senators, I would like to thank you for inviting me here, and I would also like to thank my very special friend, Jane DeFalco, sitting behind me, for accompanying me here today.

The CHAIRMAN. Welcome, Ms. DeFalco.

Mr. WIESENFELD. My wife, Paula, and I were married in 1970. Not unlike Martin Ginsburg and his wife, Ruth Bader Ginsburg, we were among the pioneers of alternative family lifestyles. Paula was a high school math teacher at Edison High School in Edison, NJ, and she was completing studies for her Ph.D. She wanted her career in school administration.

I, having already received several graduate degrees, and having already seen big business, decided to be a self-employed consultant. It was our plan that I would take on the primary household chores, including those related to the raising of our son, Jason.

In 1972, my wife, Paula, passed away. She worked right up to the last day. With each paycheck, she made the maximum contribution to the Social Security system. When she died, I approached the Social Security office in New Brunswick, NJ, and applied for the insured benefits for myself and our son, Jason. I was denied widow's benefits.

At that time, the law allowed that both men and women alike would contribute to the Social Security insurance system based upon their earnings. If the male died, his Social Security insurance would then accrue to pay benefits to the family he left behind. If the woman died, even though her contribution was equal to that

of the male, no such insurance benefit would accrue to her surviving spouse.

The contributions that my wife, Paula, had made to be insured under the Social Security system essentially got lost in the system. Women not only earned less money than men for the same work, they were also forced to contribute to a Social Security system that did not insure them with equal protection.

Some months later after reading a story in the New Brunswick Home News about widowed men, I wrote a letter to the editor detailing this inequity. I was then contacted by Phyllis Boring, a professor at Rutgers University, who inquired if I would like to pursue this matter legally. She then introduced me to Ruth Bader Ginsburg.

Ruth Bader Ginsburg, a clear-thinking person endowed with insight and forethought, a person already painfully aware of gender-based discrimination, saw immediately the gains, the consequences, and the long-range effects and the logistics of revising this inequity in the Social Security system. Ruth Bader Ginsburg proceeded to file suit against Casper Weinberger, then Secretary of Health, Education and Welfare.

First, in a three-judge Federal district court in Trenton, NJ, then Columbia law professor Ruth Bader Ginsburg forcefully argued her position on gender-based discrimination in the Social Security system. Using clear, concise arguments, she won a unanimous 3-0 decision allowing that the Social Security laws were in violation of the equal protection clauses of the 5th and 14th amendments.

Casper Weinberger and the Department of Health, Education and Welfare appealed this decision to the U.S. Supreme Court. In January 1975, Ruth Bader Ginsburg appeared before the U.S. Supreme Court expecting a mere minimum decision affirming the three-judge Federal district court's decision.

In *Weinberger v. Wiesenfeld*, Ruth Bader Ginsburg again produced compelling arguments that gender-based discrimination as part of the Social Security laws was a clear violation of the equal protections clauses of the 5th and 14th amendments to the Constitution of the United States of America. On March 19, 1975, the Supreme Court astounded everyone by handing down a unanimous decision upholding the decision of the three-judge Federal district court, proving that the visions of Ruth Bader Ginsburg were clearly correct.

*Weinberger v. Wiesenfeld* was a landmark decision in the quest for equal rights for men and women. It remains still the strongest stand the Supreme Court has ever taken to strike down gender-based discrimination. This is one of the many accomplishments of Judge Ruth Bader Ginsburg. I am proud to appear before this esteemed committee today and to add my voice to the many who stand with and wish to see this committee confirm Judge Ruth Bader Ginsburg to the U.S. Supreme Court.

Thank you.

[The prepared statement of Mr. Wiesenfeld follows:]

PREPARED STATEMENT OF STEPHEN WIESENFELD

My wife Paula and I were married in 1970. Not unlike Martin Ginsburg and his wife Ruth Bader Ginsburg, we were among the pioneers of alternate family life styles. Paula was a high school math teacher at Edison High School in Edison, New