

TESTIMONY OF CONCERNED WOMEN FOR AMERICA

presented by

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COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

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TESTIMONY OF BEVERLY LAHAYE
PRESIDENT, CONCERNED WOMEN FOR AMERICA

Mr. Chairman, members of the Committee, the women I represent are concerned about a wide range of issues and problems. Concerned Women for America has become a catalyst through which over 500,000 women nationwide voice their opinions and seek solutions to the problems which affect the future of American men, women, and families. CWA admires the legal approach Judge Kennedy has taken when faced with these issues, and we appreciate the opportunity to speak in favor of his nomination to the United States Supreme Court.

Our first area of concern today is crime. Criminals frequently victimize women, the poor, and the elderly. Unfortunately, in many cities across this great land, females and senior citizens often live in fear, afraid to even venture outside of their homes alone because of crime on the streets. And, unfortunately, our modern day society is one in which criminals often go free, while the innocent victim is put on trial. But, fortunately for all Americans, there are judges like Anthony Kennedy who are committed to curtailing crime in our country, as well as ensuring constitutional safeguards for the accused.

Judge Kennedy is one of the legal minds who has been able to strike the delicate balance between protecting the rights of the victim and the rights of the accused. He has supported police who make searches in good faith, but he has also voted to exclude

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illegally gathered evidence in criminal trials. He has supported state imposition of capital punishment on murderers. And, long before it became popular to take a strong stance against substance abuse, Judge Kennedy recognized the threat of illegal drugs to our country and ruled in favor of international efforts to curtail drug traffickers. These, and other decisions, indicate that Judge Kennedy strives to protect both the constitutional rights, and the lives and property of America's citizens. His balanced approach is something that Americans of all ages, both sexes, and any race can enthusiastically support.

Our second area of concern is the protection of the freedom of speech and of the press. Concerned Women for America understands that healthy political change comes when debate is open and secure, free from government censorship. When the courts vigilantly guard these precious first amendment rights, all Americans can freely advocate and work for social change.

Judge Kennedy has shown an outstanding commitment to protecting our free speech. He has struck down pre-broadcast censorship. He has ordered sealed court documents to be opened to the public and press for review. His judicial record boldly demonstrates his strong support for the sterling freedoms of expression that are a vital component of any democracy.

The third area of concern which I wish to address today falls in the economic arena. Our free enterprise system and open market concepts have made America thrive unlike any other nation

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on the face of the earth. These principles offer every American the opportunity to better their lives, to provide for their families, and strive to become financially secure. Our nation's businesses and companies, both large and small, have flourished because they have been free to operate according to the dictates of our open marketplace. It is vital to our nation's future that these basic, timeless concepts remain firmly intact. Judge Kennedy's decision in the Washington comparable worth case has protected these irreplaceable and valuable forces. His decision has allowed the economy of the state of Washington to continue to operate under the natural laws of supply and demand, free from unnatural and destructive dictates which would have endangered the very fibers of the economic foundation of this country.

The absurd economic theory known as comparable worth rejected by Judge Kennedy, and CWA, mandated that greatly varying jobs should be quantified and compared, and wages set and regulated, by a court, not the marketplace. Judge Kennedy's refusal to conform to the interests of the pressure groups posing this theory is an excellent example of his deeply held belief that judges should not make laws, but rather, should interpret laws made by the people through their elected officials. If he had accepted the comparable worth argument, his decision would have placed enough power in the hands of the courts to affect the entire economic structure of the state of Washington, crippling the marketplace forces of supply and demand, union contracts, and

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competition, just to name a few.

Concerned Women for America strongly supports equal pay for equal work, and we strongly oppose the concept of "comparable worth". Arbitrary, subjective evaluations of disparate jobs would be detrimental to the people of any economy. Judge Kennedy ruled, "Neither law nor logic deems the free market system a suspect enterprise... We find nothing in the language of Title VII or its legislative history to indicate Congress intended to abrogate fundamental economic principles..."

In summary, Judge Kennedy's decisions reflect a deep respect for the values which will continue to make the United States of America unique and sovereign - safer neighborhoods, the protection of individual rights, the preservation of our freedom of speech and of the press, and our ability to strive for the American dream free from undue government intervention.

Concerned Women for America urges the Senate to confirm Judge Anthony Kennedy, a judge for the future of America, to the United States Supreme Court.