Honorable Carl Levin
United States Senate
Washington, D.C. 20510

Dear Senator Levin:

I have received from your office the following question: "During your private meetings with public officials since your appointment, did you make any statements relative to your position on the substantive issues which may come before the Court? If so, please describe those statements."

Since my nomination I have not made any statements concerning my position on substantive issues which may come before the Court, either in private meetings with public officials or public testimony. Nor did I do so during the selection process leading up to the nomination.

I believe judges must decide legal issues within the judicial process, constrained by the oath of office, presented with a particular case or controversy, and aided by briefs, arguments, and consultation with other members of the panel. I also believe it would be quite improper for a nominee to take a position on an issue which may come before the Court in order to obtain favorable consideration of the nomination.

Thank you for the opportunity to set forth my views in response to your question.

Sincerely,

Sandra D. O'Connor

Sandra D. O'Connor

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## The Case Against Women in Certain Occupations

(By Willel W. G. Reitzer, private citizen, Washington, D.C.)

A century ago, Justice Joseph Bradley of the U.S. Supreme Court wrote in a decision upholding the right of a State to deny a woman a license to practice law: "The harmony, not to say identity, of interests and views which belong or should belong, to the family institution is repugnant to the idea of a woman adopting a distinct and independent career from that of her husband" (Bradwell v. State, 1872).

This is not a wild harebrained notion such as sometimes slips into our highest court's opinions. Rather it was a fundamental precept firmly fixed in the common law—that respectable system of jurisprudence which underlies our national foundation.

But it did not originate there. Interestingly, those who rail against this precept do not seem to know where it did originate. Some ascribe it to romantic paternalism; others to a male conspiracy to perpetuate male ascendancy. The fact is, it goes clear back to Creation.

Holy Writ informs us that after God created a man, and then made a woman "out of" him and "for" him, He said: "Therefore shall a man leave his father and his mother, and shall cleave unto his wife, and they shall be one flesh" (Genesis 2:24). One flesh means one entity: one mind, one interest, one aspiration. Jesus Christ Himself upheld the authenticity of this precept—as well as the historicity of this event (Matthew 19:4,5).

No wonder Justice Bradley went on to say: "So firmly fixed was this sentiment in the founders of the common law that it became a maxim . . . that a woman had no legal existence separate from her husband, who was regarded as her head and representative in the social state; and notwithstanding some recent modifications of this civil status, many of the special rules of law flowing from and dependent upon this cardinal principle still exist in full force in most states" (e.s.). Hence women had no separate right to make contracts, to vote, to hold public office, to enter the priesthood and certain other occupations.

What happened in 100 years to bring about so great an erosion? It is the Garden of Eden syndrome all over again. Believing the forbidden fruit to more fulfilling, the woman reached out for it and ate. And she offered it to the man, and he ate also. It