

Senator Kennedy of Massachusetts.

OPENING STATEMENT OF SENATOR EDWARD M. KENNEDY

Senator KENNEDY. Thank you very much, Mr. Chairman.

I, too, want to welcome the nominee to this committee, and say to Judge O'Connor that since the time that you received the President's endorsement, I think that you have seen both the worst of this city and the best of it—the worst in being the target of some of the single-issue constituencies who are going to urge your defeat, and the best in the fact that you have had the strong and unyielding support of a President of the United States, and strong bipartisan support from Members of the U.S. Senate who have been unflinching in support of your candidacy.

As a matter of fact, I have finally found an issue on which I can agree with Senator Goldwater. I am sure, as has been stated here, that the outcome for your confirmation is well understood. However, I am extremely pleased with President Reagan's decision to nominate Judge O'Connor to the Supreme Court. I am proud to join in the widespread acclaim for your nomination, and look forward to your confirmation and to your service on the Court.

As has been pointed out, for many years there have been women with the highest qualifications for the Nation's highest Court. Every American can take pride in President Reagan's commitment to select such a woman for this critical office but the broad support for Judge O'Connor in this hearing must not become a pretext to ignore the need for greater representation of women, not only on the Supreme Court but at every other level of the Federal judiciary and Federal Government.

Women hold less than 7 percent of all the Federal judgeships. In two centuries of Federal judicial history, only 50 women have been appointed to the lower Federal courts, and 44 of them are still serving there today. In fact, 33 of them were approved by this committee during the past Congress. All of us who care about this issue look forward to the day when appointments to the Federal bench and to the other high public offices will not stand out as an historic event simply because the appointees are women.

By some, Judge O'Connor has been termed a judicial conservative. However, simplistic labels are inadequate to define a complex concept like judicial philosophy, let alone predict a vote in a future case. What we seek in the Federal courts are judges who will display legal excellence and personal integrity and sensitivity to individual rights.

It is offensive to suggest that a potential Justice of the Supreme Court must pass some presumed test of judicial philosophy. It is even more offensive to suggest that a potential Justice must pass the litmus test of any single-issue interest group. The disturbing tactics of division and distortion and discrimination practiced by the extremists of the "New Right" have no place in these hearings and no place in our Nation's democracy.

I look forward to Judge O'Connor's testimony and her response to the questions. Based on what I know today, I intend to support her nomination. I take pride in the opportunity to participate in these historic hearings.

The CHAIRMAN. Senator Laxalt of Nevada.