

OPENING STATEMENT OF SENATOR LEAHY

Senator LEAHY. Thank you, Mr. Chairman.

Judge, I welcome you and your family. I think this has been an exciting trip for you and your family, from your time in Vermont when you got the call from the White House to being here today.

The CHAIRMAN. I wondered how you were going to get Vermont into this.

Senator LEAHY. Your wondering is on your time, Mr. Chairman.

I am glad to see you here, because you are going to be on a bench that guarantees the liberties all of us hold dearly. Whether we are Republicans or Democrats, liberal or conservative, it makes no difference. It is the Supreme Court that gives us the guarantees of the Constitution.

I have been struck by the breadth and distinction of your record, as I have read it, during the past few years. But I think the proudest achievements in many ways are the landmark Supreme Court cases you fought that literally changed the destiny of women in this country.

Much has been said about those victories, and a lot more is going to be said during these hearings. Let me say something: I think I speak for most parents in my own State of Vermont, when I thank you. I thank you personally for helping to contribute to a world where my daughter Alicia will have opportunities equal to those open to my sons Kevin and Mark, and I owe you a deep, deep sense of gratitude for that.

I think without your pioneering efforts, there is no guarantee that the progress that has been made so far would have occurred, and I applaud you for that. In fact, even without this nomination to the Supreme Court, you could have been satisfied with your place in history, just because of what you have done in that one area.

But you come here with such great qualifications—the court of appeals, teaching at Columbia and Rutgers—but also with a reputation as a fair and thoughtful jurist. I believe the ABA recommendation indicates that.

But a brilliant legal mind and volumes of circuit court opinions are far from being the only requirements that go into making a good Supreme Court Justice. You also possess life experience that is so very, very important.

Your mother, like so many women of her generation, certainly led a hard life. She was a motivated student—graduating from high school at the age of 15. But she went to work in New York's garment district to put not herself, but her brother through college.

You yourself, the first man or woman to be a member of both the Harvard and Columbia Law Reviews, graduated tied for first in your Columbia Law School class with impeccable credentials, but then found there was no law firm in New York that might offer you a job.

Prestigious judges and justices made no bones about the fact that they couldn't have a woman as a law clerk. Or when you worked in a Social Security office, while your husband Martin—whom I am glad to see here—was serving in the military, you had to take a lower paying job because you were pregnant. These are days that are not that far gone, but let us hope they are gone now forever.

So the kind of things you did to break into what had been a closed world before, these are things you cannot learn about in a book and you can't read about and you can't write about. You had to do it, and you did.

I was moved that day in the Rose Garden, when I stood there with you and President Clinton and you spoke about the experiences of your mother. These were not words that just come from a page. They come from the heart and they come from a lifetime of experience, and I think they moved every single person, no matter what their political background, in that gathering in the Rose Garden.

I think of cases like *Reed*, *Frontier*, *Wiesenfeld*, and *Goldfarb*. These are legendary cases. There isn't a law student who can get through law school without reading them. They came from your briefs.

Judge, as I said before, the Senate's duty to advise and consent is an extremely important charge, but in exercising this responsibility, we have to consider certain threshold qualities—judgment, temperament, experience, intellectual distinction, moral fiber. But we also go into the judicial philosophy.

We will have meaningful questions and I believe meaningful answers, and we will ask you what you think and what kind of a Justice you want to be. But I think that you will also remember, when you go on the Court—as I know you will—what the Court means to everyday, ordinary people, like Sharron Frontiero and Stephen Wiesenfeld, your former clients, but also to others, like Barbara Johns and Clarence Earl Gideon. Barbara Johns attended classes in makeshift tar-paper shacks in a segregated high school in Virginia, but her case was one of five that we now know as *Brown v. Board of Education*. Clarence Gideon, who couldn't afford a lawyer, was convicted of breaking into a pool hall, but he said, "I am innocent." And the Supreme Court took up his handwritten petition, scrawled on plain paper. And as we know from "Gideon's Trumpet," Gideon got a lawyer, was acquitted of the charges against him, and changed the whole way our criminal justice system works.

That is what the Supreme Court stands for in this country, and that is the Court where we expect people can go and say, "My rights are being trampled, and you, you nine people, are the only people that can guarantee the Constitution means what it says to us." That is the kind of Supreme Court Justice we want; not a Republican, not a Democrat, not a liberal and not a conservative, but somebody who looks first and foremost at the rights of ordinary people.

Thank you, Mr. Chairman.

[The prepared statement of Senator Leahy follows:]

PREPARED STATEMENT OF SENATOR LEAHY

We are a nation blessed in many ways. But our greatest blessings are the individual liberties guaranteed by our Constitution. The nine men and women who serve as justices of the Supreme Court are the final guardians of these freedoms.

Because of all that is at stake, a lifetime appointment to this bench is perhaps the most sacred trust that can be bestowed on an individual. Because of what is at stake, the Senate's responsibility of advice and consent in these proceedings is perhaps its most important duty.

Judge Ginsburg, reviewing your record over these past weeks, I have been struck by its breadth and distinction. But perhaps your proudest achievements are the