

The CHAIRMAN. Thank you very much.
Mr. Feerick.

STATEMENT OF JOHN D. FEERICK

Mr. FEERICK. Senator Biden and members of the committee, my name is John Feerick and I am the current president of the Association of the Bar of the City of New York. I appreciate very much the opportunity to testify today regarding the nomination of Judge Ginsburg.

I am joined by Helene Barnett, who sits immediately behind me, who chaired the subcommittee of the governing body of our association that conducted the evaluation on behalf of our association.

The CHAIRMAN. Welcome, Ms. Barnett.

Mr. FEERICK. As this committee is aware, the Association of the Bar of the City of New York is one of the oldest bar associations in the country and, since its founding in 1870, has given priority to the evaluations of candidates for judicial office. As far back as 1874, the association has reviewed and commented on the qualifications of candidates for the U.S. Supreme Court. It is a particular honor to participate in this confirmation process for this particular nominee, who is also a member of our association and served on our executive committee from 1974 to 1978.

In May 1987, our association adopted a policy that directs the executive committee, our governing body, to evaluate all candidates for appointment to the U.S. Supreme Court. The executive committee has developed an extensive procedure for evaluating Supreme Court nominees, including a process for conducting research, seeking views of persons with knowledge of the candidate and of our membership of more than 19,000 dues-paying members of the New York and other bars. As well, we evaluate the information received and express a judgment on the qualifications of a person for the U.S. Supreme Court.

Judge Ginsburg is the first nominee to be evaluated under our recently adopted set of guidelines. The association's effort, as I have already noted, was undertaken by a subcommittee of our executive committee and our committee on the judiciary, which joint committee was chaired by Helene Barnett.

In examining the qualifications of Judge Ginsburg, the following materials were reviewed by our association: all of her more than 300 written opinions, concurrences and dissents while sitting on the U.S. Court of Appeals for the District of Columbia; her published articles and lectures; information relating to Judge Ginsburg's 1980 D.C. Circuit nomination and confirmation; comments solicited from association members presented in writing and at a forum held at our association; and news articles, commentaries and other materials with regard to the nomination.

Members of the executive committee also interviewed Judge Ginsburg. In addition, dozens of interviews were conducted with her judicial colleagues, academic colleagues, and former law clerks, and lawyers who litigated with and against or argued before Judge Ginsburg.

Our executive committee, upon evaluating the qualifications of Judge Ginsburg, passed a resolution at its meeting of July 14, 1993, finding her qualified to be a Justice of the U.S. Supreme

Court based on our committee's affirmative finding that she possesses to a substantial degree all of the qualifications enumerated in the association's guidelines for evaluations of nominees to the U.S. Supreme Court—exceptional legal ability, extensive experience and knowledge of the law, outstanding intellectual and analytical talents, maturity of judgment, unquestionable integrity and independence, a temperament reflecting a willingness to search for a fair resolution of each case before the Court, a sympathetic understanding of the Court's role under the Constitution in the protection of the personal rights of individuals, and an appreciation of the historic role of the U.S. Supreme Court as the final arbiter of the meaning of the United States Constitution, including a sensitivity to the respective powers and reciprocal responsibility of the Congress and the Executive.

The association's guidelines do not provide for gradations of ratings, and thus only permit a rating of qualified or unqualified. These guidelines do, however, establish a very high standard, a standard which, in our opinion, Judge Ginsburg clearly meets.

We look forward to a long and exceptional career on the Supreme Court for Judge Ginsburg, and I am once again very grateful to you and this committee for the opportunity to share those views with you.

[The prepared statement of Mr. Feerick follows:]