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Mr. WILLIS. To summarize our findings, the committee is fully satisfied that, by virtue of her academic training, her work as an appellate advocate, her academic service, her scholarly writings, and her distinguished service for 13 years on the court of appeals, Judge Ginsburg meets the highest standards of professional competence required for a seat on the Supreme Court. She enjoys the admiration and respect of her colleagues on and off the bench, and her integrity is above reproach.

We are pleased to have the opportunity to appear here today to present the committee's findings and would be happy to respond to any questions about our evaluation.

The CHAIRMAN. Thank you very much.

I only have one question. Was there any dissenting vote on the committee at all?

Mr. WILLIS. There was no dissenting vote whatsoever, Mr. Chairman.

The CHAIRMAN. So it was unanimous that the highest rating that the American Bar Association gives in this circumstance was unanimous; each individual, no one abstaining, voted for that rating?

Mr. WILLIS. No abstentions. Every member of the committee voted for the rating of well qualified.

The CHAIRMAN. I have no further questions. I only want to thank you again because I think people vastly underrate the incredible amount of work that you all undertake. We in this committee know because our staffs read every one of the opinions. We know what it is like.

You are in active practice at the time while you are doing it. We appreciate it, and I would like to publicly extend my thanks to you, both of you, and to the Bar Association generally for being willing to perform this function.

I yield now to my friend from Utah.

Senator HATCH. I want to join in that praise because I think the changes that have been made at the ABA and the renewed look at the committee and the restructuring of the committee have been very excellent. And I know that it takes a lot of time. It is a lot of effort. You folks are doing a tremendous job for the benefit of the legal community at large, but really for the public at large. And I just want to personally compliment you. I am glad to see that the committee has approached this in an apolitical way, as it should, and I just want to personally acknowledge that in front of everybody here today.

So thank you for the efforts you have put forth, the testimony you have given, and the work that you all have done.

The CHAIRMAN. Thank you very much.

Mr. WILLIS. Thank you, Senator.

The CHAIRMAN. Senator Metzenbaum.

Senator METZENBAUM. I want to join my colleagues in thanking you for your efforts, but I sort of think that my good friend from Utah's comment was a little bit negatively pregnant with the fact that you have suddenly gotten religion and now you are doing a good job. And I have the feeling that you have done a good job over the years. I haven't always agreed with your conclusions. Most of the time I have. But I thought I was really bemused when sometimes in the past the ABA was accused of being too liberal. I was a practicing lawyer, and I have been a member of the ABA for a long time. And I never thought it was a liberal organization. Quite the opposite, I thought it was too damn conservative.

But having said that—

Senator HATCH. Of course, he thinks everything is too damn conservative. [Laughter.]

Senator METZENBAUM. Especially you, Orrin. [Laughter.]

Senator HATCH. Well, I think I probably am.

The CHAIRMAN. So far things are going well. Senator, do you have any further comment?

Senator METZENBAUM. With that said, thanks very much for all your efforts.

The CHAIRMAN. The Senator from Pennsylvania.

Senator SPECTER. Thank you, Mr. Chairman.

I would like to take just a moment or two to discuss the one question which really concerns me about the confirmation proceedings, and I join in expressing appreciation for the work that your organization has done. Your work, of course, was completed before these hearings started. I have already expressed my concerns about how much information we got on judicial ideology and judicial philosophy.

I was concerned, illustratively, that on a question about whether the Korean military engagement was a war raising the constitutional issue about the authority of the Congress to declare war. Judge Ginsburg wanted to have it briefed and argued before she would make a statement. Certainly the Korean conflict is not going to come before the Court, and I think many of the other questions which were asked on ideology and philosophy come into the same line.

When we had Justice Scalia, then Judge Scalia, for confirmation and I asked him about *Marbury v. Madison* as a pillar of constitutional interpretation that the Supreme Court is the final word, he wouldn't answer the question because it was an issue which he thought might come before the Court. At that time I expressed the sentiment, as I did with Judge Ginsburg, that so far as I am concerned that issue is rockbed; and if someone is not going to uphold *Marbury v. Madison*, I don't think that person is fit to serve on the Supreme Court.

I think Justice Scalia would uphold *Marbury v. Madison*, which was my conclusion, and I voted for him. But he wouldn't say. The question about whether the Congress has the power to take away jurisdiction of the Court on constitutional issues, I think, is also rockbed. I don't think that is subject to being litigated.