

So don't try and change the Supreme Court in the sense of politicizing it and electing people who will be prolife. I think that we have got to do is elect people who—by the way, I think you could have started with the President of the United States last time. We now have a President who believes this way and he has picked a person who believes this way, and he has a right to do so and that is the point.

Well, we could argue about it all day. All I can say is the place to change it is in the Congress of the United States, not the Court.

The CHAIRMAN. Thank you, Senator, and I want reiterate what Senator Feinstein said. It is important that your viewpoint be represented, and it is important that the American people hear a different perspective on this issue, and we thank you for being here to do that, and you have all delivered your point of view concisely and well. So thank you very much for being here.

Mr. PHILLIPS. Thank you for your courtesy. We appreciate it.

The CHAIRMAN. Now, our last, but certainly not our least panel is comprised of the presidents of three additional bar associations: California Women Lawyers, Hispanic National Bar Association, and the Association of the Bar of the City of New York. We all know New York is an independent, standing nation in and of itself. That is kind of a joke.

At any rate, every time I say this to Mr.—is it pronounced Feerick?

Mr. FEERICK. Yes, Senator.

The CHAIRMAN. Mr. Feerick, I am always reminded of that poster of one of the leading political figures in American politics of the day, and probably the most dynamic—Mr. Wiesenfeld is here, too? Would he come forward, too? He was on the last panel, but would he come forward as well?

I am reminded of that poster that they sell in New York, which is my favorite city in the country, a picture of this very significant American politician, one of the dynamic forces in American politics today, standing on Seventh Avenue and astride Seventh Avenue. It is a map of the United States, and Seventh Avenue is in stark relief and California is minuscule as he looks out over the Nation, which has always sort of been my view of how most New Yorkers view the world and the Nation. There is New York and then there is the rest. The New York City Bar Association is one of the only city bar associations that asks to testify, and I know its members are clear that from their perspective, it is more important than the New York State Bar Association.

Thank you for your good humor. It is getting late in the process, and I apologize for my digression here.

Angela M. Bradstreet is the current president of California Women Lawyers, which probably has more members than the constituents in my entire State.

Ms. BRADSTREET. That is correct, Senator.

The CHAIRMAN. How many members, Angela?

Ms. BRADSTREET. 30,000, Senator.

The CHAIRMAN. No; our State is bigger than that.

It is the largest women's bar association in America. She is also a partner at Carroll, Burdick and McDonough in San Francisco. Is that correct?

Ms. BRADSTREET. That is correct, Senator.

The CHAIRMAN. Carlos Ortiz is the national president of the Hispanic National Bar and has been before this committee—the bar has been represented here and is one of the premier organizations in the country, and we are delighted to have you here to testify.

John Feerick is the president of the Association of the Bar of the City of New York. He is also the dean of one of the fine law schools in the country, Fordham Law School.

Also from a previous panel—and we apologize if we have confused you, Mr. Wiesenfeld, as to when we were going to ask you to be here, but thank you for being here. I am looking for your bio here as I go through my—anyway, you were a client of the soon-to-be-Justice.

Mr. WIESENFELD. Stephen Wiesenfeld from *Weinberger v. Wiesenfeld*.

The CHAIRMAN. Yes, but we had more information about you as well I was going to read in the record, but if you are satisfied with that description and that introduction we'll let it stand.

Why don't we begin in the order that I have asked you to testify and, Ms. Bradstreet, why don't you begin your testimony. Thank you for coming across the country to be here.

PANEL CONSISTING OF ANGELA M. BRADSTREET, CALIFORNIA WOMEN LAWYERS, SAN FRANCISCO, CA; CARLOS G. ORTIZ, PRESIDENT, HISPANIC NATIONAL BAR ASSOCIATION; JOHN D. FEERICK, PRESIDENT, ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK; AND STEPHEN WIESENFELD, FORT LAUDERDALE, FL

STATEMENT OF ANGELA M. BRADSTREET

Ms. BRADSTREET. Thank you, Senator. It has been the thrill of a lifetime.

Chairman Biden, distinguished members of this committee, I am deeply honored to be here on behalf of California Women Lawyers to express our strong support of President Clinton's nomination of Judge Ruth Bader Ginsburg as an Associate Justice of the Supreme Court.

California Women Lawyers is, in fact, the largest women's bar association in the Nation, representing the interests of over 30,000 women attorneys in the State of California.

The CHAIRMAN. Excuse me for interrupting. When you say represent the interests, does that mean there are 30,000 women who are dues-paying members of the bar association?

Ms. BRADSTREET. We have about 10,000 who are actually dues-paying members of our organization, Senator.

The CHAIRMAN. Thank you very much.

Ms. BRADSTREET. By the way, I did get the statistics for your State, if you are interested.

The CHAIRMAN. I am.

Ms. BRADSTREET. Well, I got them from the American Bar Association yesterday, and there are 495 women attorneys out of a total of 2,150.

The CHAIRMAN. Well, 25 percent; we are getting there.

Ms. BRADSTREET. Yes.

Our mission, Senator, is the advancement of women in the legal profession and the complete eradication of gender bias in our society. We are privileged to currently be assisting Senator Feinstein in her tireless work on issues affecting women, and it is a special honor to be appearing before our first senior woman Senator from California.

After a thorough and formal evaluation process involving a review of her legal opinions, cases argued, writings, and interviews with respected peers which examined her intellectual qualifications, judicial temperament, lack of bias, and analytical skills, California Women Lawyers found Judge Ruth Ginsburg to merit the highest rating possible to serve as an Associate Justice.

Judge Ginsburg's contribution as a pioneer of women's rights cannot be overstated, for, as has been noted, she won five of the most important sex discrimination cases that have ever before been argued before the Supreme Court of the United States. Indeed, the case of *Frontiero* has been hailed as a landmark decision in establishing gender parity as a constitutional mandate in the workplace.

When only 20 years ago she persuaded a majority of Justices that a law which, in essence, denied a working woman equal pay to a working man, Judge Ginsburg forged not only a dynamic reinterpretation of the equal protection clause, but also a fundamental positive change in society's previous stereotypical attitudes toward women in the workplace.

Her explicit recognition that, and I quote:

The shape of the law on gender-based classification indicates and influences the opportunity women will have to participate as men's full partners in the Nation's social, political and economic life.

is cause for great optimism that this nominee's presence on the Supreme Court will make a major difference in the achievement of complete gender equality for all.

Her prolific writings also demonstrate that Judge Ginsburg recognizes and will work earnestly to protect a woman's right to choose. Her approach to choice, suggesting that a constitutionally protected sex-equality perspective should also be adopted, in addition to a due process privacy perspective, is a well-reasoned one, for the notion that we as women should be in control of our own destiny is crucial to our attaining an equal place in society.

It is therefore, Mr. Chairman, particularly apt that the appointment of one who has paved the way for women's equality as the second woman Justice on the Supreme Court should symbolize an historic departure from the tokenism that has traditionally existed in the appointment of women to positions of power.

With still only 14.5 percent of circuit court positions and barely 13 percent of district court positions being filled by women today, Judge Ginsburg's appointment to the highest court in the land will take this Nation a giant step forward in shattering the glass ceiling of our legal profession and indeed in other professions, too.

In conclusion, California Women Lawyers most respectfully urges the distinguished members of this committee to vote in favor of the nomination of this outstanding woman to whom all women today owe a great debt.

Thank you so much.

[The prepared statement of Ms. Bradstreet follows:]

PREPARED STATEMENT OF ANGELA M. BRADSTREET

Senator Biden and distinguished Senators: I am deeply honored to be here on behalf of California Women Lawyers to express our strong support of President Clinton's nomination of Judge Ruth Bader Ginsburg as an Associate Justice of the United States Supreme Court.

California Women Lawyers is the largest women's bar association in the nation, representing the interests of over 30,000 women attorneys in the State of California. Our mission is the advancement of women in the legal profession and the eradication of all forms of gender bias in our society generally. We are privileged to currently be assisting Senator Dianne Feinstein in her tireless work on issues affecting women.

After a thorough and formal evaluation process involving a review of her legal opinions, cases argued, writings and interviews with respected peers, which examined her intellectual qualifications, judicial temperament, lack of bias and analytical skills, California Women Lawyers found Judge Ruth Bader Ginsburg to merit the highest legal rating possible to serve as an Associate Justice of the Supreme Court, that is, exceptionally well qualified.

Judge Ginsburg's contribution as a pioneer of women's rights cannot be overstated. For she won five of the most important sex discrimination cases that have ever been argued before the Supreme Court of the United States. Indeed, the case of *Frontiero v. Richardson* has been hailed as a landmark decision in establishing gender parity as a constitutional mandate in the workplace. When twenty years ago she persuaded a majority of the Justices that a law automatically allowing married men in the military, but not married women, medical care benefits for a spouse in essence denied a working woman equal pay to a working man, Judge Ginsburg forged not only a dynamic reinterpretation of the equal protection clause, but also a fundamental change in society's previous stereotypical attitudes towards women in the workplace.

Indeed her explicit recognition that "the shape of the law on gender based classification * * * indicates and influences the opportunity women will have to participate as men's full partners in the nation's social, political and economic life" (*Some Thoughts on Autonomy and Equality in Relation to Roe v. Wade*, R. Ginsburg, 63 N. Carolina L.R., 375) is cause for great optimism that this nominee's presence on the Supreme Court will make a major difference in the achievement of complete gender equality for all.

Her prolific writings also clearly demonstrate that Judge Ginsburg recognizes, and will work earnestly to protect, a woman's right to choose. Her approach to choice, suggesting that a constitutionally protected sex-equality perspective should be adopted, rather than simply a due process privacy perspective, is a well reasoned one. For, the notion that we as women should be in control of our own destiny is crucial to our attaining an equal place in society.

It is, therefore, particularly apt that the appointment of one who has paved the way for women's equality all of her life as the second woman Justice on the Supreme Court of the United States should symbolize an historic departure from the tokenism that has traditionally existed in the appointment of women to positions of power. With still only 14.5 percent of Circuit Court positions and barely 13 percent of District Court positions filled by women today (U.S. Department of Justice), Judge Ginsburg's appointment to the highest court in the land will take this nation a giant step forward in shattering the legal glass ceiling.

In conclusion, California Women Lawyers applauds President Clinton for his outstanding nomination and I respectfully urge the distinguished members of this Committee to vote in favor of this nomination.

Thank you very much.

The CHAIRMAN. Thank you very much for your testimony.
Mr. President. It has a nice ring to it, doesn't it?

STATEMENT OF CARLOS G. ORTIZ

Mr. ORTIZ. It sounds OK.

Thank you very much, Chairman Biden and members of the Senate Judiciary Committee. I bring you greetings from the many thousands of Hispanic-American attorneys from around the country, many of whom are your constituents in your respective States.

On behalf of the Hispanic National Bar Association, I want to tell you that we are privileged to once again appear before your