

The CHAIRMAN. Thank you, Representative Weiss.
Miss Eleanor Smeal, glad to have you.

STATEMENT OF ELEANOR SMEAL

Ms. SMEAL. Thank you. I am Eleanor Smeal and I am the president of the National Organization for Women, and I have come before the committee today to oppose the appointment of Rehnquist as the Chief Justice of the United States.

I join with the Congressman's remarks, that this hurried procedure does not make it easy for us to present our case. It is almost impossible to state, in 3 minutes, why we object so strenuously.

We have not done this much before in the past. We have in fact chosen our times in objecting to appointments very carefully. This appointment, however, we must stand and object to, for he has taken in the past the most extreme positions on the Court, in imposing or limiting the rights of women, and of minority members of our society, and minority members on the basis of race, on the basis of sexual preference, on the basis of religion—a whole host of areas. NOW in fact finds his views on sex discrimination, and the rights of women, more than reactionary. We find them frightening.

We are submitting today detailed testimony on his viewpoints and on his records in the area of sex discrimination. It is comprehensive. It goes case after case after case.

Yesterday, when he was questioned very friendly by Senator Hatch, the impression was given that this is a man who believes in women's rights. We stay—we are here today to tell you, this is not the record of a person who is supporting women's rights, or minority rights. The record is replete with a trend, with a pattern, with a belief system that allows almost any form of discrimination to go forth.

And so I want to summarize—and I take my role here today as summarizing his record on sex discrimination—but I find his record on race discrimination, his record on civil liberties, and individual rights, in general, as reprehensible. I am just going to confine my remarks to the area of sex discrimination because of my role as president of the National Organization for Women.

Essentially, women have no equal rights amendment before the Constitution, so we are totally dependent upon the interpretation of the due process and the equal protection clauses of the 14th amendment, and on statutes.

Under the due process and equal protection laws, he essentially allows any standard. He calls it a rational standard of review, which says if you come up with any excuse, any reason for sex discrimination, it is OK, he will allow the standard.

Under the statutes, he has, in my opinion, flouted the will of Congress repeatedly, and narrowly interpreted those statutes that would guarantee a prohibition of sex discrimination, and in fact has made it so that you would interpret him that he has gutted those statutes. In the area of right to privacy, he repeatedly says there is none; he cannot read it into the Constitution.

He says he is for judicial restraint. I think it is judicial activism, when he, in fact, goes against the will of the majority of our coun-

try to eliminate the will and the desire to eliminate both sex discrimination and race discrimination.

This is an appointment that will go into the 21st century. Women and members of our society who are prejudiced—who, the Nation's will has been frequently one of discrimination against them deserve better. We deserve a chance in the Supreme Court.

I do not believe that Justice Rehnquist's record will be one that will extend women's rights or minority rights. I believe it will limit them, and severely limit them.

I can tell you that those of us dedicated to the fight for individual rights will look upon the votes of individual Senators on this as whether or not they are indeed for minority rights or women's rights.

A vote to confirm, in our belief, is a vote against women's rights, in the most fundamental sense.

[The statement follows:]