

**OPENING STATEMENT OF SENATOR CHARLES McC.
MATHIAS, JR.**

Senator MATHIAS. Thank you, Mr. Chairman.

The chairman of the committee has called this a historic occasion. It surely is that. It is historic among other things because it culminates the effort to insure that women have full citizenship in this country.

Just 334 years ago, in 1647, Margaret Brent was denied the right to vote in the General Assembly of Maryland. She had all of the legal qualifications except one—she was a woman, so she was denied the right to vote. Now today, 334 years later, a woman will attain the ultimate right to vote, the right to vote on the Supreme Court of the United States.

Of course, I would say to Judge O'Connor that Mrs. Brent made one mistake in her attempt to get a vote. She thought she ought to have two votes, one as a representative of Governor Leonard Calvert's estate and one for herself: so I would learn from the lesson of history and only seek at this time a single vote on the Court.

However, I think it is important that we savor this moment because it is a milestone in the history of the Court itself, and there have been only a few of these moments. We should pause and realize that we are at the end of an era and at the beginning of an era. Sixteen years ago, President Johnson nominated Thurgood Marshall to the Court, and that was clearly a similar moment. President Johnson said on that occasion, "I believe it is the right thing to do, the right time to do it, the right man and the right place." By changing one word, I think that those words of President Johnson would be just as appropriate today.

I think President Reagan has demonstrated great vision and a fine sense of history in nominating Judge O'Connor for the seat that Justice Potter Stewart has held with such distinction for such a long time. Reference has been made here this morning to the fact that she comes from the State courts. But, in that, she follows in the footsteps of some of the most distinguished Justices who have ever served on the Court—Justice Cardozo, Justice Holmes, Justice Brennan—so she will serve in a good tradition.

Shortly after Judge O'Connor was nominated, I had an opportunity to meet with her and to discuss at length a variety of legal issues. During that conversation, I got a clear sense that when she is confirmed—I do not say if she is confirmed but when she is confirmed—that she will come to the Court as an interpreter of the law rather than as one who writes original law. That is a view with which I wholeheartedly concur, and so I shall look forward to the exchange between Judge O'Connor and the committee in these hearings.

I think it will be important to go beyond the symbolism which is so obvious to all of us today and to get to know her as a person and as a potential justice. I think consistent with our constitutional responsibility to grant or deny consent to the President's nomination we must review Judge O'Connor's qualifications to sit in the highest court in the land, and we will perform that duty, but I have no doubt as to the outcome of these hearings.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.