

The CHAIRMAN. Judge, I want to thank you for being here. By the way, I want to thank you for your organization. It has had an impact and a growing impact on hopefully sensitizing—I was going to say us all, but I would like to see in the choice of all nominees to the Court, I would like to see the administration sensitized a little bit more. I really mean it, I think your organization is making a very positive impact and it will only grow.

Thank you for being here.

Let me go to Ms. Coleman and then what we will do is we will go to questions.

#### STATEMENT OF DORIS COLEMAN

Ms. COLEMAN. Mr. Chairman and members of the committee, I am honored to be a part of this historic event. I think any time we discuss an appointment of a Supreme Court Justice, it is historic, and this man is going to play an important part in all of our lives.

I am here as president of California Women Lawyers, the largest women's bar association in the world. With 23,000 women lawyers, judges, and law professors in California, our number is nearly as great as the population in the Capital of New Hampshire, but it is, I am certain, growing at a faster rate.

This comparison is meant to emphasize the size and diversity of California Women Lawyers. We are a nonpartisan organization, with members who are bright, educated, and articulate. Our members and affiliates do not agree on all issues, but we do not knee jerk any issue, but I do want to tell you that there are some issues that we have clear stated positions on. My purpose in being here today is to share some of those positions with you.

We believe that a woman's right to make decisions about her own body and her life in connection with reproductive rights is a fundamental constitutional right, and the most rigid scrutiny test must be applied when that right is in jeopardy. We believe in choice. We believe choice is a fundamental right guaranteed by the Constitution. If that right is taken away, it will be the first time in history that a fundamental right, once recognized, has been taken away. We have always gone forward, never back.

As we approach the 21st century, the message is still clear that it is OK to discriminate against women. Before adjourning for its summer session, the House of Representatives passed a version of the Civil Rights Act of 1990 that placed a cap on damages that can be awarded to women in cases of sex discrimination, without placing a similar cap on discrimination actions brought based on race. That sends a powerful message and it is the wrong message.

Last March, the draft of California's 3-year study of gender bias in the courts was released. The study produced a massive report. Even those who expected to find some bias, were surprised by its pervasiveness. Chief Justice Lucas of California said at the first hearing in Los Angeles that he hoped that our State, with its reputation for progressive and fair social attitudes, would be different. But it did not turn out that way. California, like the rest of the Nation, has strange notions about women. We found that the discrimination experienced by women in California was the same discrimination experienced by women throughout the Nation.

The study not only confirmed the existence of sex discrimination in the judicial system, but it concluded that substantial amelioration of the problem of gender-biased conduct in the courtroom would be accomplished, if more women were appointed to the judicial offices. I suspect that substantial amelioration to many problems in the workplace would be accomplished by more women in leadership and policymaking positions.

There is no such thing as being almost equal; the bubble is either in the middle or the floor is not level. No one likes quotas and few believe they are necessary, but there is a need for some mechanism to correct the problem, and the problem is reflected by numbers. Of your Judiciary Committee of 14, none are women; the Senate is 98 percent male; women constitute a bare 5 to 10 percent of America's total judiciary, depending upon the criteria used for counting; words and phrases such as "glass ceiling, revolving doors" and "mommy track" have evolved to describe the discrimination that women find in the workplace. The next Supreme Court Justice must recognize a long established discrimination against women and the need for mechanisms to correct these injustices.

I would like to share a list of concerns which were extracted from letters exchanged between women lawyers between 1880 and 1900. This is the turn of the last century. They were:

First, the power disadvantage of women in relation to men with whom they associated and competed; second, the balancing of heavy domestic responsibilities for women, in addition to their demand professional work; third, the concern about the condition and quality of life for women; and, fourth, the discrimination which checked their hopes for professional security and advancement—almost 100 years ago.

When California Women Lawyers was formed in 1975, almost 100 years after these problems were noted by other women lawyers, our goals echoed that list. If we are indeed making progress, we are traveling at an exceedingly slow pace.

Finally, I want to ask the committee, in reaching its decision, and each of you individually, to make sure that you are convinced that Judge Souter is enlightened and sensitive to women's issues, and I ask that you keep women's issues foremost in your minds. We are depending on you.

The CHAIRMAN. Thank you very much.

I am going to yield to my colleague, who has one question for all of you, and then I will have some questions.

Senator THURMOND. Thank you very much, Mr. Chairman.

First, I have a question for you gentlemen, Mr. Martin, Mr. Dunfey, and Mr. Ruiz. Is it your opinion that Judge Souter has the competency, the dedication, the courage and the integrity and the fairness to be a Justice of the Supreme Court of the United States? We will start with you, Mr. Martin.

Mr. MARTIN. I certainly do.

Senator THURMOND. Mr. Dunfey.

Mr. DUNFEY. My answer is unequivocally yes.

Senator THURMOND. Mr. Ruiz.

Mr. RUIZ. Our board review the qualifications of—

Senator THURMOND. I cannot hear you.