

Senator KENNEDY. I am sorry I was not here to hear your whole testimony, Mr. Dodds, but I appreciate very much your taking the time to be with us. Obviously the UAW has had a long tradition of being interested not only in questions of wages and hours of their employees. It also has been willing to speak out on important questions which are before us and which has been helpful to the Members of the Senate in reaching our own decision. I want to express my personal appreciation for your appearance here and say I look forward to looking through your testimony in its entirety.

Mr. DODDS. Thank you very much.

Senator HART. Senator Burdick?

Senator BURDICK. I want to thank you, too, Mr. Dodds, for the contributions you make. I have no questions.

Senator HART. Senator Hruska?

Senator HRUSKA. Thank you for coming. Please express to Mr. Woodcock our regrets he was not able to come, but also tell him he sent a good representative.

Mr. DODDS. Thank you very much, sir.

Senator HART. Next we shall hear a representative of the National Women's Political Caucus, I believe Mrs. Kathryn Herring. If the others would join you, fine, and for the record if you will identify them and the organizations.

TESTIMONY OF BARBARA GREENE KILBERG, ATTORNEY, NATIONAL WOMEN'S POLITICAL CAUCUS

Mrs. KILBERG. Gentlemen, my name is Barbara Greene Kilberg, rather than Katy Herring. She was a member of our staff.

I am an attorney and am pleased to testify today on behalf of the National Women's Political Caucus. We are a multipartisan, national organization whose goal is to bring about full and responsible participation of women in local, State, and Federal Government.

Our caucus initiated the campaign several weeks ago to press for the appointment of a woman to the Supreme Court. We were joined in this goal by a wide variety of organizations and thoughtful individuals throughout the country, among them: the First Lady, Mrs. Pat Nixon; Mrs. Martha Mitchell; Mrs. Lucy Benson, president of the League of Women Voters; Mrs. Margaret Laurence, president of Women United; the following Congresswomen: Hon. Florence P. Dwyer, Hon. Leonor H. Sullivan, Hon. Edith Green, Hon. Julia Butler Hansen, Hon. Charlotte T. Reid, Hon. Patsy T. Mink, Hon. Margaret M. Heckler, Hon. Shirley Chisholm, Hon. Bella S. Abzug, Hon. Ella T. Grasso, Hon. Louise Day Hicks and Hon. Martha Griffiths; former Chief Justice Earl Warren and former Associate Justices Arthur Goldberg and Tom Clark; members of the National Federation of Republican Women; the American Bar Association Committee on Rights of Women; Common Cause; the National Council of Catholic Women, B'Nai B'rith Women; the National Council of Negro Women; the National Federation of Business and Professional Women's Clubs; the Ripon Society; and the National Board of the YMCA of the U.S.A.

We asked that a woman be appointed to the Court because we are the majority group in this country, because there are qualified women

who would serve the Court well, and because we, for too many years, have been excluded from those deliberations which have had significant and often detrimental effect on the shape of our own lives. We are distressed that a woman nominee is not before you for confirmation today.

In his address to the Nation on the evening of October 21, President Nixon stated that he believed, as he was sure all Americans did, "that the Supreme Court should in the broadest sense, be representative of the entire Nation." It is impossible, in our opinion, to have a broadly representative Court when 53 percent of the electorate does not have representation on its bench. While the President accurately observed that every group in the country cannot be accommodated since the Court is composed of only nine seats, we maintain that the appointment of a woman should have as high a priority as the appointment of a Justice from a particular geographic region, a particular racial, ethnic or religious background, a particular age category or with a particular judicial philosophy.

In his address, the President set out two criteria that should be applied in naming people to the Supreme Court: First, he stated that "the Supreme Court is the highest judicial body in this country. Its members, therefore, should above all, be among the very best lawyers in the Nation." There are eminently talented and experienced women attorneys and jurists who are among the very best in the Nation. The President's second consideration was the judicial philosophy of those who are to serve on the Court. There are highly qualified women in this country who fit within the definition of a conservative judicial philosophy.

As the President himself noted, the Supreme Court is continuously engaged in balancing the many interests of a diverse society. The late Justice Felix Frankfurter, a judicial conservative, in explaining the necessity of weighing these conflicting interests stated that it requires an ability at both "logical unfolding" and "sociological wisdom." We believe that a woman would bring to the Court a perspective on "sociological wisdom" that could not be duplicated by any man and that would constitute a valid and important input to Supreme Court decisions, both on issues that involve women's rights and those that deal with the general body politic, which has been seriously lacking to date.

As women, we are well aware that our secondary role in society has not been determined primarily by Supreme Court decisions. We have been placed in a subordinate role by an endless array of discrimination that begins from the time we are very young. In the legal field, the statistics speak for themselves: There are today only 9,103 women graduates of law schools, 2.8 percent of the total law school graduates. In the last 2 years, the average scores of women on the law school admission test have been higher than the average scores for men, yet the proportion of women admitted to law schools is smaller than the proportion taking the test. It is estimated that the nationwide entering law school class in 1971 consisted of about 10 to 11 percent women. There are only about 150 women judges on the local, State and Federal levels out of a judiciary total of over 5,000. On law school faculties only 2.3 percent of the full professors are women.

As the 10 to 11 percent student figure indicates, a number of law schools in the last few years have begun to open their doors to women in larger numbers and I am confident that the male dominance in law

school admissions is on the road to being reversed. In law faculties, in the judiciary and in the practicing legal bar, however, women have been and continue to be severely restricted in both access and advancement. This is a discrimination that is being addressed by the ABA's Committee on Rights for Women and it is one of the areas in which the National Women's Political Caucus intends to pressure adamantly for redress.

As we stated above, there are women of distinguished legal backgrounds who deserve nomination to both the Supreme Court and to the lower courts in much greater number. We deeply believe that courts should be institutions in which no vestige of discrimination, sexual as well as otherwise, should be permitted to exist.

The National Women's Political Caucus has come to testify before this committee today because the Senate is a part of our representative system and we believe you should have an accurate picture of the opinion of the constituency that you are elected to represent. Women are a majority part of that constituency. In your role of advise and consent, we are not asking you to reject either Mr. Powell or Mr. Rehnquist for the Supreme Court because of their sex. However, we have taken this opportunity to express the discontent of a large segment of the population that a woman has not been nominated as a Justice of the Supreme Court and we wish to state before this committee, as we have expressed in writing to the President, that we fully expect the next Supreme Court vacancy, whenever it shall occur, to be filled by an outstanding woman. We note in closing that our testimony is being delivered to an all-male committee. We would like to issue a friendly warning, gentlemen, these are no longer all-male times.

Senator HART. You don't have to remind me. I recognize it and I feel guilty.

[Laughter.]

Senator HART. Mrs. Heide, do you have a statement?

Mrs. HEIDE. Yes, I do.

Senator HART. Might it not be better if we heard both and then if we have any questions—

TESTIMONY OF WILMA SCOTT HEIDE, PRESIDENT, NATIONAL ORGANIZATION FOR WOMEN, INC.—NOW

Mrs. HEIDE. Fine. My appearance here today is an indication that I am nearly incurably optimistic of women receiving justice from this Judiciary Committee, the U.S. Senate, the Congress and the U.S. Government, most evidence being to the contrary. If my statement and recommendations are undervalued or ignored by this committee and the Senate, my remaining optimism about justice for women may be cured. To be candid, I am not certain that the Senate Judiciary Committee, perhaps with some exceptions, without any life experience of living as a woman in an androcentric society, has the capacity or desire to fully understand what I intend to share with you. For the moment, I will give you the benefit of considerable doubt.

I am Wilma Scott Heide, president of NOW, the National Organization for Women, Inc., a behavioral science consultant and a member of the National Equality Committee of the American Civil Liberties Union, the last being for identification only.