Mr. WESTPHAL. Thank you, Mr. Smith.

I understand the committee will recess subject to the call of the Chair.

[Whereupon, at 5:30 p.m., the committee recessed subject to the call of the Chair.]

[The chairman subsequently made the following statements a part of the record.]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 9, 1975.

STATEMENT BY BELLA S. ABZUG, TO THE SENATE JUDICIARY COMMITTEE HEARINGS ON THE CONFIRMATION OF JUDGE JOHN PAUL STEVENS TO THE SUPREME COURT

Senator Eastland and Members of the Senate Judiciary Committee:

As you realize from reading the letter which I circulated to you yesterday, when this hearing began, I had questions about Judge Stevens' sensitivity to women's rights based on his decisions in a number of sex discrimination cases which came before him in the Court of Appeals.

After learning of his statement yesterday that he would decide these cases exactly the same way today, I am increasingly concerned over this hasty confirmation process. In light of this statement, I am especially disturbed about Judge Stevens' dissent in the *United Air Lines* case, where he failed to find that the no-marriage rule for stewardesses was sex discrimination prohibited by Title VII of the Civil Rights Act of 1964.

This opinion was anachronistic when written, but when it is examined again in 1975, with the hindsight of the progressive development of Title VII law in the intervening four years, I find it unbelievable that Judge Stevens would rule the same way.

After reading the Judge's comments at yesterday's hearings, I found myself compelled to come before you to urge that these hearings not be adjourned without your hearing from additional women's groups, female jurists and others who have a very serious interest in Judge Stevens' views—particularly with reference to the Equal Rights Amendment which was overwhelmingly passed by the Congress and ratified by 34 states.

I must say that I found the Judge' slack of knowledge about the background of the amendment shocking. It is out of step with the times that a man being recommended for the highest court in our land would not be familiar with the outcome of litigation which attempted to apply the 14th amendment to women as it had been applied to minorities.

Judge Stevens' view of the ERA reflects the thinking of the 1950's when legal scholars still believed that the courts would interpret the 14th amendment expansively. As the history of litigation showed that not to be inevitably the case, women's organizations, trade unions and civil rights groups became increasingly convinced of the necessity for adding the Equal Rights Amendment to the Constitution. For that reason, the broadest coalition of groups including the Democratic and Republican parties supports its ratification as the best means of guaranteeing equal justice under the law.

There is ample legal literature on what the ERA would accomplish and I would be happy to provide the relevant articles to the nominee and the Committee. Rather than take up the Committee's time with citations to Law Review journals, I urge this Committee not to confirm this nominee hastily—but rather to recess and allow interested groups the time to come forward and testify on Judge Stevens' nomination and his positions as stated before this Committee.

I and other Members of Congress as well as major women's groups urged President Ford to nominate a woman to the Supreme Court and were disappointed with his failure to attempt to redress the historical imbalance in our Courts. None of us advocating the appointment of a women to the High Court has even suggested that the appointment be made on the basis of sex alone. There are a number of highly qualified women jurists and lawyers in our country from whom a suitable choice could be made, if there were a desire to do so. Clearly, the President had no such desire.

It is ironic that the nominee chosen by our non-elected President in this International Women's Year should turn out to be unsympathetic to the needs of over half our population. I see no reason why the Senate should hasten to approve the President's choice, particularly when a lifetime appointment is involved.