

The Honorable Strom Thurmond
September 8, 1981
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Furthermore, the Committee's investigation has demonstrated that Judge O'Connor has an appropriate judicial temperament. Her judgment is sound, and she is well respected by her colleagues. Her integrity is above reproach.

This report is being filed at the commencement of the Senate Judiciary Committee's hearing. We will, as a matter of routine, review our report at the conclusion of the hearings and notify you if any circumstances have developed that may require modification of our views.

Respectfully submitted,

Brooksley E. Landau
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Chairperson

BEL:djr

The CHAIRMAN. Now we have a lady here that has to catch a plane and is also scheduled to testify, we will take her next: Ms. Kathy Wilson, National Women's Political Caucus. Ms. Wilson, will you come around?

Raise your right hand and be sworn in.

Do you swear that the evidence you give in this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Ms. WILSON. I do.

The CHAIRMAN. Have a seat, and we will be glad to hear from you.

TESTIMONY OF KATHY WILSON, NATIONAL WOMEN'S POLITICAL CAUCUS

Ms. WILSON. Thank you.

I am Kathy Wilson, chair of the National Women's Political Caucus. Accompanying me today is Susan Ness, director of the NWPC judicial appointments project. In addition to my organization, I speak today on behalf of 21 organizations, which include the American Association of University Women, Arizona Women Lawyers' Association, Federally Employed Women, Mexican-American Women's National Association, National Association of Negro Business and Professional Women's Clubs, National Council of Jewish Women, National Federation of Business and Professional Clubs, National Women's Party, Rural American Women, and the Women's Equity Action League.

Mr. Chairman and members of the Senate Judiciary Committee, thank you very much for providing the National Women's Political Caucus with the opportunity to testify before you in support of the confirmation of Judge Sandra Day O'Connor, nominee for Associate Justice of the U.S. Supreme Court.

The millions of women I speak for today are delighted by the appointment of Judge O'Connor, the first woman selected to serve on the U.S. Supreme Court in its 190-year history.

As a jurist, Judge O'Connor has consistently demonstrated those qualities that are the foundation of the American judicial system: the highest standards of professionalism, competence, integrity, ju-

cial temperament, and commitment to equal justice under law. She enjoys a reputation of being fair and impartial. The extremely high rating she was given by members of the Arizona Bar is testimony to the respect and esteem in which she is held by those practicing before her.

Earlier in her career, she also distinguished herself as a lawyer and outstanding public official. Her accomplishments are not limited to her professional life, however. In her private life as well she has given generously of her time, helping a wide variety of community institutions.

Thus, we testify today in support of an individual who on the basis of her past achievements shows great promise to become a truly distinguished Supreme Court Justice, but our presence here today is for someone who will be more than simply one of the nine Justices on the highest court in the land. She will become the first woman to hold that position in the 190-year history of the Court, and follows an unbroken string of 101 Justices—all men.

This confirmation hearing thus marks a historic occasion, the culmination of over 100 years work on the part of women and men to break down the barriers to equality for women and men in our system of justice. Only 108 years ago, the U.S. Supreme Court—on which Judge O'Connor soon will sit—in the infamous case of *Bradwell v. Illinois*, upheld a State court refusal to admit women to the practice of law on the grounds that women were unsuited for such a role. Not until the turn of the century were women allowed to practice law in most States, and only within the last 10 years have all American Bar Association approved law schools opened their doors to women.

The advancement of women as Federal judges was equally slow. Not until 1934, with the appointment of Judge Florence Allen to the U.S. Court of Appeals for the Sixth Circuit, was there a female Federal judge. For many years she remained the only woman. Despite strong support for her around the country, Judge Allen was not to become a member of the Supreme Court—solely on account of her sex.

Only within the past 4 years have women begun to be appointed in significant numbers to the Federal bench. During this period, the number of female Federal judges jumped from 5 to 44, or from 1 percent to 6.6 percent of the Federal judiciary. Given the fact that there are over 70,000 female lawyers in the United States today, such an increase is not surprising; rather, it is long overdue.

In applauding the selection of Judge O'Connor to the Supreme Court, we caution against allowing that milestone to mask the need for greater representation at every level of the judiciary. With three-fourths of the U.S. district courts and one-third of the circuit courts still male only, much remains to be done to bring about a better balanced judiciary. Nor should we be content to see Justice O'Connor remain the only woman on the Supreme Court. As vacancies on that Court arise, other women should be considered and selected as well.

As the first and, for now, only female Supreme Court Justice, Judge O'Connor undoubtedly will be in the public limelight. That is a tough assignment, but we feel confident that this particular Supreme Court nominee will carry out that role with dignity,

wisdom, and sensitivity. We of the National Women's Political Caucus wish her well, and we urge the Senate to accord her a speedy confirmation.

Thank you.

The CHAIRMAN. Any questions by any member of the committee?
[No response.]

The CHAIRMAN. If not, Ms. Wilson, we thank you for your appearance here today.

Our next witnesses are a panel of two: Dr. Jack Willke and Dr. Carolyn F. Gerster of the National Right to Life Committee. We will ask these two witnesses to come forward.

Will you hold up your hands and be sworn?

Do you swear that the evidence you give in this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. WILLKE. I do.

Dr. GERSTER. I do.

The CHAIRMAN. Have seats, and we will be pleased to hear from you.

**TESTIMONY OF DR. CAROLYN F. GERSTER, VICE PRESIDENT
IN CHARGE OF INTERNATIONAL AFFAIRS, NATIONAL RIGHT
TO LIFE COMMITTEE, INC.**

Dr. GERSTER. I would like to thank Senator Strom Thurmond and the members of the Senate Judiciary Committee for this opportunity to testify at the confirmation hearing.

I am an Arizona physician, cofounder, and first president of the Arizona Right to Life. I have served as director from Arizona to the national board since its formation in 1973. I was immediate past president and am currently vice president in charge of international affairs.

I would like to preface my written remarks by saying that, as a woman in a profession that is still dominated by men, I believe that the nomination of a woman Justice to the U.S. Supreme Court is about 200 years overdue, and I wish with all my heart that I could support the nomination of this fellow Arizonan.

I would like to comment on the Justice Department memorandum that has been mentioned by Senator Denton, a memorandum from Kenneth W. Starr dated July 7, 1981, summarizing his July 6 telephone investigation of Judge Sandra O'Connor's voting record in family-related issues during the period that she served in the Arizona State Senate. The memo reads in part:

Judge O'Connor indicated, in response to my questions, that she had never been a leader or outspoken advocate on behalf of either pro-life or abortion rights organizations. She knows well the Arizona leader of the right-to-life movement, a prominent female physician in Phoenix, and has never had any disputes or controversies with her.

I was not contacted by the Justice Department for a verification. This statement has been understandably misunderstood by members of the legislature and the media to imply that Judge O'Connor and I share similar beliefs on the abortion issue.

I have known Sandra Day O'Connor since 1972. Our children were members of the same Indian Guide group. We attend the