

ing the first term of the Supreme Court. His comments on the judicial branch remain as insightful and compelling today as when they were first delivered. He stated and I quote:

"I have always been persuaded that the stability and success of the national government, and consequently the happiness of the people of the United States, would depend in a considerable degree on the interpretation and execution of its laws. In my opinion, therefore, it is important that the judiciary system should not only be independent in its operations, but as perfect as possible in its formation." (End of quote.)

Mr. Chairman, I believe this hearing is a continuation of ongoing efforts to create a judiciary which is as perfect as possible. As we pursue this worthy goal, it is incumbent upon the Senate to closely review Judge Ginsburg's qualifications to serve on the highest court in the land.

Judge Ginsburg, we welcome you here today, and look forward to your testimony. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator.

### OPENING STATEMENT OF SENATOR KENNEDY

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

I want to extend my appreciation for the kind words of my good friend from Utah, and it is a pleasure to serve on this committee with "Tyrannosaurus" Hatch. [Laughter.]

I join in congratulating Judge Ginsburg on her nomination, and in welcoming her before this committee.

Nominations to the Supreme Court are among the most important decisions that any President makes, and the confirmation process is one of Congress' most important responsibilities.

The Supreme Court is the guardian of our most basic constitutional rights and liberties. The Justices of the Supreme Court have the last word on the meaning of the Constitution; and they are called upon to decide many of the most important and difficult questions of our time:

May a State consider the race of its citizens in drawing legislative districts? May a State impose a greater punishment for a crime because the criminal is motivated by racial or religious bigotry? What is the proper boundary between church and state when government furnishes aid to students in religious schools?

These are just a few of the questions that the Justices of the Supreme Court decided in the past term. The rules announced by the Court in its decisions affect the daily lives of all Americans.

Senators must satisfy themselves that a Supreme Court nominee has the outstanding ability, unquestionable character, and fair and balanced temperament to decide the important and difficult cases that come before the Court. And, no less important, Senators must determine whether a nominee to the Supreme Court possesses a deep understanding and commitment to the fundamental values of liberty, fairness, and equality enshrined in the Constitution.

Our constitutional freedoms are the historic legacy of every American. The Members of the Senate have an obligation to ensure that those freedoms are entrusted to women and men on the Supreme Court who will preserve their meaning for future generations.

Based on her pathbreaking work as a law professor and a legal advocate for the rights of women, and based on her distinguished career as a Federal appeals court judge, it appears that Judge Ginsburg easily meets these high standards. Her creative strategies to win legal recognition of the right of women to equal protec-

tion of the laws have earned her the admiration and respect of every American committed to ending discrimination in our Nation. Her impressive and scholarly work on the Federal appeals court here in Washington has earned her a reputation as one of the very best judges in the United States today.

The members of this committee, nonetheless, have a constitutional responsibility to carefully examine Judge Ginsburg's opinions and articles and to ask her about her legal philosophy and approach to the Constitution, to assure ourselves that she deserves the high honor of joining the Nation's highest court.

I commend President Clinton for this excellent nomination, and I look forward to Judge Ginsburg's testimony.

The CHAIRMAN. Because we went out of order at the outset, the next speaker will be Senator Metzenbaum.

### OPENING STATEMENT OF SENATOR METZENBAUM

Senator METZENBAUM. Thank you, Mr. Chairman.

Judge Ginsburg, congratulations on your nomination and welcome to these hearings.

It has been a long time since a Democratic President has made a Supreme Court nomination. Justice White's resignation means that all of the remaining Justices were nominated by Republican Presidents.

This day is welcome, for many reasons. For 12 years, Supreme Court nominees have been sent to this committee in the hope of promoting a political and social agenda directly from the planks of the Republican Party platform. A core element of that agenda was the reversal of Supreme Court decisions in the areas of abortion, civil rights, individual liberties, and the first amendment. Unfortunately, their efforts have met with considerable success.

As a result, the Supreme Court today is plagued by a vision of the Constitution which is cramped and narrow. The current Court lacks either the will or the commitment to make the promises and principles of our Constitution a reality for all Americans.

This Nation faces difficult—and sometimes divisive—social problems. We need leadership that is inclusive and tolerant. And we need a Supreme Court that is a source of inspiration and moral leadership. Only then will individual liberty, equal justice, and fundamental fairness be a reality for everyday Americans, as we prepare to turn to the 21st century.

President Clinton took one large step in that direction by nominating Ruth Bader Ginsburg. No one can seriously claim that the President selected Judge Ginsburg to carry out a political agenda. The President found in Judge Ginsburg the nominee he was searching for, a person of enormous talent and integrity, a generous character, and an unyielding fidelity to the Constitution and the rule of law in the service of society.

Judge Ginsburg's record as a litigator is the envy of lawyers throughout the country. She spent the bulk of her career as a lawyer working to secure equal rights for women. She succeeded, due to her comprehensive knowledge of the law and her keen understanding of what would persuade the male members of the Supreme Court.