

As a lawyer, she was an activist intellectual who brought grace to both roles. As a judge, Ruth Ginsburg has not only resolved hard cases, she has contributed to legal theory and made collegiality among judges and its effect on the law a new and fascinating subject of scrutiny.

Those who have expected great things of Ruth Ginsburg have always gotten what they bargained for. Count on Justice Ginsburg to keep that unbroken record.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very, very much.

I know all of you have other duties, and we appreciate your being here. Thank you for your input. And, Pat, I am delighted that you had the opportunity to introduce a woman who saves my daughter Ashley from having to be the second woman nominee to the Supreme Court. Thank you.

Now we will return to semiregular order, which is that Senator Kennedy would go next. But our distinguished colleague and ranking member of the Armed Services Committee has to attend a hearing at 11, and Senator Kennedy has graciously suggested that he go next.

#### OPENING STATEMENT OF SENATOR THURMOND

Senator THURMOND. Thank you, Mr. Chairman. I wish to thank Senator Kennedy for letting me go at this time.

I want to express my appreciation to Senator Hatch for his kind words. He is a great Senator and a great man, and I appreciate what you had to say.

We all welcome Senator Specter back, a great Senator and a true patriot of this country. So glad to see you in good health now.

Now, Mr. Chairman, today the Senate begins consideration of the nomination of Judge Ruth Bader Ginsburg to be an Associate Justice of the U.S. Supreme Court. If confirmed, Judge Ginsburg will be the 107th person to serve as a Justice, continuing the long tradition of distinguished jurisprudence which began with Justice John Rutledge of South Carolina, who was appointed on September 26, 1789. Although I was not privileged to be in the Senate at that time—[Laughter.]

Lest anyone have doubts—Judge Ginsburg's will be the 25th Supreme Court nomination I have reviewed during my nearly 39 years in the Senate.

Since its first session in the Royal Exchange Building in New York City in 1790, the Supreme Court has been an indispensable part of our Government, securing individual rights and interpreting the laws of this Nation. Occasionally, however, the Federal courts have gone beyond their constitutional mandate and used their judicial authority to legislate from the bench. I believe that the Hamiltonian vision of the judiciary is a correct one: Judgment, not will, is to be exercised by the judicial branch.

Mr. Chairman, we have a very serious responsibility here. Article II of the Constitution confers upon the Senate the duty of giving "advice and consent" to the President's appointment of Supreme Court Justices. The detailed review of judicial nominations has been assigned by the Senate to the Judiciary Committee. To a great extent, our colleagues who are not on this committee depend

upon our work to make their own decisions on a nominee's qualifications to sit on the most important and prestigious court in America. These hearings also give the public an opportunity to see the process at work.

Justices occupy a position of immense power and are tenured for life. Furthermore, Justices and other Federal judges are not accountable to the public through the ballot box. It is, therefore, imperative that the Senate exercise its role in the confirmation process with great care, ensuring that the nominee possesses the necessary qualifications to fill this immensely important role.

Over the years, I have determined the special qualifications I believe an individual must possess to serve on the Supreme Court, and they are as follows:

First, unquestioned integrity. A nominee must be honest, absolutely incorruptible, and completely fair.

Second, courage. A nominee must possess the courage to decide tough cases according to the law and the Constitution.

Third, compassion. While a nominee must be firm in his or her decisions, they should show mercy when appropriate.

Fourth, professional competence. The nominee must have the ability to master the complexity of the law.

Fifth, proper judicial temperament. The nominee must have the self-discipline to base decisions on logic, not emotion, and to have respect for lawyers, litigants, and court personnel.

Sixth, an understanding of the majesty of our system of government. The nominee must understand that only Congress makes the laws, that the Constitution is changed only by amendment, and that all powers not specifically delegated to the Federal Government are reserved to the States.

These are the essential qualities which determine the fitness of an individual to serve on the Court, and it appears to me that Judge Ginsburg possesses them. She has had a distinguished scholastic and legal career and established a reputation as a person who thinks twice before acting—an especially valuable quality in a judge.

After 13 years on the D.C. Circuit Court, Judge Ginsburg has written hundreds of opinions, authored numerous articles, and delivered many speeches. I am not in agreement with her on every issue. However, I respect her intelligence and ability, and I look forward to discussing her approach to constitutional issues and reviewing her development on the D.C. Circuit Court.

Mr. Chairman, as we begin this hearing, I am reminded of the thoughts conveyed by President Washington to Chief Justice John Jay and the Associate Justices during 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.

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 prepared statement of Senator Thurmond follows:]

#### PREPARED STATEMENT OF SENATOR THURMOND

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