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Your fidelity to the Constitution, your appreciation of its framework of limited powers, and your understanding of the role of Congress and the States in making law—these are the important qualities. In addition, and no less important, a Justice must possess an open mind, or what Justice Frankfurter called “a capacity of disinterested judgment.”

I look forward to exploring these ideas in greater detail with you during these hearings. Once again, I say congratulations to you and all your friends and your family.

[The prepared statement of Senator Grassley follows:]

PREPARED STATEMENT OF SENATOR GRASSLEY

Congratulations, Judge Ginsburg, and welcome to your family. I am sure they take great pride in this day, just as they have done with all of your accomplishments—from scholar and law professor—to advocate for gender equality—to distinguished Federal appellate judge.

But today marks the beginning of an even more notable achievement. If confirmed, you will become only the 107th person to become a Supreme Court Justice. Indeed, you will join a very elite and important group, charged with interpreting the Constitution.

You, Judge Ginsburg, seem to understand the place the Supreme Court applies within our democracy. Through many of your writings, I have detected traces of Alexander Hamilton. For example, you appreciate that the Framers gave the Court great authority to rule on the Constitution, but armed the Court with no swords to carry out its pronouncements. Hamilton envisioned that it would be the accountable branch of government—the Legislature—that would make the difficult policy choices. In many of your opinions, you have expressly deferred to the will of Congress as you apply law to the facts of a case.

This confirmation hearing gives us an opportunity to explore your approach to judging and determine whether you will exercise self-restraint. That, after all, is the touchstone. A Justice must be willing to accept the Constitution as her rule of decision. And, a Justice must be able to resist the temptation to revise or amend the Constitution according to her views of what is good public policy.

We will disagree on specific issues and particular cases; I have no doubts about that. But the issue is not whether you and I can sign on to some political platform together. A Justice need not be “pro-one thing” and “anti-another thing.” Judges were given lifetime tenure to insulate them from the political pressures on the day. The confirmation process need not be a campaign trail of promises by a nominee. These hearings are about judicial philosophy, not political results.

Through much of the second half of this century, the Supreme Court had grown into a political institution and away from being a legal institution. That trend has diminished somewhat in recent years, with the nomination and confirmation of individuals anchored in the Constitution and deferential to the politically accountable branches of government. Some political activists are hoping your presence on the Court will bring back an era of political judging. But that view misunderstands the role of the Supreme Court.

Your fidelity to the Constitution, your appreciation for its framework of limited powers, and your understanding of the role of Congress and the States in making law—these are the important qualities. In addition, and no less important, a Justice must possess an open mind, or what Justice Frankfurter called, “a capacity for disinterested judgment.”

I look forward to exploring these ideas in greater detail with you during these hearings. Once again, congratulations.

The CHAIRMAN. Thank you very much, Senator.
Senator Leahy.