

THE NEW PRESIDENCY: Attorney General;
BAIRD APOLOGIZES TO SENATE PANEL FOR ILLEGAL HIRING

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By CLIFFORD KRAUSS, Special to The New York Times

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Body

Zoe Baird apologized today for hiring two illegal aliens to work in her house, telling the Senate Judiciary Committee, which is holding hearings on her nomination as Attorney General, that she had known she was violating the law.

Her apology seemed to satisfy some Senators, but most expressed cautious support or remained noncommittal, although that did not appear to undermine the likelihood of her eventual confirmation.

The hearing offered a striking set of tableaux, including the confessions of an ambitious woman trying to balance career and motherhood and the political high-wire acts of lawmakers weighing Ms. Baird's credentials against calls and letters questioning her ethics. The hearing also showcased the debut of the first two women to serve on the committee, which had infuriated many women with its heated questioning of Anita F. Hill.

'Forced Into This Dilemma'

Disclosures that Ms. Baird, a 40-year-old corporate lawyer, had knowingly broken the immigration laws she will have to enforce have placed the judiciary panel in its most awkward and public position since it held confirmation hearings on the nomination of Clarence Thomas to the Supreme Court in October 1991. Widely criticized for their treatment of Ms. Hill, the law professor who accused Judge Thomas of sexual harassment, Republican and Democratic committee members treated Ms. Baird with courtesy even as they criticized her conduct.

For her part, Ms. Baird said she accepted full responsibility for deliberately breaking the law by hiring a Peruvian couple living in the United States illegally to care for her 3-year-old son, Julian. She said that despite the advice of a lawyer, she did not pay Social Security taxes until after her selection by President-elect Bill Clinton.

"I was forced into this dilemma to care for my child," she said. But she also declared: "People are fairly questioning if there are classes of individuals who hold themselves above the law. I do not."

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Oddly, the most persistent questioning of Ms. Baird came from Democrats, while Republicans rushed to her defense.

Public interest groups have criticized positions she took while a corporate lawyer, most recently senior vice president for Aetna Life and Casualty . In particular, some Democrats are uncomfortable with her activities on behalf of Vice President Dan Quayle's efforts to limit civil damage suits and her efforts to weaken Federal protection for whistle blowers.

But these same positions make her attractive to Republicans, and Senator Orrin G. Hatch of Utah, the ranking Republican on the committee, was profuse in his compliments. "You are indeed a very competent and qualified candidate," he said, dismissing her hiring of the Peruvian couple as "an honest mistake."

That was too much for Senator Joseph R. Biden, the Delaware Democrat who is the committee chairman. He interrupted Mr. Hatch to insist that the violation was no mere technicality.

"Everybody does not do it," Mr. Biden said. He even said he would have opposed Ms. Baird's confirmation had she not taken full responsibility, admitted to a deliberate violation of the law, and promised to work to regain public trust.

Some Senators and aides said their offices had been deluged with calls and letters criticizing Ms. Baird. They said the criticism came from both men and women, especially working class women who noted that they had had to pursue their jobs without the opportunity to hire illegal labor that Ms. Baird's much higher income had given her.

Consuming Half the Time

Ms. Baird's employment practices consumed about half the five-hour hearing, with the rest devoted to more conventional Justice Department matters like law-enforcement and civil rights.

Ms. Baird said she favored the death penalty and pledged to reinvigorate the efforts of the Justice Department to enforce civil rights laws.

"While there will be partisan issues," Ms. Baird said, the Justice Department "should not be a partisan department. The department's purpose is to use law to protect the American people and to use law to enforce the rights of the American people -- their civil rights, their rights to economic fairness, their rights to a cleaner environment, their rights to security from crime."

Ms. Baird promised to coordinate her work closely with the Environmental Protection Agency, to enforce regulations on corporate misconduct tightly and to restrict appeals in capital cases without jeopardizing the rights of inmates. She also said, "I want the single urban mother who fears for her children in school every day because of violent gangs and the elderly widow who is afraid to go to the supermarket after dark to know that they will have a friend in the Attorney General."

Scolding by Thurmond

But the defining moments of the hearing came in the pointed questioning of Senators of Ms. Baird's illegal employment of the Peruvian driver and baby-sitter.

At one point, Senator Strom Thurmond, Republican of South Carolina, admonished Ms. Baird like a scolding father.

"You admit you did wrong?" he asked.

"Yes," she replied sheepishly.

"You're sorry you did wrong?"

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"Absolutely."

"You're repentant for doing wrong?"

"Yes, sir."

Contrast With Earlier Efforts

Ms. **Baird**'s confession today contrasted with earlier efforts by Clinton aides to sidestep the issue. When Ms. **Baird**'s infraction was first disclosed in news reports last week, Clinton transition officials said Ms. **Baird** had believed she was acting within the law since she was sponsoring the Peruvian couple's application for citizenship.

"In my hope to find appropriate child care for my son," she said today, "I gave too little emphasis to what was described to me as a technical violation of law." Explaining that she and her husband had hoped to make their employment of the couple legal by sponsoring them for eventual naturalization, she added, "I allowed myself to think that the processes set up by the Labor Department and the Immigration and Naturalization Service gave tacit approval to this sort of situation."

Under the immigration law, applicants for citizenship cannot be legally employed until they receive a visa and work permit, which the Peruvian couple did not have. Federal law requires employers must verify the citizenship status of people before **hiring** them. For disobeying this statute, Ms. **Baird** and her husband, Paul D. Gewirtz, have paid a fine of \$2,900 plus \$8,000 in Social Security taxes and interest. Mr. Gewirtz is a constitutional law scholar who teaches at Yale University.

At various times in the hearing, senior members sought to highlight the arrival on the committee of Senators Carol Moseley Braun of Illinois and Dianne Feinstein of California, in the hope that the two **new** members will help the committee overcome assertion that it had not displayed sensitivity to the concerns of women. While introducing them, Mr. Biden said, "You have no idea how happy I am."

Graphic

Photo: Zoe **Baird** appearing yesterday before the **Senate** Judiciary Committee. (Stephen Crowley/The **New** York Times)

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