

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

Mr. President, today, the Senate begins consideration of the nomination of Judge Ruth Bader Ginsburg to be an Associated Justice of the United States 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—lest anyone have doubts!—Judge Ginsburg's nomination 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 1970, 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 the correct one: judgement, 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. 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 mastered 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 role of the Court. 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 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 dur-

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-