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The contributions that my wife, Paula, had made to be insured under the Social Security system essentially got lost in the system. Women not only earned less money than men for the same work, they were also forced to contribute to a Social Security system that did not insure them with equal protection.

Some months later after reading a story in the New Brunswick Home News about widowed men, I wrote a letter to the editor detailing this inequity. I was then contacted by Phyllis Boring, a professor at Rutgers University, who inquired if I would like to pursue this matter legally. She then introduced me to Ruth Bader Ginsburg.

Ruth Bader Ginsburg, a clear-thinking person endowed with insight and forethought, a person already painfully aware of gender-based discrimination, saw immediately the gains, the consequences, and the long-range effects and the logistics of revising this inequity in the Social Security system. Ruth Bader Ginsburg proceeded to file suit against Casper Weinberger, then Secretary of Health, Education and Welfare.

First, in a three-judge Federal district court in Trenton, NJ, then Columbia law professor Ruth Bader Ginsburg forcefully argued her position on gender-based discrimination in the Social Security system. Using clear, concise arguments, she won a unanimous 3-0 decision allowing that the Social Security laws were in violation of the equal protection clauses of the 5th and 14th amendments.

Casper Weinberger and the Department of Health, Education and Welfare appealed this decision to the U.S. Supreme Court. In January 1975, Ruth Bader Ginsburg appeared before the U.S. Supreme Court expecting a mere minimum decision affirming the three-judge Federal district court's decision.

In *Weinberger v. Wiesenfeld*, Ruth Bader Ginsburg again produced compelling arguments that gender-based discrimination as part of the Social Security laws was a clear violation of the equal protections clauses of the 5th and 14th amendments to the Constitution of the United States of America. On March 19, 1975, the Supreme Court astounded everyone by handing down a unanimous decision upholding the decision of the three-judge Federal district court, proving that the visions of Ruth Bader Ginsburg were clearly correct.

Weinberger v. Wiesenfeld was a landmark decision in the quest for equal rights for men and women. It remains still the strongest stand the Supreme Court has ever taken to strike down gender-based discrimination. This is one of the many accomplishments of Judge Ruth Bader Ginsburg. I am proud to appear before this esteemed committee today and to add my voice to the many who stand with and wish to see this committee confirm Judge Ruth Bader Ginsburg to the U.S. Supreme Court.

Thank you.

[The prepared statement of Mr. Wiesenfeld follows:]

PREPARED STATEMENT OF STEPHEN WIESENFELD

My wife Paula and I were married in 1970. Not unlike Martin Ginsburg and his wife Ruth Bader Ginsburg, we were among the pioneers of alternate family life styles. Paula was a high school math teacher at Edison High School in Edison, New

Jersey, and was completing studies for her Ph.D. She wanted her career in school administration. I, having already received several graduate degrees and having already seen big business, decided to be a self-employed consultant. It was our plan that I would take on the primary household choices including those related to the raising of our son, Jason.

In 1972, my wife, Paula, passed away. She worked right up to the day she died. With each pay check, she made the maximum contribution to the Social Security system. When she died, I approached the Social Security office in New Brunswick, New Jersey, and applied for the insured benefits for myself and our son, Jason. I was denied widow's benefits.

At that time, the law allowed that both men and women, alike, would contribute to the Social Security insurance system based upon their earnings. If the male died, his Social Security insurance would then accrue to pay benefits to the family he left behind. If the woman died, even though her contribution was equal to that of a male, no such insurance benefit would accrue to her surviving spouse. The contributions that my wife, Paula, had made to be insured under the Social Security system essentially got lost in the system. Women not only earned less money than men for the same work, they were also forced to contribute to a Social Security system that did not insure with equal protection.

Some months later, after reading a story in the new Brunswick Home News about widowed men, I wrote a letter to the editor detailing this inequity. I was then contacted by Phyllis Boring, a professor at Rutgers University, who inquired if I would like to pursue this matter legally. She then introduced me to Ruth Bader Ginsburg.

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The CHAIRMAN. Well, I thank you very much for your testimony. A little known fact—as we say, a point of personal privilege—is that I shared a similar fate that you did in 1972 and raised two children with a professional wife who had passed away, and it is amazing how much has changed.

I thank you all for taking the time and the effort, and I must say again that I have been impressed with how concise and thoughtful and how full in their support and opposition to Judge Ruth Bader Ginsburg the panels have been. Each of the six panels has served their position well, and each has served us by being here. I thank you very, very much.

Mr. Ortiz, I don't think we are going to have to wait much longer. At least, that is my hope and my expectation.

Senator do you have any comments?

Senator HATCH. Well, we are happy to have all of you here, and I have to say that, Mr. Ortiz, it was very close this time.

Mr. ORTIZ. Very close.

Senator HATCH. And I want to tell you that there are very few opportunities to fill these positions, and I want to commend the President for making an excellent choice here. We really appreciate the testimony of each of you, as we have all of the witnesses, including those who have testified in opposition. Everybody has been respectful and, I think, very considerate in their testimony, and you, in particular, have been.

Mr. Wiesenfeld, I have to tell you that your name, of course, goes down in history and has gone down in history as a very, very important name in the field of civil rights and human rights, and we appreciate you being here and taking the time to come after all these years.

Mr. WIESENFELD. A pleasure; I really enjoyed myself.

Senator HATCH. Well, thank you. Thanks, Mr. Chairman.

The CHAIRMAN. Speaking of being gracious and concise, running the risk that it could hurt him politically, I want to thank my friend from Utah. He has been, as the saying goes in this circumstance, a gentleman and a scholar. He has been extremely thoughtful and considerate, and the way in which my Republican colleagues have approached this nomination, I think, is a standard that I hope everyone will remember if and when the perilous day comes that a Republican is once again naming Supreme Court nominees.

I thank you, Senator, for the way in which you have not only cooperated, but the way in which you have led this committee.

Senator HATCH. Well, thank you, Mr. Chairman. I appreciate it.

CLOSING STATEMENT

The CHAIRMAN. There is nothing more, God willing, to come before this committee and this hearing, and I know the press will ask this question, so I will state it at the outset. It is my hope and expectation that next Thursday, which is in the normal course of proceeding within this committee, we will have before us in an executive session, which merely means with no business before us in terms of witnesses, but considering the nominations of individuals—it is my hope, with the permission of my Republican friends, to convene in executive session at 10:30 on Thursday morning next in order to consider the nomination of Ruth Bader Ginsburg to the Supreme Court, and for this committee to fulfill its internal Senate responsibilities of making a recommendation to the Senate as a whole as to whether or not she should be confirmed.

I want to end where I began. This committee and this hearing is and should only be one part of the process of examining whether or not someone should sit on the Supreme Court of the United States. Our job is to, as thoroughly as we can, look into the background and qualifications of a nominee, and then make a recommendation to the Senate as a whole.