So if I could take those three and put them together, that would be some Justice, wouldn't it?

Senator SIMON. It would be. And I would like to add Learned Hand to that list, if I could, aside from that——

Judge GINSBURG. Yes; I thought we were limiting it to Supreme Court Justices, but certainly yes. I would like to put Henry Friendly there, too.

Senator SIMON. You have been a champion of the cause of women and civil liberties for women, and Senator Grassley earlier mentioned that in our laws we have finally included Congress which has set up its own provisions for enforcement of antidiscrimination. There are problems, and under the separation of powers I think it is proper for Congress to set up its own.

I serve on the Subcommittee on Disabilities, and my colleague, Senator Tom Harkin, has written me a letter, and let me just read two paragraphs from that letter. And I would like to enter the full letter in the record, Mr. Chairman.

It says:

Unfortunately, no Federal law prohibits discrimination on the basis of disability or, for that matter, race, gender, religion, or national origin by our Federal courts. It is my understanding that our Federal district and appellate courts have developed model policies regarding complaints of discrimination by applicants and employees. However, these policies do not specify the standards that must be used to determine whether discrimination has occurred, do not specify what remedies are available, assuming discrimination has been found, and do not include the right to appeal to the courts. Furthermore, there are no policies governing nondiscrimination with respect to access by the general public.

With respect to the Supreme Court, it is my understanding that there are no written policies or procedures whatsoever prohibiting discrimination in employment and in access to Supreme Court proceedings and for remedying discrimination.

[The letter of Senator Harkin follows:]

U.S. SENATE,
COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC, July 14, 1993.

Hon. PAUL SIMON,
U.S. Senator, Dirksen Senate Office Building, Washington, DC.

DEAR PAUL: Over the years, we have worked together to broaden the civil rights and expand opportunities for individuals with disabilities. Section 504 of the Rehabilitation Act of 1973 (which, among other things, prohibits discrimination by Federal agencies in the conduct of their business) and the Americans with Disabilities Act are two of the most important pieces of legislation impacting on the lives of people with disabilities.

Unfortunately, no Federal law prohibits discrimination on the basis of disability (or for that matter race, gender, religion, or national origin) by our Federal courts. It is my understanding that our Federal district and appellate courts have developed model policies regarding complaints of discrimination by applicants and employees. However, these policies: do not specify the standards that must be used to determine whether discrimination has occurred; do not specify what remedies are available assuming discrimination has been found; and do not include the right to appeal to the courts. Furthermore, there are no policies governing nondiscrimination with respect to access by the general public.

With respect to the Supreme Court, it is my understanding that there are no written policies or procedures whatsoever prohibiting discrimination in employment and access to Supreme Court proceedings and for remedying discrimination.

I request that when Judge Ruth Bader Ginsburg comes before the Judiciary Committee next week regarding her nomination to serve as an associate Justice on the U.S. Supreme Court, you inform her about this situation and ask her what she will do to address it, if confirmed by the Senate.

Sincerely,

TOM HARKIN, *U.S. Senator.*

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