terms of principles and precedents, and more in terms of desires and doctrine.

The American people care about these concepts. They are not just debated in law journals. For example, as television brings violence into our homes, we agonize over the impact it has on our children, the damage it does to their values and to their view of reality, and wonder how we can reduce it without threatening the constitutional promises of free speech.

As gangs roam our streets and create fear in our communities, we debate balancing the rights of individuals with the responsibility of the police to protect civil order. As new civil and voting rights laws are proposed, we struggle to correct discrimination of the past without creating a newly disenfranchised class.

These and other issues invite all Americans to struggle with the dilemmas of democracy, and if we can discuss these issues today with candor, then I believe we will have a conversation the American people will profit from—and perhaps, Judge Ginsburg, the type of stimulating conversation that you spoke of in the Rose Garden. And so we welcome you before this committee, and we look forward to our discussion with you.

[The prepared statement of Senator Kohl follows:]

PREPARED STATEMENT OF SENATOR KOHL

Judge Ginsburg, last month President Clinton announced that he would nominate you to serve on the Supreme Court. At the Rose Garden ceremony, you told the President you "look[ed] forward to stimulating weeks this summer." I assume you were referring to the confirmation process; let's hope we don't disappoint you.

Although the Constitution is silent on what standard to apply in evaluating a nominee, you have provided some useful guidance. You have noted that "[i]n an appointment to the United States Supreme Court, the Senate comes second, but is not secondary." I agree. And as a member of this Committee, I have developed my own criteria for judgement.

First, I look for a nominee of exceptional character, competence and integrity. You clearly have that—as an honored student, an effective advocate and a distinguished appellate judge.

But I am struck by more than your professional honors. I am impressed by your dedication to the principles that you not only talked about, but lived. For example, you didn't just resign from discriminatory clubs, you also refused to join them in the first place. You didn't just talk about gender equality, you fought for it. I admire that.

Second, I seek a Justice who understands and accepts both the basic principles of the Constitution and its core values implanted in society.

We do not elect Justices. They are given lifetime tenure precisely because we want to insulate the Court from the pull and tug of partisan politics. That insulation makes it critical that we be certain that a nominee will protect the civil rights and liberties of all Americans.

Third, I want a Justice with a sense of compassion. Behind every abstract legal principle are real people with real problems. It is the Court that must be their sanctuary and their shelter. Justice Black put it best:

"Under our constitutional system, courts stand against any winds that blow as havens of refuge for those who might otherwise suffer because they are helpless, weak, outnumbered, or because they are nonconforming victims of prejudice and public excitement."

In other words, the courts are places for "doing justice," not just giving logic to the law.

Judge, you are not a stealth nominee, your record is clear, and there is little opposition to your confirmation. In fact, conventional wisdom has you all-but-confirmed already. Even so, the Senate should not act as a rubber stamp.

The President is asking us to entrust you with an immense amount of power. Before we decide to give it to you, we need to know what is in your heart and what is in your mind. We don't have a right to know in advance how you will rule on

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

cases which will come before you. But we do need—and we deserve—to know what you think about the fundamental issues that surround these cases.

Today we begin a public discussion, which is the only opportunity we will have—on behalf of the American people—to engage in a conversation with you about the core concepts of our society. And I hope, Judge, that you will discuss these matters with us more in terms of principles than precedents, more in terms of desires than doctrine.

The American people care about these concepts. They are not just reviewed in law journals. As violence flickers across our TV screens, we think about our responsibility to children and our pledge to protect free speech. As gangs roam our streets and create fear in our communities, we debate balancing the rights of individuals with the responsibility of the police to protect civil order. As new civil and voting rights laws are proposed, we struggle to correct discrimination of the past without creating a newly disenfranchised class.

These issues invite all Americans to struggle with the dilemmas of Democracy.

And if we discuss these issues with candor, I believe we will have a conversation the American people will profit from. And perhaps, Judge Ginsburg, the type of "stimulating" conversation you spoke of in the Rose Garden.

I welcome you before the Committee, and I look forward to our discussion.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator.

Now I would like to recognize the distinguished Senator from California, Senator Feinstein.

OPENING STATEMENT OF SENATOR FEINSTEIN

Senator FEINSTEIN. Thank you very much, Mr. Chairman.

Good morning, Judge Ginsburg.

For me, this is a very special opportunity, because while several of my colleagues spoke of the fact that they have been present during many of these hearings, for myself and Senator Moseley-Braun, this is our first. And it is no coincidence that, as our first, it is someone such as yourself.

We are contemporaries, Judge, and many women of our generation struggled against significant odds to educate themselves and to balance career and family. To be honest, though, until I began to prepare for these hearings, I really didn't realize the depth and the extent to which you have played a very critical role in breaking down the barriers that have barred women from public and private sectors for centuries. So now I know just how really fitting and proper and how significant this vote is going to be for me. And I want to thank President Clinton for nominating you.

I noted, for example, that as one of only 9 women in a class of 400 at Harvard, you were asked by the dean to justify taking a place in the class that otherwise would have gone to a man. That despite graduating at the top of your law school class, only two law firms in the entire city of New York offered you second interviews, and neither offered you a job. And that even after you became a litigator, you were given sex discrimination cases to handle, because they were viewed at the time as women's work.

You met each of these challenges and indignities and, no doubt, many more, Judge Ginsburg, with intellect, with determination, and grace. And not only did you justify your admission to law school, but you blazed a trail that thousands of women have followed.

Decades later, asked to identify the most significant jurists of his time, the same dean who had begrudged your matriculation at Harvard named you and the great Thurgood Marshall. The rest of