

other European states. William Penn came to Pennsylvania because he wanted the kind of religious freedom that Shelton College is fighting for today.

Have we become so insensible, so numbed, so blinded, and so intolerant, that a tiny religious college cannot exist in a state where the state officials are determined to close it down unless they direct it as a part of the system of education that the state legislature has given them total control over?

Our sufferings are real. Our losses are irreparable. But, Mr. President, our faith in that Constitution is our one hope for free America. Unless we can preserve that, our nation will be gone.

There are fifty states, and if in only one of these states, the State of New Jersey, the constitutional rights of a religious minority are denied, that is sufficient to keep a questionable judge from the Supreme Court, where her decisions will affect all fifty states. I plead with you, please withdraw the nomination. She has written only fifty opinions in the appeal court in Arizona. Give us a judge who will support the Federal system and protect us all from any repetition of what has happened in the State of New Jersey. Please let us end this jurisdictional fight between the state courts and the Federal courts which Shelton College is having to pay for, to the tragic loss of building our churches. How large does a religious denomination have to be or a college enrollment before it can have the protection of the entire country in support of its liberty? I do not believe that this should be ignored.

Please withdraw the nomination and find another judge who favors the Federal adjudication of religious constitutional rights.

The struggle of our people to keep this country from going socialist or surrendering to the Communists is not only over the presidency and seats in Congress but over the Supreme Court, where the judges there by judicial interpretation may change the country and even the Constitution. O'Connor's appointment could not possibly be more important to the liberty of Fundamental Christians and churches.

We have not been able to get our story into the press. This Sunday the Atlantic City press did carry a story. You will be interested in reading it.

You have our prayers as the chief magistrate of this land. We are commanded by God to pray for you in all your responsibilities as His servant as the Bible says, "to us for good." You are indeed a minister of God to us for good. You are there for the punishment of evildoers.

Very truly yours,

CARL MCINTIRE.

The CHAIRMAN. Our next witness is Ms. Arnette R. Hubbard, National Bar Association.

Are you the president of the National Bar Association?

Ms. HUBBARD. I am, Senator.

The CHAIRMAN. Hold up your hand.

Do you swear that the evidence you give in this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Ms. HUBBARD. I do.

The CHAIRMAN. You may proceed.

TESTIMONY OF ARNETTE R. HUBBARD, PRESIDENT, NATIONAL BAR ASSOCIATION

Ms. HUBBARD. Mr. Chairman and distinguished members of the Senate Judiciary Committee, I am Arnette Hubbard, a practicing lawyer from Chicago, Ill. I am pleased to participate in your hearing today on behalf of the National Bar Association, now entering its 57th year.

As the 30th president of the oldest and largest association of black lawyers in this country, and as the first female attorney ever to hold this office, I have particular pride and honor in making this appearance to testify in support of the first woman nominated to serve on the Supreme Court of the United States of America. At the same time I am also humbled and distressed by the fact that no

other major bar association has ever had a woman to serve as its president.

As you may recall, representatives of the National Bar Association have appeared before this committee on many occasions to address the issues of competence and commitment to equal justice of candidates nominated to serve on the courts of this country. Needless to say, the National Bar Association has acute interest in the appointment of any nominee to the Supreme Court of the United States of America.

The history of blacks in the legal profession has, in some respects, loosely paralleled the involvement of white women in the profession. Just a century ago blacks, newly freed from legal slavery in this country, looked to the law as a protection and a tool to effectuate their newly established rights. Negative case law, practice, and State legislative action limited the use of the law in initially securing equal rights, equal protection, equal opportunity, as well as equal obligations.

It is noteworthy and paradoxical at the same time Congress and the Nation added constitutional amendments to clarify the citizenship of former slaves and formalize their freedom, at that moment women sought unsuccessfully to convince the courts that they should be permitted to practice law.

Fortunately, blacks and women, often represented by and representing the finest in the legal profession, have moved forward from the negative case law and practices of a century ago. A black now serves with distinction on the highest court of the land, and he and his colleagues will be joined by a woman, Sandra Day O'Connor, if confirmed.

Judge O'Connor's nomination and her anticipated confirmation mark an historic development in the history of the Court and in the long chronicle of minority and women's rights. Judge O'Connor will be the 102d Justice to be appointed and the first woman to serve on the Supreme Court in its 191-year history.

The National Bar Association has reviewed Judge O'Connor's background and qualifications. We have acquainted ourselves with her career as a lawyer, legislator, prosecutor, and judge. Our criteria for assessing this candidate for the Supreme Court of the United States of America have mirrored criteria used to determine whether we supported or challenged persons nominated and considered for the U.S. courts of appeal and district courts.

We have reviewed as well Judge O'Connor's 29 appellate court decisions and her law review article in the *William & Mary Law Review* to gain additional insight into her future performance as a Justice of the Court. While we have found that much is noteworthy, we have been unable to ascertain Judge O'Connor's position on several thorny constitutional issues which we deem of crucial importance. We are not entirely troubled, however, by what appears to be an absence of a clear pattern that would help to predict her position on these questions, given our belief in the inherent wisdom of a process which elevates standards of judicial competence and integrity above those of personal ideology.

The National Bar Association believes that Justice O'Connor has demonstrated—excuse me, Judge O'Connor, I anticipate the appointment—has demonstrated those qualities needed in all judges:

that is, competence and professionalism, integrity, judicial temperament, and commitment to equal justice under law. Her record suggests that she will be a welcome addition to the Court.

Although the National Bar Association supports Judge O'Connor's nomination, we would be nonetheless remiss not to remind her of specific concerns of our constituency which we deem to be of the greatest priority. These concerns include not only and are not limited to the following: continued access to the Federal courts on behalf of the poor and politically unpopular groups; invidious attempts at gerrymandering political voting district, which have the effect of diluting minority representation in both State and Federal legislatures; lastly, continued concern for the protection of minority interests through a fair and aggressive interpretation of the 13th and 14th amendments to the U.S. Constitution.

Judge O'Connor's sensitivity to the full range of interests to be protected in her role as Justice is vital. The National Bar Association supports her elevation to the position of Justice of the U.S. Supreme Court of America.

We look forward to appearances before this committee as you consider other nominees for judicial appointments. It is, of course, our expectation that these nominees will include blacks and other ethnic minorities and women.

Today we join many of our colleagues in the law in saluting the choice of Justice O'Connor—Judge O'Connor—and wishing her well. There have been questions about the significance of Judge O'Connor being a woman. We think she is not only a qualified person but she is needed, sir.

Decades ago, a burning question was, if the ability of a person is the only criterion, why are the Supreme Court Justices all white males? Mr. Justice Thurgood Marshall's appointment in 1965, 175 years since the creation of the Supreme Court, changed the question to, Why is it all male? The appointment of Judge O'Connor will eliminate the question entirely and permit us to address more deserving issues.

To the 40 percent of heads of households in this country who are women, to the approximately 50 percent of children born in America who are female, Judge O'Connor's appointment will say, yes, justice in America is for all Americans; yes, in America we believe you should be limited only by ability and determination. We then urge this committee to act expeditiously in bringing the nomination of Judge O'Connor to the Senate, and to support her confirmation.

The CHAIRMAN. Ms. Hubbard, I believe you are not only president of the National Bar Association but you are a member of the American Bar Association.

Ms. HUBBARD. That is correct, sir.

The CHAIRMAN. You are also a member of the Illinois State Bar Association—

Ms. HUBBARD. Yes.

The CHAIRMAN [continuing]. And the first female president of the Cook County Bar Association.

Ms. HUBBARD. That is right, Mr. Chairman.

The CHAIRMAN. You are a member of the Chicago Bar Association and the California Association of Black Lawyers.

Ms. HUBBARD. That is true.

The CHAIRMAN. You have a rather impressive record. I just want to congratulate you. We thank you for your presence and your testimony.

Ms. HUBBARD. I appreciate that, and thank you for the opportunity to appear.

Dr. McINTIRE. Senator, I understand that my printed text will be included in the record, as well as what I said.

The CHAIRMAN. Without objection, Dr. McIntire, we will include your statement in the record.

Dr. McINTIRE. I wanted to make sure but I also ask that the resolution from Arizona that we talked about—and I have that—

The CHAIRMAN. Without objection, we will put that in the record, if you will just hand it to the reporter there.

Dr. McINTIRE. I have the two letters that I wrote to the President on this. They are not too long. I would like to have them in, too.

The CHAIRMAN. Without objection, we will put those in.

Dr. McINTIRE. Thank you.

The CHAIRMAN. Our next witness is the Honorable Dick C. P. Lantz, judge, 11th Judicial Circuit of Florida and president-elect, American Judges Association. If you will come around, Judge Lantz, hold up your hand and be sworn.

Do you swear that the evidence you give in this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Judge LANTZ. I do.

The CHAIRMAN. Have a seat, Judge Lantz, and you may proceed. You understand how these lights work—when it gets red, your time is up.

Judge LANTZ. I have been here all day and I have been watching very admirably, and I think I understand the rules.

The CHAIRMAN. Our time is running short.

TESTIMONY OF HON. DICK C. P. LANTZ, JUDGE, 11TH JUDICIAL CIRCUIT, AND PRESIDENT-ELECT, AMERICAN JUDGES ASSOCIATION

Judge LANTZ. Mr. Chairman, honorable members of the Committee on the Judiciary, ladies and gentlemen, my name is Judge Dick Lantz of the Circuit Court of Dade County, Miami, Fla., 11th Judicial Circuit. I have served as a municipal judge, county judge, and circuit court judge since 1972.

I have the honor of being the president-elect of the American Judges Association, and will be installed as president on October 29, 1981 at the annual convention which will be held in Washington, D.C. The American Judges Association consists approximately of 2,000 judges who presently sit at all levels of the judiciary. They include members of the Federal bench, State supreme and appellate courts, municipal, county, and circuit court judges throughout the United States and Canada.

One of the paramount objectives of the American Judges Association is to strive for the improvement of the quality of members of the bench, as well as the conditions of the office, including tenure, retirement, workload, emoluments, and physical facilities. Further,