Ginsburg Likes Use of Foreign Law

by Phyllis Schlafly

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Justice Ruth Bader Ginsburg has proved again why she doesn't belong on the U.S. Supreme Court. She really doesn't like our U.S. Constitution, which she swore to uphold and defend, and she probably would like to rewrite it with input from various foreign laws and constitutions.



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On a junket to Egypt in January where the rebels are trying to figure out how to set up a government, she gave her advice. "I would not look to the U.S. Constitution, if I were drafting a constitution in the year 2012," and she suggested using South Africa's constitution as a model rather than ours.

Ginsburg also urged the Egyptians to consult Canada's 1982 Charter of Rights and Freedoms and the European Convention on Human Rights. "Why not take advantage of what there is elsewhere in the world?" The South African and Canadian courts have both approved same-sex marriage.

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Our Constitution, which has endured for more than two centuries and is the longest lasting Constitution in the world, states clearly that it is "the supreme law of the land; and the judges in every state shall be bound thereby." The Constitution also requires all judicial officers to "be bound by oath or affirmation, to support this Constitution."

When Bill Clinton nominated Ginsburg in 1993, her views were already well known due to her extensive work as a feminist attorney for the ACLU. She had a shocking paper trail that betrayed her as a radical, doctrinaire feminist, far out of the mainstream.

As the old adage says, "would that mine enemy had written a book." Ginsburg did write a book called "Sex Bias in the U.S. Code," which she co-authored in 1977 with another feminist, Brenda Feigen-Fasteau, for which they were paid with federal funds under Contract No. CR3AK010.

Published by the U.S. Commission on Civil Rights, "Sex Bias in the U.S. Code" was the source of the claim widely made in the 1970s that there were 800 federal laws that "discriminate" on account of sex. The 230-page book was written to identify those laws and to recommend the specific changes demanded by the feminists in order to conform to the "equality principle," for which Ginsburg was the leading advocate in Supreme Court gender cases of the 1970s.

Here are some of the extremist concepts from the Ginsburg book that could have made hilarious entertainment for television viewers of her confirmation hearings. That didn't happen because the Senators didn't' have the nerve to question her.

- Draft women and give them affirmative action for military assignments. "Supporters of the equal rights principle firmly reject draft or combat exemption for women. . . . The need for affirmative action and for transition measures is particularly strong in the uniformed services." (p.218)
- Declare the traditional family obsolete. "It is a prime recommendation of this report that all legislation based on the breadwinning husband [and] dependent, homemaking wife pattern be recast using precise functional description in lieu of gross gender classification." (p.212)
- Have government take over child care. "The increasingly common two-earner family pattern should impel development of a comprehensive program of government-supported child care." (p.214)
- Legalize prostitution. "Prostitution, as a consensual act between adults, is arguably within the zone of privacy." (p. 97)
- Don't protect girls from bad men. "Current provisions dealing with statutory rape ... are discriminatory on their face." (p. 215)
- The Mann Act, which prohibits the transportation of women and girls for prostitution or any other immoral purpose "is offensive because of the image of women it perpetuates." (pp. 98-99)

- Sex-integrate the prisons. "Perpetuation of single-sex institutions should be rejected." (p. 101)
- Sex-integrate the Boy Scouts and Girl Scouts because, "while ostensibly providing 'separate but equal' benefits to both sexes, perpetuate stereotyped sex roles [and] should consider a name change to reflect extension of membership to both sexes." (pp. 145-146, 147)

There is no excuse for the Senators' failure to interrogate Ruth Bader Ginsburg about such nonsense when her nomination was considered. So now we are stuck with a Supreme Court Justice who thinks it is OK to recognize foreign law and, who knows, use of Sharia may be next. Shame on the Senators who voted 96 to 3 to confirm Ginsburg.

The explanation for the Senators' failure is obvious. The gentlemen Senators were too polite to treat feminists like the men they say they want to be.

That is why I subtitled my latest book "What Conservative Women Know and Men Can't Say." I wanted to say "What Men Don't Dare Say" but the publisher vetoed that.

The whole point of Senate hearings is to verify that judicial nominees will be faithful to their oath to support the Constitution. No nominee who toys with foreign law can truthfully pass the test.