from Phyllis Schlafly

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RUTH BADER GINSBURG'S FEMINIST WORLD VIEW

How does it happen that a Supreme Court nominee whose only experience in private law practice was seven years as general counsel to the ACLU came to be praised by almost everyone as a "moderate" and a "centrist"?

My theory is: This just proves how easily men are fooled by a skirt. They deduced that Ruth Bader Ginsburg is "moderate" because she isn't a loud-mouthed, frizzy-haired, bra-burning, street demonstrator.

In fact, Ginsburg's writings betray her as a radical, doctrinaire feminist, far out of the mainstream. She is not merely "pro-choice"; she wants to write taxpayer funding of abortions into the U.S. constitution, something even the pro-abortion, pro-Roe *v. Wade* Supreme Court refused to do.

It has been considered settled law since the supreme Court decisions in a trilogy of cases in 1977 *(Beal v. Doe, Maher v. Roe,* and *Poelker v.* Doe) that the Constitution does not compel states to pay for nontherapeutic abortions. These cases were followed by the 1980 Supreme Court decision of *Harris v. McRae* upholding the Hyde Amendment's ban on spending federal taxpayers' money for abortions. The Court ruled that "it simply does not follow that a woman's freedom of choice (to have an abortion] carries with it a constitutional entitlement to the financial resources to avail herself of the full range of protected choices."

Ruth Bader Ginsburg has planted herself firmly in opposition to this settled law. In a 1980 book entitled *Constitutional Government in America,* Judge Ginsburg wrote a chapter endorsing taxpayer funding

of abortions as a constitutional right and condemning the high Court's rulings.

"This was the year the women lost," Ginsburg wrote in her analysis of the 1977 cases. "Most unsettling of the losses are the decisions on access by the poor to elective abortions."

Criticizing the 6-to-3 majority in the funding cases, Ginsburg asserted that "restrictions on public funding and access to public hospitals for poor women" were a retreat from *Roe v. Wade,* as well as a "stunning curtailment" of women's rights.

The phony "concern" expressed by pro-abortion lobbyists such as Kate Michelman is just a smokescreen. Ginsburg's article criticizing *Roe v. Wade,* which has received some attention since her nomination, merely complained that the Court didn't adopt the "women's equality" theory that she had personally developed in the 1970s.

Ginsburg's article was not a legal crit cism, but a political one: if the Court had been less categorical in its *Roe* language, she said, it would not have provoked the "well-organized and vocal right-to-life movement." Ginsburg would have preferred to legalize abortion with arcane and obtuse legal gobbledegook that didn't agitate the grassroots.

Ginsburg inclines to the chip-on-the-shoulder, radical feminist view that American women have endured centuries of oppression and mistreatment from men. That's **why,** in her legal writings, she self identifies with feminist Sarah Grimke's statement, "All I ask of our brethren is that they take their feet off our necks," and with feminist Simone de Beauvoir's put-down of women as "the second sex."

A typical feminist, Ginsburg wants affirmative action quota hiring

for career women but at the same time wants to·wi pe out the special rights that state laws traditionally gave to wives.

In a speech published by the Phi Beta Kappa *Key Reporter* in 1974, Ginsburg called for affirmative action hiring quotas for career women, using the police as an example in point. She said, "Affirmative action is called for in this situation."

On the other hand, she considered it a setback for "women's rights" when the Supreme Court, in *Kahn v. Shevin* (1974), upheld a Florida property tax exemption for widows. Ginsburg disdains what she calls "traditional sex roles" and demands strict gender neutrality (except, of course, for quota hiring of career women).

Ginsburg's real claim to her status as the premier feminist lawyer is her success in winning the 1973 Supreme Court case *Frontiero v. Richardson,* which she unabashedly praised as an "activist" decision. She obviously shares the view of Justice William Brennan's opinion that American men, "in practical effect, put women, not on a pedestal, but in a cage," and that "throughout much of the 19th century the position of women in our society was, in many respects, comparable to that of blacks under the pre-Civil War slave codes."

Anyone who thinks that American women in the 19th century were treated like slaves, and in the 20th century were kept in a "cage," has a world view that is downright dangerous to have on the U.S. Supreme Court. She's another Brennan, and no conservative should vote to confirm her.