"Our Fair Ladies"

Who are "Our Fair Ladies?" Well, I am not going to tell you now.

As I progress, you may be able to figure out who are Our Fair Ladies. However, I am going to digress before I reveal these ladies and talk about significant events in our lives, not the least of which is preparing and presenting a Sphex Club paper.

We all have "significant events" in our lives, some of which are linked to events of historical significance. A significant event, to me, is an event which remains in your long term memory, and may spring to your mind at a particular time or for a reason or for no reason at all.

The Roman Seneca used a botanical metaphor to describe the essential role that memory plays in reading, thinking and being: "We should imitate bees, and we should keep in separate compartments whatever we have collected from our diverse reading, for things conserved separately keep better. Then, diligently applying all the resources of our native talent, we should mingle all the various nectars we have tasted, and then turn them into a single sweet substance, in such a way that, even if it is apparent where it originated, it appears quite

different from what it was in its original state." Seneca is saying: significant events define, to some extent, who you are, how you think, and what you believe.

You have your significant events. Here are some of mine.

The most obvious one is our birthday. Mine was July 4, 1940. I was a Yankee Doodle dandy. It's a great day to have a birthday. Most everyone celebrates and takes the day off. My dad, who had been a confirmed bachelor when he married my mother at the ripe old age of 38, was 40 when I was born. My mom (the daughter of an Italian immigrant named Pesci) was 12 years younger. Some of you might remember R. C. and Helen. They were distinct and very different personalities. They co-existed pretty well considering they were often going in different directions. I was an "only" child, but my mother did not spoil me. She was too busy with her music.

While I do not remember Pearl Harbor, December 7, 1941, this surprise attack bonded our nation, where there had been a strong isolationist coalition, to stop the spread of the Nazi menace in Europe and the Japanese conquests in Southeast Asia. Our families were

consumed by the second World War. I remember the coupons to ration gas and food, the blackouts where every light in your house had to be turned off. It was a frightening experience for a young boy. My mother's brother, Orey Pesci, was an infantryman in the war. I can remember a day in 1944, when my mother and grandparents received word that Orey had been seriously wounded in the European theatre. He recovered, but his life was never the same. Like my mother, he was a talented musician, having performed with Donald O'Conner before the war. He went through several wives and many jobs. He was a lonely man. His two children had nothing to do with him. Very sad. I had to make the arrangements for his burial, since my mother had predeceased him, and there was no one else who cared about him.

May 8, 1945 - VE Day. My mother and I were visiting my Pesci grandparents in Greensboro when we heard the news over the radio - the war had ended. My mother and grandparents collapsed into tears, and I was given a big hug. Then within three months, on August 6, 1945, the Little Boy was dropped on Hiroshima and three days later, the Fat Man was dropped on Nagasaki. I remember my parents telling me about the

bomb. My father was not a fan of Roosevelt or Truman, but Truman's decision to drop the bomb was one of the significant events of the 20th century. For some, the end of the world was in sight.

In 1953, a talented composer, John Carlos Menotti, wrote a one act opera "Amahl and the Night Visitors," a Christmas miracle story of a little crippled boy who lived in poverty with his widowed mother who was cured by the gift of his crutch to the baby Jesus when the three wise men on their way to Bethlehem, by chance, spent the night in their simple home.

In the spring of 1953, my mother, an accomplished musician and teacher, offered to pay me $50.00 if I would play the role of Amahl. $50.00, wow! How could a 12 year old turn down an offer of $50.00? I accepted. I earned every penny of it. Over the next five months, my mother would not let me out of the house until I had been put through the wringer of voice lessons. I know I tested her talents as a voice teacher. On the night of the first performance in Salisbury, North Carolina, the orchestra began to play, I panicked and told my mother, "I'm not going out there." She looked at me and said, "Oh yes you are,"

and gave me a shove into the world of theatre. As Shakespeare perceptively wrote "all the word's a stage."

Performing the role of Amahl with my mother is one of my most wonderful experiences that I can never forget. There was an article in the *New York Times* theater section in which it was reported that my mother and I were the first mother and son team to have performed Amahl. Pretty special. (Picture of me and Helen)

I had grown up loving all sports, particularly E.C. Glass sports events. As a kid, I dreamed of playing football for Coach Vince Bradford. In my junior year, September 1956, my dream came true. I started for Coach Bradford on defense in a game in Arlington, Virginia against Washington and Lee High School. I was pumped – and we won the game. I was among the many fortunate young men who had Coach Bryan, who also coached football, and Coach Bradford as role models.

I did not have, nor did I seek, a girlfriend my first two years at Glass, but my junior year, brushing aside my bashful nature, I asked a beautiful young lady named Mina Walker to go out with me. I was immediately smitten. We courted through high school. However, after

Mina enrolled at Sweet Briar and I at W&L, she decided she liked Chapel Hill better than Lexington. We did not see much of each other during the next four years. It is very intriguing how one night in your life has everlasting consequences. In June of 1962, just after Mina and I had graduated from college and were headed in different directions, my great friend, Ken White, and Jane Baber, Mina's close friend, got married, and Mina and I were in the wedding. We attended a pre-wedding party at Ken's cabin in Appomattox, and low and behold, magic struck, and we turned our relationship around. We were married a year later in June 1963. I don't know about the rest of you, but that was the greatest day of my life, and I still consider myself a very lucky guy. As the irrepressible Lea Booth said many times "W&L men marry above themselves." How true.

During my senior year at Glass, my mother was diagnosed with a cancer. William Pugh, a beloved Lynchburg physician, was her surgeon, and she developed a close relationship with him and his twin girls, Sarah and Susan. After a successful operation in the winter of 1958, she was free of cancer in 1962, and her future looked bright.

However, she discovered a lump under her arm in the winter of 1963; she died in August 1964 at age 52. It was my first experience with death and the awful disease of cancer. It was a prolonged, agonizing and sobering time of my life. It made me realize for the first time that life is precious and can end abruptly. (Picture of Helen)

In 1958, Dean Frank Gilliam had reluctantly admitted me to Washington & Lee. I was a green freshman among many "sophisticated preppies." I tried out for the football team, which at that time was one of the worst small college teams anywhere, not having won a game in over two years since W&L dropped subsidized football in 1954. However, in 1957, W&L hired a coach from an Episcopal high school, Lee McLaughlin. He was a wonderful man and fabulous coach and another role model for me. In 1958, he recruited a lot of mediocre players, like me, and several real good players. In my last two football seasons, 1960-61, W&L went undefeated. In my senior year, Washington & Lee was named by *The Washington Post* the outstanding small college team in the nation. We were very proud of ourselves. (Picture of Team)

In the summer of 1961, RC treated me to a European tour. It was a fantastic trip: our leader was a German Jew who immigrated to our country before Hitler began his purge of the Jews. Two events made a lasting impression: in West Berlin, we got a special tour of East Berlin. In contrast to West Berlin where you thought you were in New York City, East Berlin was still war torn, like the war ended a month ago. Later in the summer, I was in Vienna, Austria, residing with a family; one morning they rushed in at breakfast crying and screaming: the Russian's have shut off access to East Berlin with the Wall. This family was overcome with grief. Their reaction made me understand how people who lived in a free country detested communism and oppression.

Spring 1962 – in a few months, graduation. What was I going to do? I thought about law school, but I had not applied to any law school. I promptly did so. I made an appointment with the Dean of Admissions at UVA law, Lindsay Cowan, and much to my surprise, I became a member of the entering class of 1962. I wonder what I'd be doing now if Lindsay Cowan had turned me down?

The assassination of John Kennedy in Dallas on November 22, 1964, a day that shocked the world. I remember where I was when I heard the news, as I am sure many of you do. I was coming out of Cabell Hall in Charlottesville. I gathered with several of my friends around a television set. We were stunned: our President had been assassinated. Even more extraordinary, a day later Jack Ruby shot and killed Lee Harvey Oswald while the nation watched on TV. I will never forget watching Ruby emerge from a crowded Dallas jail and gun down Oswald at point blank range.

Neil Armstrong died a few months ago. On July 18, 1969, it was difficult to grasp what you were seeing on your television set. Mina and I were visiting our good friends, Courtney Mauzy and his wife, Bo Pettyjohn, Mina's best friend during our teenage years. We marveled that a spacecraft could fly to the moon, land, and return to earth. Incredible.

Those of us who are parents will always remember the birth of your first child. On March 26, 1965, our son Sackett was born in Johnson Willis Hospital in Richmond. I will never forget walking out of

the hospital with Mina holding that little person. Your life had changed forever. Dr. Spock was our Bible. We wanted to be good parents, and Spock told you what to do and how to do it. I learned a good lesson after the birth of Sackett that was not in Dr. Spock's book. I wanted to do something nice for Mina so I bought her "a yellow suit." She was very polite, but I got the message that I should not be shopping for my wife's wardrobe.

Believe it or not, about twelve months later, Bunny Wood was born. When Mina announced that we were going to have another child, I, an only child, was thrilled and wanted to tell her mother, Sally Walker. Some of you may remember Sally. I thought Sally would be excited. Mina doubted that. I called Sally and told her, "Sally, we're having another child." Silence, and then she said, "Oh my God, I'll call you back," and hung up the phone. Mina was right, as usual.

My dad, RC, died suddenly in January 1967 after suffering a stroke. RC was a sport; and a father who had time for me. I have resurrected him, figuratively, by having my grandchildren call me RC. (Picture of RC)

My third son, Marshall, arrived on June 22, 1972. His brothers called him the favorite child since his mother rescued him from regular physical and mental abuse by his older brothers. My three sons are now grown men, and they are a significant part of our lives together with our six grandchildren, soon to be seven.

By 1975, I had been officiating high school and college football for fourteen years. In September 1975, I got my first assignment as a ACC referee to officiate an ACC football game. It was Navy at Virginia. At that time, George Welsh was Navy's coach, and Sonny Randall, who had a reputation for terrorizing officials, was Virginia's coach. I was a nervous wreck. An experienced official and good friend, Bill Jamerson (most of you know him) was assigned to watch over me as the head linesman, and to keep me from messing up. Randall had touted to the press that Virginia was going to have a great season. Navy beat Virginia 42-14, and I was given the credit by my good Virginia friends for Virginia having a losing season, which lead to Randall's expulsion from Charlottesville. Most UVA fans thought: good riddance. (**Tell about the play that broke Virginia's back**)

(Picture of me) This costume I wore ten weeks every Saturday for forty years. I was in a different world and a different person for 48 hours.

In 1980, I was appointed an adjunct professor of Virginia Law and Procedure at W&L Law School solely because of the endorsement of my mentor, Edward Graves, my law partner who was retiring as a professor at W&L Law School after teaching for more than 30 years. It is an enriching experience both professionally and personally. (Picture of Edward)

For all of us here tonight, a most significant event is your first SPHEX Club paper. You agitate, what am I going to write about? And will members take interest in your paper. Angst.

My first paper was about Alger Hiss titled "Liar." I had always been intrigued by Alger Hiss. For those of you who do not remember Hiss, he was a Harvard lawyer, a colleague of Justices Holmes and Frankfurter, a bright star under the new deal, FDR's advisor at Yalta, a delegate to the Organizational Meeting of the United Nations, and the president of Carnegie Endowment for International Peace headed by

John Foster Dulles. His antagonist was a weird fellow named Whitaker Chambers, a brilliant writer and editor of *Time Magazine*, a confessed ex-communist who had functioned as a member of the Communist Apparatus in Washington for over seven years during the 1930's. Now a born again Christian, Chambers believed that freedom could only be won by the triumph of Christianity over Atheism. On Meet the Press, Chambers accused Hiss of being a communist spy and had committed treason in the 1930's by taking privileged State Department documents and turning them over to Chambers. Some of these documents had been stowed away by Chambers in a pumpkin patch. These documents were the most critical evidence in Hiss' trial for perjury - lying to a grand jury. He was convicted, but Hiss and his family denied to Hiss' dying day that he had been framed by Chambers; that he had never been a communist or a traitor to his country. It was an intriguing story. The era after the end of World War II – was a time of witch hunts against suspected communists, led by Senator Joe McCarthy and our future president, Richard Nixon, that shattered the lives of many American

citizens who, falsely in many cases, were accused of being communists or communist sympathizers.

You relax for about two years, and you get that gnawing feeling that your time for being "in the box" is rapidly approaching. I had a long-time interest, spurred on by my legal training, about the internment of Japanese-Americans during WW II. My paper was entitled "Patriotism and Prejudice." After the bombing of Pearl Harbor, there was immediate concern, and in some cases almost panic, that the Japanese would launch an attack on our West Coast. Settled in pockets along the West Coast were communities of Japanese-Americans called Nisei and Japanese aliens known as Issei, considered by many in government and in the military to be potential saboteurs who would organize or assist a sneak attack against our West Coast defenses. Patriotism swelled; the government was urged to take immediate action to protect our coastline from attack. At the same time many West Coast folks saw it as an opportunity to break the backbone of the yellow race, which had migrated to this country and who had outworked and outperformed many of our citizens in business and agriculture.

As you know, the Japanese-Americans, whether citizens or non-residents, were herded into what were, in effect, concentration camps, their property confiscated, and retained there for the duration of the war. President Roosevelt ignored a report written by the father of Sally Hotchkiss, a US Navy Admiral, that the Japanese-Americans posed no threats to our security. On February 19, 1942, Roosevelt signed the infamous Order 9066. He followed the advice of his advisors and military commanders, which authorized the internment of all Japanese on the west coast, whether a United States citizen or not.

The internment was challenged in a suit filed by a Japanese-American by the name of Korematsu. In a divided court, the majority upheld the right of our government to inter approximately 112,000 Japanese-Americans, uprooting them from their homes, depriving them of their property, and ordering them to live in concentration camps for the remainder of World War II. There had been no criminal charges, no hearings, no conviction of guilt. In other words, no due process of law. The reasoning of the court relied on military necessity in war time to protect west coast defenses and industry and to forestall an invasion.

My next time up in the 1989, my subject was Chief Justice John Marshall, in my view the most dynamic Chief Justice of the Supreme Court who through his personality and foresight brought the judiciary into equal status with the other two branches of government. My paper was titled "The Architect Who Built a Nation."

On September 17, 1787, after a long hot summer in a small crowded room in Philadelphia, 39 men of sound judgment and wisdom, signed our Constitution. Yet the Constitution was merely a blueprint containing several articles which needed interpretation, an architect, if you will allow the analogy, to construct the parameters of the three branches of government into an effective system, which would operate to preserve the basic freedoms of life, liberty and property envisioned by the framers. The framers had sought to establish a system of checks and balances among the three branches to insure the political independence of each branch and to prevent the accumulation of power in a single branch. However, there were varying views, strongly held, as to the function of each branch.

When Marshall was appointed to the court by John Adams at the end of his term, much to the chagrin of Mr. Jefferson, many felt that the Supreme Court was "an empty shell" that would never have the guts, much less the power, to decide or enforce important decisions and laws.

A critical issue lurked: did the executive branch have the right to ignore acts of Congress which the President determined unconstitutional and refuse to obey a court order in his sole discretion; who would have the final say what the law is? What was the political relationship between the national government and state legislatures and judiciaries? Just how much power had been ceded to the national government? Justice Marshall wrote the most important and precedent setting case decided by the Supreme Court *Marberry v Madison*. Justice Marshall decided that the ultimate interpretation of the law resides with the Supreme Court. This meant that the Supreme Court alone could decide whether a law passed by Congress or any state was within the boundaries of our Constitution. I ask you to reflect: what would be a consequence to our nation if the President could determine what law is constitutional, and if so, did he have to follow the law.

When Marshall's tenure on the Court of over 34 years ended with his death in 1835, the Supreme Court had become a vigorous and equal branch of government. The blueprint for the structure of our government had been made clear through Marshall's decisions. Supreme Court decisions over the years, and continuing to this date, rely on the jurisprudence enunciated by Marshall in his opinions. His judicial acumen enabled the United States to survive and to act effectively as a nation in international politics and in the orderly resolution of domestic disputes.

Current events spawn other papers. In 1991, Ross Johnson, the swashbuckling, deal making, free spending, backslapping CEO of RJR Nabisco, launched a stunning leverage buyout of his own company at a price that, at the time, would buckle the knees of Wall Street insiders, and he succeeded.

Then came O.J. Simpson – a Hall of Fame player accused of murdering his wife and Ron Goldman. Who can forget the flight of O.J. Simpson, captured on TV, as he tried to outrun the Los Angeles police. O. J. was charged with murder. He was found not guilty. Many people

felt the jury verdict was a gross miscarriage of justice and that our criminal justice system had failed. A guilty man had been set free by a predominantly black jury. A murderer had beat the rap because he had the financial resources to hire lawyers and experts who could confuse a jury and buy justice. Remember Johnnie Cochran and Barry Scheck. Justice has ultimately been served as O. J. is now in jail.

The collapse of Enron intrigued me. Enron had run out of cash after extravagant spending on big deals, and it could not extricate itself from financial disaster. The personalities involved were fascinating, Ken Lay, President of Enron and "Mr. Inside," Jeffrey Skilling, "Mr. Outside," together with Andy Fastow, and a high-flying woman by the name Rebecca Mark succeeded in driving Enron into bankruptcy. If you are interested in Enron, I recommend two books, *The Smartest Guys in the Room* and *Pipe Dreams*.

Jim Elson's wonderful book *Lynchburg, Virginia: The First Two Hundred Years* gave me the idea of resurrecting John Lynch, returning to the city to which he gave his name, to give advice and his views to our current city manager, Kim, and our past mayor, Joan.

As I thought about tonight's presentation, I considered returning to a significant event that occurred 200 years ago: the War of 1812, our first declared war. I read about of the War of 1812 and decided that other than Dolly Madison saving the White House silver, furniture and the Gilbert Stuart portrait of "George" from the invading English, Frances Scott Key composing the Star Spangled Banner, and General Jackson saving New Orleans, it was a dreadful time for our country involving desperate battles that were not exciting events. And then I had an inspiration: "Our Fair Ladies." Why everyone knows Our Fair Ladies, don't we?

Well, who are "Our Fair Ladies?" I am certain that they will never sing the lead in "My Fair Lady," "The Sound of Music," or Phantom of the Opera," nor be seen in "Dancing with the Stars" or the "Miss Universe Pageant." Nonetheless, they dominate in a field where women were once excluded and those who managed to break the barriers of gender discrimination were treated unkindly, rudely and condescendingly for many years. Our Fair Ladies: Ruth Bader

Ginsburg, Sonia Sotomayor, and Elena Kagan, our fair ladies on the Supreme Court. (Picture)

The gender barrier was broken by Sandra Day O'Connor, when she became the first member of the Supreme Court on September 25, 1981, appointed by President Reagan. She immediately made her mark on the court, often being the swing vote in 5 to 4 decisions. When Justice O'Connor graduated from law school, no law firm would hire her, and she was offered the position of a secretary. As the saying goes, "You've come a long way, baby."

Justice Ginsburg, known by her family as KiKi, graduated from Columbia in 1959, first in her class. She enrolled at Harvard Law School in 1954, where she was one of nine women in a class of more than 500. She transferred to Columbia Law School when her husband, a noted tax lawyer, took a job in New York. She was the first woman to be on two major law reviews. In 1960, although strongly recommended by the dean of the Harvard Law School, Justice Felix Frankfurt rejected Ms. Ginsburg for a clerkship because she was a woman. There were no women clerks for Supreme Court Justices.

After a short tenure as a director at Columbia Law School's project on international procedure, she was named a professor of law at Rutgers in 1963. While at Rutgers, she co-founded The Women's Rights Law Reporter, the first law journal in the U. S. to focus exclusively on women's rights. From 1972 through 1980, she taught at Columbia where she became the first tenured woman professor.

In 1973, she became the ACLU's general counsel and the chief litigator for the women's rights projects, arguing several landmark cases before the U. S. Supreme Court, including the case of *Reed v Reed*, 404 U.S. 71, where the court extended the protection of the equal protection clause to women for the first time. She was a skilled oral advocate. In her last case before the Supreme Court in 1978, she challenged laws and practices making jury duty voluntary only for women, viewing this as a message that women's service was unnecessary to an important government service. At the end of the oral argument, then associate Justice William Rehnquist asked Ginsburg with a sly grin on his face, "You won't settle for putting Susan B. Anthony on the new dollar bill."

In 1984, President Carter appointed Mrs. Ginsburg to the U. S. Court of Appeals for the District of Columbia. In 1993, President Clinton nominated her for the position of Associate Justice of the Supreme Court. The U.S. Senate confirmed her by a vote of 96 to 3, even though she refused to answer questions regarding her personal views on current issues before the Court or how she would adjudicate certain hypothetical situations as a Supreme Court justice. This has become the standard practice for candidates nominated for a position on the Supreme Court.

I'm sure you're not surprised to learn, if you don't already know, that Justice Ginsburg has been a strong advocate for pro-choice. In an interview with The New York Times in 2010, she said regarding abortion, "The basic thing is the government has no business making that choice for a woman."

Justice Ginsburg has also been an advocate for using foreign law to shape U. S. Law and judicial opinions. Her judicial philosophy is a sharp contrast to the conservative views of her colleagues, Justice Roberts,

Justice Scalia, Justice Thomas and Justice Alito, whose opinions usually try to discern the original intent of the framers of our Constitution.

Justice Ginsburg created a firestorm while touring Egypt in her discussions with judges, law school faculty, and students. Egypt was considering adopting a new constitution, and when asked if Egypt should model its new constitution on those of other nations, Justice Ginsburg, among other comments, "I would not look to the U. S. Constitution if I were drafting a constitution in the year 2012. I might look at the constitution of South Africa that included provisions that guaranteed basic human rights." Later she tempered this quote by saying that the U. S. was fortunate to have a constitution offered by very wise men, but in the 1780's no women were able to participate in a process and slavery still existed. This statement created a grinding reaction from conservative commentators, many of whom suggested that Justice Ginsburg should resign.

Of particular interest to Virginians, she wrote the majority opinion in the United States against VMI, which held that its Males Only

Admissions Policy violated the Equal Protection Clause of the Fourteenth Amendment.

Strange as it may seem though, Ginsburg considers Justice Scalia her closest colleague on the court. They often dine and attend opera together. An odd couple.

Justice Ginsburg is now 79 years old. She is about 5' tall, weighs 80 lbs. and she has had every disease known to humanity, but she is tough as nails. She is not as loud or colorfully charismatic as Scalia but neither does she let up or give in. She had made her way to the top of the legal world at a time when you could have a legal education from Harvard and Columbia and still be turned down for a job because you're a woman.

Our next fair lady, Sonia Sotomayor, is the first Latino elected to the Supreme Court. She, like our other fair ladies, has a big brain. She knew she wanted to be an attorney at age ten, having become a terrific fan of Perry Mason. She was on full scholarship at Princeton University and graduated Summa Cum Laude in 1976, and elected to Phi Beta Kappa. She graduated from Yale Law School in 1979 and was editor of

the Yale Law Review. She was active in organizations that promoted opportunities for Latin American women.

Before being elected to the Supreme Court in 2009, she was Assistant District Attorney in New York, was engaged in private practice for five years, and thereafter served as a Federal Judge for the United States District Court for the Southern District of New York, nominated by President George H. W. Bush in 1991.

Justice Sotomayor's background eschews the view that Supreme Court justices must come from the privileged or the middle class. Both of her parents were born in Puerto Rico. Her father, who died when she was nine years old, had a third grade education, did not speak English, and worked as a tool and die maker. Her mother was a telephone operator and a practical nurse. Having grown up in the Bronx next to Yankee Stadium, she has been a lifelong Yankee fan.

As Assistant District Attorney under New York County District Attorney, Robert Morgenthu, she tried cases involving everything from shoplifting and prostitution to robberies, assault and murders. She was outraged by crimes of violence. She told a reporter, "No matter how

liberal I am, I'm still outraged by crimes of violence regardless of whether I can sympathize with the causes that led to these crimes."

Her notable cases, while as United States District Court Judge, included Silverman v Major League Baseball Players Relations Committee, where she issued a preliminary junction against Major League Baseball, preventing it from unilaterally implementing a new collective bargaining agreement and using replacement players. (We know about the disaster of the replacement refs in the NFL). The decision raised her profile, won her the plaudits of baseball fans and had a lasting effect on the game. In a case involving the Wall Street Journal, Justice Sotomayor sided with the Journal and its effort to obtain and publish a photocopy of the last note left by former White House counsel Vince Foster, who, as you know, committed suicide and raised all sorts of questions about his relationship with the Clintons.

After election to the United States of Appeals for the second circuit, she gained a reputation for vigorous and blunt behavior towards lawyers, some of whom considered her brusque and curt in her treatment and testy interruptions. One colleague, in commenting on the criticism

of Justice Sotomayor said, "Some lawyers just don't like to be questioned by a woman."

When President Obama nominated her for a position for the Supreme Court on May 26, 2009, she became the only second jurist to be nominated to three different judicial positions by three different presidents, Bush, Clinton, and Obama.

During the nomination process, the Republicans opposed her nomination and criticized her for a quote during a lecture in 2001 where she said, "I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white man who hasn't lived that long." Some would say, "Tell it like it is, Soto."

After repeated criticism of this remark reflecting a bias for Latino women, Sotomayor clarified her remarks saying that, "While life experience shapes who one is, ultimately and completely, a judge follows the law regardless of personal background.

One of the first cases Justice Sotomayor heard were the arguments in Citizens United v Federal Election Commissioners, which, as you

know, involved the First Amendment Rights of Corporations and Corporate Finance and is one of the most controversial and consequential decisions of the court.

She dissented.

Justice Sotomayor has, more than most justices, maintained a public presence during her Federal Judiciary. She has given over 180 speeches since 1983, about half of which either focused on issues of ethnicity or gender or were delivered to minority or women's groups.

Like our other fair ladies, Elena Kagan, is a graduate of Ivy League Schools: undergraduate school at Princeton and Harvard Law. Of note, as a student at Princeton where she served as the editorial chair of the Daily Princetonian, she penned the declaration of campaign for a democratic university, which called for "a fundamental restructuring of university governess," and condemned Princeton's administration for making decisions, "behind closed doors." Sounds familiar, doesn't it?

After graduating from Princeton, she earned a masters of philosophy at Oxford in 1983 and received her Juris Doctor magna cum laude from Harvard Law School in 1986, where she was supervisory

editor of the Harvard Law Review. After graduating from law school, Justice Kagan received a prestigious clerkship from Justice Thurgood Marshall in 1988. Marshall called Kagan, 5'3" tall, "Shorty." After her clerkship with Justice Marshall, she began private practice with the prestigious law firm of Williams and Connelly. Do you remember Edward Bennett Williams, he was quite a famous, or some would say infamous, trial attorney who represented **(Robin – pick one: John Hinckley Jr., Frank Sinatra, financier Robert Vesco, Playboy publisher Hugh Hefner, spy Igor Melekh, Jimmy Hoffa, organized crime figure Frank Costello, U.S. Senator Joseph McCarthy, corporate raider Victor Posner, Michael Milken, the Washington Post newspaper and the Reverend Sun Myung Moon.**

In June 1999, President Clinton appointed her as Associate White House Counsel and later as his Policy Advisor.

After service in the Clinton Administration, Justice Kagan was appointed a visiting professor at Harvard Law School in 1999, and in 2001 she was named a full professor. In 2003 was named Dean of Harvard Law School by president Lawrence Summers.

During her term as dean, Kagan stirred up a hornets' nest by upholding a decade-old policy barring military recruiters from recruiting on the Harvard Campus, based on "the don't ask, don't tell policy." This policy was challenged in the Supreme Court which ruled the military could indeed require schools to allow recruiters if they wanted to receive federal money. Kagan allowed the military back but wasn't particularly pleased that she was required to do so.

On June 26, 2009, President Obama appointed her Solicitor General (who is the Justice Department's lawyer who argues cases before the Supreme Court).

When Justice John Paul Stevens announced his retirement in April, 2010, speculation abounded that Kagan would likely be President Obama's nominee. She was confirmed by the Senate, after the usual political bickering between the Democrats and Republicans and, like her predecessors, criticism for the evasiveness at the hearings. She was sworn in on August 7, 2010. She was the first justice appointed to the Supreme Court without any prior experience as a judge since William

Rehnquist was appointed in 1972. She became one of three of the current justices who were Jewish.

Kagan has been praised for her "elegant voice," an unusual accolade for a newcomer to the Supreme Court. She has been noted for "her ability to puncture her colleagues bloodless abstractions and tendentious arguments and to explain the constitutions in plain language that all citizens can understand." Commentators say that her writing is giving Justice Anthony Scalia "a run for his money."

Our Fair Ladies reveal that women in the law have come a long way. Consider, in 1875, the Wisconsin Supreme Court denied Lavina Goodell admission to the State Bar on the grounds that Nature has tempered woman as little for the juridical conflicts of the court room, as for the physical conflicts of the battle field. This decision was not without precedent. In 1872, the United States Supreme Court affirmed a decision from the Supreme Court of Illinois that denied Myra Bradwell admission to the state bar. The Supreme Court noted: "The paramount destiny and mission of women are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator. And the rules of civil

society must be adapted to the general constitution of things, and cannot be based upon exceptional cases."

Even the renowned Clarence Darrow held woman lawyers in contempt: "You can't be shining lights at the Bar because you are too kind. You can never be corporation lawyers because you are not cold-blooded. You have not a high grade of intellect. I doubt you could ever make a living."

In 1890, there were only 200 women licensed to practice law. Today, over 20% are women.

This picture is of the Lynchburg Bar Association 1926 – one woman. This is the picture of the Lynchburg Bar 1954. There were no women. Today, the percentage of women in the Lynchburg Bar is about 28%. There have been six women presidents of the Lynchburg Bar Association over the past 15 years or so, including our member, Arelia Langhorne.

There was no woman president of the Virginia State Bar until 1994. Interestingly, she was elected president after my former law partner, now Judge, Ed Burnette, served as president in 1993 and 1994.

Since 2004, there have been two women presidents of the Virginia State Bar. The current executive director is a woman.

The Virginia Bar Association elected its first woman president in 2000, and the second woman president was elected in 2001. The past president of the Virginia Bar Association, Pia Trigiani is a close friend and continues to be a leader in the Virginia Bar. Pia's sister is Andrianna Trigiani – a noted author, some of you may be familiar with her novels about southwestern Virginia. The VBA's current executive is a woman.

The current President of the VADA is Elizabeth Perrow, the daughter-in-law of Steve & Betsy Perrow.

The Virginia Supreme Court has had three women as associate justices for over 20 years, and currently the Chief Justice of the Virginia Supreme Court is Cynthia Kinser, serving together with two women associate judges.

Twenty-seven percent of all state and federal trial judges are women.

Of the last six hires at my firm, Edmunds & Williams, four have been women. In addition to their legal skills, in my view, a woman adds a keen perspective on clients' personalities and motives that may escape their male counterparts.

When I entered law school at Virginia in 1962, I can remember only one woman classmate. Today, both at Virginia and Washington & Lee the student population is at least 50% women. In my law class at Washington & Lee, over the last four years I have had more women than men. The new dean of the W&L Law School is a woman, a first at W&L.

Yet, there still is some concern from in those who follow the status of women in the legal profession that they are not paid a salary comparable to those of male attorneys; they do not make partner to the same degree that men do; and they are under represented in both the federal and state judiciary.

This may be true, but women today have established a beach head in the profession that is only going to grow and expand. Women have come a long way since I began practice in 1965, and they are going to

continue to grow in influence at the Bar, in the judiciary, and as leaders in the law. Today Mama's can tell their daughters, with confidence, that you can grow up to be a lawyer.