

Governor Phil Murphy

# Remarks by Rachel Wainer Apter on Her Nomination to the New Jersey Supreme Court

03/15/2021

## As Prepared for Delivery

Thank you Governor Murphy and Lieutenant Governor Oliver for those very kind words. I am grateful beyond measure for the faith you have placed in me with this nomination.

Serving on the NJ Supreme Court is the most important trust that can be placed in a lawyer in this state. The cases that the Supreme Court hears concern issues of fundamental importance to the state and to all of us as individuals, including how our society will live up to the promise of equal justice under the law.

The New Jersey Supreme Court also has a distinguished tradition of independence, fairness, and integrity. I would be honored to be able to continue that tradition.

Thank you also to the Governor's Chief Counsel and Chief of Staff, and to Chief Justice Zazzali and the entire Judiciary Advisory Panel, who all took such care in meeting with me.

I am looking forward to meeting with the State Bar Judicial and Prosecutorial Appointments Committee as well as Senate President Sweeney, Senate Judiciary Committee Chairman Scutari, and the entire Senate as part of the confirmation process.

My great grandparents fled anti-Semitic persecution in Russia and Eastern Europe and came to the United States in search of freedom. As a child, I was tremendously impacted by learning about the Holocaust—I went through years of grade school reading only books about the Holocaust, and had vivid dreams that I was living during that time.

That gave me a strong sense of how fortunate I was to live in this time and place, but it also impressed upon me the horrors that can come from dehumanization, when one person deems another person as “other” or denies their humanity.

I therefore always knew I wanted to help people, and in law school I realized that meant civil rights law: the idea that all people are entitled to equal justice under the law, and to be treated with equal dignity and equal respect.

We now think of this concept as an integral part of our federal constitution, but at the time the constitution was written in 1787, many people were left out of the “We the People of the United States” referenced in the opening words. People brought to this country as slaves and all of their descendants. Native American peoples. Women.

The past 234 years have largely been a struggle for those who were excluded at the time of the Constitution's drafting, and who have been excluded in the many years since, for full and equitable inclusion in our national life.

And I was very lucky after law school to clerk for 3 judges who played a part in that struggle: Judge Jed Rakoff, who just wrote a book about flaws in the justice system; Judge Robert Katzmann, who, while serving as a judge, founded a fellowship that trains lawyers to represent immigrants facing deportation or pursuing lawful status and citizenship; and Justice Ruth Bader Ginsburg, who, before she ever became a judge or a Justice was largely responsible for convincing nine male Supreme Court justices to enshrine equal citizenship for women into the United States Constitution.

Today I want to briefly discuss two values that I both admired about and shared with Justice Ginsburg. The first is a central belief in the equality and dignity of all people—that everyone should be able to dream, to achieve, and to set the course of their own lives without barriers based on race, religion, nationality or ethnicity, gender identity, sexual orientation, or disability.

The second is a belief in the importance of the law not simply as a subject to be debated, but as something that profoundly impacts the lives of individual people each day.

A large part of my professional career has focused on addressing systemic inequality. At the ACLU I worked on major civil rights and constitutional cases to defend anti-discrimination laws, protect the right to vote, and safeguard the constitutional rights of people accused of crimes. While counsel to the Attorney General I worked with stakeholders to draft the Immigrant Trust Directive, which curtails the involvement of New Jersey law enforcement officers in federal civil immigration enforcement. And at the Division on Civil Rights I have worked to broaden the New Jersey Law Against Discrimination, combat sexual harassment and the rise in hate and bias, and tackle systemic racism.

But I have never focused only on laws or systems—instead, I have always centered the individual lives that laws and systems are meant to serve but can so often harm. For example, when I traveled to Texas to defend DACA on behalf of the State of New Jersey, I spoke not only about the legal intricacies of the case—but also about one individual DACA grantee who testified that without DACA, her life would change in ways big and small: she would lose her job, but also be unable to do everyday things people take for granted, including drive, purchase cold medicine at a pharmacy, and enter a public building.

The New Jersey Supreme Court has a proud history of recognizing the equal dignity of every human being and acknowledging how the law impacts real people each day. Justice Ginsburg shared that legacy. I hope to be able to live up to that promise.

I want to thank the Attorney General and my incredible DCR family for their efforts every single day to protect the civil rights of New Jersey residents.

I want to thank my spouse, Jon, who has been my biggest booster in all ways and who has made my career possible by valuing it as much as his own, and my children, Eliana, Maya, and Noam, who make me laugh every day.

I want to thank my brothers, Josh, Seth, and Zack, and their families, and my parent-in-laws, Elaine and Naftali, for their constant love and support.

And finally, I want to thank my parents, Mitch and Suzi, who guided me to use my skills and abilities to better the world.

Thank you again, Governor Murphy, for this tremendous honor. I am truly humbled, and I will do my best to serve the people of New Jersey.

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