

Senator McCLELLAN. Mr. Chairman, I would like to state for the record at this time that I have received letters endorsing both of these nominees, and one letter in particular from Mr. Edward L. Wright of Little Rock, Ark., immediate past president of the American Bar Association. I will ask to be permitted to introduce this into the record at this time. Since all of these witnesses are here this morning to testify or place statements in the record for Mr. Powell, I think it appropriate at this time to introduce this communication from the immediate past president of the bar association.

The CHAIRMAN. It will be admitted.

(The letter referred to follows.)

LITTLE ROCK, ARK.,
November 2, 1971.

HON. JOHN L. McCLELLAN,
U.S. Senator,
Washington, D.C.

DEAR JOHN: I wish to reiterate my deep and continued appreciation for the affirmative interest you took in proposing me as a possible nominee to the Supreme Court of the United States. From the beginning I felt that my age was an insurmountable obstacle.

While all of us here have a natural and understandable disappointment in the failure of the President to nominate Herschel H. Friday, I am glad that the President came forth with the names of two excellent men. I have known Lewis F. Powell, Jr., intimately for many years and have worked extremely closely with him in many American Bar Association matters. He is a truly great man, whether measured by his impeccable character, his outstanding intellect, or his unselfish activities in the genuine public interest. In my opinion he will become one of the outstanding and recognized jurists of all times to sit on the Supreme Court of the United States.

I am not well acquainted personally with Mr. William H. Rehnquist, but I feel that he has all of the proper credentials to make an excellent member of the Supreme Court. For these reasons I trust that the Senate will promptly confirm both of them.

With warm regards and every good wish, I am

Sincerely,

EDWARD L. WRIGHT.

Senator BAYH. Mr. Chairman, is it appropriate to inquire for the benefit of the committee members what the schedule is going to be?

I was left with the gavel last evening and I advised our colleagues that some of our brethren on the Republican side would have an opportunity to address themselves to the previous witness.

The CHAIRMAN. You were not present when we began. The two Virginia Senators want to go to Senator Willis Robertson's funeral and they are presenting the nominee at this time.

We will go back to Mr. Rehnquist as soon as—

Senator BAYH. That is perfectly fine with me, Mr. Chairman. I just wanted to know what we could expect for the rest of the day.

The CHAIRMAN. Thank you, gentlemen.

Senator BYRD. Thank you.

TESTIMONY OF WILLIAM H. REHNQUIST—Resumed

The CHAIRMAN. Senator Burdick is recognized.

Senator BURDICK. Mr. Chairman, I would like to congratulate the nominee selected by the President.

Much of this ground has been gone over already. I would like to ask one question. Would you like to elaborate on your concept of stare decisis?