

formal opinions of the Attorney General himself, rendering opinions on a variety of "significant and complex constitutions, statutory, and other legal questions involving the executive branch," and considering conflicts of interest questions.

Also this officer must pass on matters relating to the Freedom of Information Act and is often called upon to testify before congressional committees as a spokesman for the position taken by the Department of Justice on legislative proposals. Thus, Mr. Chairman, Bill Rehnquist has become acquainted with the practical role and interests of the legislative branch of our Government, as well as with the executive and judicial branches.

In short, Mr. Chairman and members of the committee, the nominee is a man of varied and balanced experience. He is well versed in every aspect of the Government and he has dealt with the day-by-day concerns of average citizens as a private practitioner. He truly is a man attuned to the law, exceptionally diligent, honest to where the truth leads him, and first and foremost a scholarly interpreter of the Constitution. He is calm, competent, and has a healthy compassion for human needs. He will serve his country and its people well, and, Mr. Chairman and members of the committee, I urge his confirmation.

The CHAIRMAN. Any questions?
Congressman Rhodes.

STATEMENT OF HON. JOHN J. RHODES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. RHODES. Mr. Chairman, I deem it to be a high honor and a personal privilege to appear before you and the distinguished members of your committee for the purpose of recommending to you the confirmation of William H. Rehnquist as an Associate Justice of the Supreme Court. I make this recommendation without reservation, either as to the professional ability of Mr. Rehnquist or as to his moral, ethical, or intellectual qualifications.

Bill Rehnquist is a fine man in every sense of the word. He is a good citizen, a good man, and one of the most able lawyers I have ever known. He was graduated first in his law school class at Stanford University and served as law clerk to the late Associate Justice Robert Jackson. His career as a practicing lawyer in Phoenix, Ariz., is replete with accomplishment, and his reputation in the Arizona Bar is unsurpassed for integrity and legal skill. Mr. Rehnquist has served as president of the Maricopa County Bar Association and has been active in the work of the State Bar Association of Arizona. He has served with great distinction as Assistant U.S. Attorney General, the position he now holds.

I know that Mr. Rehnquist is a man of deep convictions. However, the points of view he expresses have been obtained by the process of reasoning, and not by way of passion or emotion. My knowledge of Mr. Rehnquist's ability to reason causes me to have every confidence that as an Associate Justice of the Supreme Court, his decisions and his opinions will be derived through the process of reasoning of a true scholar, applying legal precedents to the particular case at bar with the deft, sure strokes of a legal craftsman. He is thoroughly dedicated to the principles of the English common law. However, we can also be

sure of his great regard and reverence for the intent legislative bodies have expressed when enacting statutes, and we can expect his statutory interpretation to reflect this viewpoint.

I would predict that Mr. Rehnquist will become one of the great Justices of the Supreme Court. He is not only accomplished in the practice of the legal profession, but he is also a great human being with a fine sense of humor. He has a great feeling of respect and compassion for his fellow man and of reverence for our American institutions. It is my pleasure and honor to join my colleagues in the Arizona delegation to the Congress of the United States in recommending that this committee consider favorably the confirmation of William Rehnquist.

Mr. Chairman, I am authorized by Congressman Udall and Congressman Steiger to convey to the committee that they also recommend the confirmation.

The CHAIRMAN. Well, you are speaking for the Congressional delegation from Arizona; is that correct?

Mr. RHODES. I am about to ask the chairman for the privilege for my colleagues to file their statements for the record.

The CHAIRMAN. Yes.

Mr. RHODES. The statement you have made as to the recommendation of confirmation is correct, but I would prefer that the individuals have the privilege of filing their own statements so that they can express their ideas in their own words.

The CHAIRMAN. That will be granted.

(The statements referred to follow:)

STATEMENT OF REPRESENTATIVE MORRIS K. UDALL

Mr. Chairman, I released on October 27th in Arizona a statement with regard to the nomination of William H. Rehnquist to the Supreme Court. That statement follows:

It's natural to feel some pride when a man from one's state and from one's own professional group is nominated for a position carrying the awesome responsibility of the U.S. Supreme Court.

Thus, the President's selection of William Rehnquist stirs such pride.

At the same time, I must acknowledge that I would not have nominated Mr. Rehnquist had the choice been mine.

I say this though I can attest to his complete integrity and adherence to the highest ethical standards. In addition he has had excellent legal training and experience and possesses a clearly superior legal mind. He certainly meets the demanding professional standards for and would bring intellectual distinction to the Supreme Court.

Having said that, however, I must register my strong disagreement with Mr. Rehnquist's philosophy. I consider many of his publicly expressed views to be misguided and wrong.

Yet I believe that a President has the right to appoint judges of his own political and judicial philosophy and that his nominees should generally be confirmed when they meet ethical and professional standards, as Mr. Rehnquist obviously does.

Furthermore, we have learned that it is risky business to predict the course a lawyer will take when he leaves the political arena and begins a lifetime judicial appointment. And so I can be hopeful that as a Supreme Court justice Mr. Rehnquist will acquire different perspectives.

STATEMENT OF REPRESENTATIVE SAM STEIGER

This is more than the normal, ritual endorsement of an executive appointment by a Member of Congress who resides in the appointee's State.

Bill Rehnquist, by temperament, training and character, will be a magnificent member of the Supreme Court. His intellectual ability, his honor and integrity, and his legal achievements have been attested to by his shrillest critics.

It is incredible to me that this man, whose intellectual stature absolutely precludes bigotry, would be called racist, even by the most partisan practitioner. That Bill Rehnquist would be indifferent, or worse, to civil liberties would be laughable if these charges were not being mouthed by people who should know better. It is his total concern for the much maligned rights of the victims of organized crime that has led to his support of those carefully controlled devices necessary to the apprehension of those engaged in organized crime.

I have known Bill Rehnquist for a decade—both professionally and socially. In most of my dealings with public figures I have found my respect mitigated by tolerance after similar exposure. Not so in the case of Bill Rehnquist. I can say without hesitation that the more I know of him, the greater is my undiluted respect for him.

Mr. RHODES. Thank you.

The CHAIRMAN. Any questions?

The Chair would like to state that there has been a full field FBI investigation of the nominee, and also of Mr. Powell, the other nominee, and that the investigation showed them both clean, high-classed gentlemen. I cannot see any flaw in Mr. Rehnquist, or in Mr. Powell, as a result of the full field investigation.

TESTIMONY OF WILLIAM H. REHNQUIST, NOMINEE TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

The CHAIRMAN. Mr. Rehnquist, you have an A.V. rating in Martindale's, do you not?

Mr. REHNQUIST. Yes, I did have at the time while I was practicing.

The CHAIRMAN. When did you get it?

Mr. REHNQUIST. As I recall, the minimum period in which you could get an A.V. rating at the time was a period of practice of 10 years. And it seems to me I got it in 1966, though I cannot be absolutely positive as to the date. It was very shortly after the expiration of the minimum period.

The CHAIRMAN. Of course, that is the highest rating Martindale's Legal Directory can give a person?

Mr. REHNQUIST. Yes, I believe it is.

The CHAIRMAN. And you got it in 12 years.

Mr. REHNQUIST. That certainly—it was either 11 or 12 years, Mr. Chairman. I am not positive as to the exact date.

The CHAIRMAN. No one can get it under 10 years?

Mr. REHNQUIST. That is my understanding.

The CHAIRMAN. Senator McClellan.

Senator McCLELLAN. Mr. Chairman, I have a few questions, but I should like to ask the indulgence of the Chair and my colleagues with me while I make a brief statement regarding these nominations, a statement that I want to go into the record in full. Following this statement, I will have some questions premised upon the views that I express here.

A special genius of the American people has been a commitment to the rule of law, not of men, and a special focus of that commitment has always been on the Supreme Court of the United States. This committee, and ultimately the Senate, fulfills, therefore, a sacred duty in advising and consenting to the nominations submitted by the President for the Nation's highest court.

In considering these pending nominations, three issues face this committee, and will later face the Senate: