

Judge CRAIG. I think he is a gentleman of outstanding intellectual capacity.

I think every judge worth his salt attempts to do just that. How much creeps in from the back of your head nobody has been able to measure. But I am certain that this man would make every effort, if he did have any personal views, to disassociate those from the judicial decisionmaking process. I am confident of that.

Senator BAYH. Thank you very much.

Judge CRAIG. Yes, sir.

Senator HRUSKA. Judge Craig, in regard to the first "Whereas" of the resolution of the Southwest Area Conference of the NAACP, I should like to read to you an excerpt from yesterday's Washington Post:

When Rehnquist was nominated for the Supreme Court, a former Arizona President for the NAACP, the Reverend George Brooks, charged in 1965, Rehnquist confronted him outside the State Capitol and argued in abusive terms that a civil rights act, later passed by the State legislature, should be opposed.

The Arizona NAACP promptly passed a resolution and the text of the resolution and that "Whereas" was read by the Senator from Indiana a little bit ago.

Now, getting back to the story from the Washington Post:

By the end of last week, Brooks was telling a different story. He now says that the discussion with Rehnquist was calm, "the tone was professional, constitutional, and philosophical," he said. He was neither harassed nor intimidated, Brooks added. But he said that in his opinion, Rehnquist is a philosophical racist.

It is the hope of this Senator that inasmuch as Mr. Brooks retracted one part of his accusation, maybe in due time he will get to that second part.

Do you recall anything of that nature in regard to this incident?

Judge CRAIG. No, not at all. I have never known Bill Rehnquist to be racist, and I know him pretty well, sir.

Senator HRUSKA. And you wouldn't have any personal knowledge as to what Mr. Brooks might have said or what he might have repudiated at a later time?

Judge CRAIG. I wouldn't. The only thing I would say is that according to Mr. Brooks' first statement, with respect to the abusive language, it would shock me to believe that my friend, Mr. Rehnquist, would use such language under those circumstances anyway, and, therefore, I would say it was undoubtedly inaccurate.

Mr. Brooks apparently understood that himself and tried to correct the record. I think he is just as wrong on the other point.

Senator HRUSKA. Thank you.

The CHAIRMAN. Any further questions?

(No response.)

The CHAIRMAN. The witness is excused.

Judge CRAIG. Thank you very much.

(The NAACP document referred to follows:)

RESOLUTION OF THE SOUTHWEST AREA CONFERENCE OF THE NAACP BRANCHES  
TO THE PRESIDENT OF THE UNITED STATES AND THE U.S. SENATE

Whereas, Richard Milhaus Nixon, the President of the United States has nominated his personal legal advisor, William H. Rehnquist in a sudden manner without consulting members of the Congress, or the American Bar Association; and

Whereas, Mr. Rehnquist has consistently fought the NAACP and others in the State of Arizona who champion the causes of civil rights and the poor; and

Whereas, Mr. Rehnquist in 1964, while serving in a high official capacity in the Arizona State Government openly harassed and intimidated the immediate past president of the NAACP, the Rev. George Brooks and members of the NAACP on the steps of the Arizona State Capitol during a peaceful attempt to reach the legislative bodies to present grievances from the minority community; and

Whereas, Mr. Rehnquist does not fully accept the rights of all citizens to exercise the franchise of voters rights, and our fears are based upon his harassment and intimidation of voters in 1968 during the Presidential election in precincts heavily populated by the poor; and

Whereas, the Maricopa County Branch of the NAACP opposed the naming of Mr. Rehnquist to the position of personal legal advisor to the President; and

Whereas, in 1957 Mr. Rehnquist espoused a strong belief with the John Birch Society's position and publicly castigated the U.S. Supreme court and individual members of the court; and

Whereas, Mr. Rehnquist has labelled the youth of Arizona and the nation who peacefully protest the status quo as "barbarians", and

Whereas, as President Nixon's personal legal advisor, Mr. Rehnquist acted as a primary moving force in the nominations of G. Harrold Carswell and Clement Haynsworth; and

Whereas, by his public statements and actions Mr. Rehnquist has shown himself to be a right wing extremist, a rational reactionary, and a sophisticated racist; Now therefore, be it

*Resolved*, That the Southwest Area Conference of the NAACP calls upon the President of the United States to withdraw the name of William Rehnquist forthwith: Further, be it

*Resolved*, That the U.S. Senate refuse to give its advice and consent to the nomination; and further, That the President of the United States by his nomination of Mr. Rehnquist will have nominated one who has proven himself to be inimical to the causes of Blacks, Poor, Civil Rights and Civil Liberties.

Senator TUNNEY. Thank you very much.

Mr. Chairman, I realize that the witness has been in the chair a long time, and I don't want to delay the proceedings of this committee.

Mr. REHNQUIST. Senator, could I get up and walk around the table once?

Senator TUNNEY. I will join hands and walk with you.

Senator MATHIAS. I can't help but observe that the nominee has just exercised or followed the prescription of Dr. Paul Dudley White who I saw urging that everybody who has been sitting for a long period of time to get up and at least jog in place. It is very good for the mind as well as for the heart. Maybe everyone in the room might want to do that.

The CHAIRMAN. Let us proceed.

Senator TUNNEY. Thank you very much, Mr. Chairman.

As I indicated yesterday, and as we have heard so much today from other Senators, I feel very definitely that philosophy is a factor that should be considered. You have indicated in some of your earlier writings that you feel the same way, and I understand the reasons that you have felt that you could not get into this subject of philosophy, perhaps, as much as you would have desired.

You have indicated that you have an attorney-client relationship and you have indicated you are a nominee to the Supreme Court and you do not want to circumscribe your activity on the Court, judgment values on the Court.

You have also indicated that as a member of the administration, you have a certain privilege as a member of the administration not to divulge those communications that you had with administration personnel in such a way which could harm or violate the responsibilities that you have in relationship to the President.