

STATEMENT OF MARTIN F. RICHMAN

As a former colleague of Mr. Rehnquist in Government service, I am pleased to testify in support of his confirmation. He is well qualified to be an Associate Justice of the Supreme Court, in my view, on the basis of his strong legal and intellectual abilities, character and judicial outlook.

To put my opinion of him in perspective, it is necessary to digress a moment to tell the Committee a few things about myself. First, near the beginning of my career I served as law clerk to Chief Justice Warren, and thus gained some insight into the processes of the Court and the qualities that are important to the work of the Justices. More recently, I served three years as Deputy Assistant Attorney General in the Office of Legal Counsel, most of that time during Ramsey Clark's tenure as leader of the Justice Department. I am a supporter of the main thrust of the work of the Warren Court, and an admirer of Attorney General Clark's approach to law enforcement and the exercise of governmental power.

When Mr. Rehnquist arrived at Justice a few days prior to the Inauguration, I had already set in motion plans for returning to my firm in New York after completing the transition in the Office of Legal Counsel. As it turned out, the period of transition, during which I served as Mr. Rehnquist's Deputy, continued for about four months.

We had a close, informal relationship, with frequent and often extended discussions of the numerous legal issues, large and small, that made up the business of OLC during those early months of the new Administration. We also talked, more casually, of other matters of political and general interest. We made no bones about our divergent political views, but we shared a common professional approach to the work at hand. In this way, through the daily give-and-take of a candid relationship, my opinions of Mr. Rehnquist's mind and character were formed.

I need not dwell on Mr. Rehnquist's legal abilities. He has an incisive grasp for the key issues in a complex problem, the ability to learn a new subject quickly and an exceptional gift for expressing legal matters clearly and forcefully in writing. Though long out of the academic atmosphere, he has a fine scholarly bent, with an inquiring mind on subjects ranging beyond legal matters.

In terms of character, he is strong, honorable, straightforward in his actions and positions. I thought he showed exceptional sensitivity and decency in his decisions on administrative and personnel matters within the Office. While these traits do not necessarily bear on legal ability, they speak deeply of the character of a man.

Finally, there is judicial outlook, perhaps the most important criterion in your scrutiny of a nominee for the Court. The Committee is well aware that Mr. Rehnquist has a deeply held body of views on the political and social issues of our time. They are, in general, very conservative views. The key question for inquiry here, in my opinion, is whether as a Justice Mr. Rehnquist will bring to the decision of the cases not only his own views, however long held and well thought out, but an open mind. Will he approach each case on the basis of the facts in the record, the briefings by counsel, the arguments of his Brethren in conference, and his best judgment of all the available legal materials? In short, will he act like a Judge?

Based on my experience with him, my own answer is in the affirmative. Mr. Rehnquist approaches legal problems thoughtfully, with careful personal study. He is responsive to persuasive argument, and contributes to it by the articulate presentation of his own views. He brings his considerable legal ability to bear when the issues are broad questions of constitutional law, as well as on more technical matters.

I fully expect that I shall disagree with many of his decisions on closely-contested constitutional issues. But I am confident that his votes will be cast on the merits of the cases, that his opinions will illuminate the issues, and that he will make a constructive contribution to the ongoing work of the Court in the development of our law.

STATEMENT OF HOWARD KARMAN, PRESIDENT, ARIZONA STATE BAR ASSOCIATION

Mr. Chairman, my name is Howard H. Karman, President of the Arizona State Bar. I am here at the behest of the Board of Governors of my state bar to support the nomination of a fellow Arizona lawyer, William H. Rehnquist, as an Associate Justice of the Supreme Court of the United States.

Mr. Rehnquist has been a member of that State Bar of Arizona since early in 1954, when he was admitted to practice before the Arizona Supreme Court.