

I am tempted, Mrs. Heide, because I think I know you well enough, to ask if maybe the term "feminist" itself isn't self-defeating in what you are trying to accomplish?

Mrs. HEIDE. Well, it is the language we have to work with, although one of the things, as you know, that we are trying to do is to create a new language. What we have now that you call English is manglish, but that is the only tool we have to work with.

Senator BAYH. In the culture we all have become accustomed to, a "feminist" implies prejudice to all males and "sexist" implies prejudice to all females. Maybe we need some other words that indicate there are both men and women who fit into both of those categories and that what we are after is to look at everybody equally, which has not been the case for our society.

I appreciate the contributions both of you have made.

Senator HART. Thank you very much. At the direction of the chairman, we are recessing until 2:15.

(Whereupon, at 1:15 p.m., the hearing was recessed, to reconvene at 2:15 p.m., this date.)

AFTERNOON SESSION

The CHAIRMAN. We have a Congressman to testify.

Mr. McCLOSKEY. Thank you.

The CHAIRMAN. Mr. Congressman, identify yourself for the record.

STATEMENT OF HON. PAUL N. McCLOSKEY, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. McCLOSKEY. Mr. Chairman, I have known Bill Rehnquist for over 20 years, since we attended Stanford Law School together in 1950.

I believe him to be a man of the highest character, integrity and professional ability. Both his personal and professional reputation in the Stanford legal community, among fellow students, professors, and lawyers, reflects my own belief and the personal respect I have expressed.

Mr. Rehnquist's stated political philosophy is probably diametrically opposed to my own. We disagree on the most basic and deeply held views in the field of civil rights, on the powers of the President, the relationship between the executive and the Congress with respect to the war in Indochina, and on the balance between the Government police powers and individual rights.

In the single instance in which Mr. Rehnquist has appeared before my own Subcommittee on Governmental Information in the House of Representatives, we have sharply disagreed and debated the executive's historic claim of executive privilege with respect to information necessary to congressional deliberations.

Nevertheless, it is my opinion that the greatest base for our national strength and security remains the absolute separation between political beliefs and law. We are a government of law, not of men. Perhaps the highest judicial obligation of a Supreme Court Justice is to insure that their judicial opinions respect this separation between politics and law. I consider it the most basic element in maintaining public respect for the law that it be absolutely divorced from political influence and opinion.

In my judgment, Mr. Rehnquist has a respect, a reverence, for the law in our constitutional history which will cause him to bend over backward to prevent an intrusion of his political beliefs into his judicial decisions.

He meets the three exacting tests that I would impose on a nominee to the High Court. His legal intellect and integrity are of the highest excellence. He has demonstrated the kind of judgment and tempered advocacy which indicates a good judicial temperament. Finally, I believe him openminded in his search for solutions to the constitutional and legal interpretations which this Nation will face in the years ahead.

It seems imperative to me that, as a Nation, we once again achieve a common respect for the law and respect for the Supreme Court as the ultimate decisionmaker in our system of justice, and that respect requires the recognition of politically liberal and politically conservative justices that they properly contribute to the national welfare so long as they respect the Constitution and interpretations as being more important than their individual political viewpoints. I am confident Mr. Rehnquist will honor that separation.

That concludes my statement. Thank you.

The CHAIRMAN. Thank you.

I understand we recessed until 2:15. I did not know, so we will wait until 2:15.

Thank you, sir.

The Chair would like to make this statement. There has been a question of an investigation by the FBI in Arizona on voting practices. Now, there was such an investigation by the FBI. I have seen it. It in no way involved Mr. Rehnquist. At no place in the file does his name or anything that would suggest that he had anything to do with it appear.

Mr. Orfield?

TESTIMONY OF GARY ORFIELD, ASSISTANT PROFESSOR OF POLITICS AND PUBLIC AFFAIRS, PRINCETON UNIVERSITY

The CHAIRMAN. Mr. Orfield, now, you have got a prepared statement?

Mr. ORFIELD. Yes, I do, Senator. I provided it to your office yesterday.

The CHAIRMAN. Let us put this in the record, and you take about 10 minutes.

Mr. ORFIELD. All right.

The CHAIRMAN. We will admit it into the record.

(The prepared statement referred to follows:)

STATEMENT BY GARY ORFIELD

The Senate faces a unique historical responsibility in deciding on the nomination of William Rehnquist to the Supreme Court. No earlier President facing an opposition Congress has had so many appointments in such a short period of time. Never before has the Senate had so clear a responsibility to protect the Court from a sudden and drastic imposition of a minority philosophy. While all of the President's appointments have been aimed at strengthening the conservative position on the Court, Mr. Rehnquist is the youngest and most rigidly doctrinaire nominee so far. He is a judicial activist of the right who narrows and expands his interpretations of the Constitution like an accordion to suit his political objectives. His nomination, like those of Judge Haynsworth and Judge Carswell, is further tainted by a record of serious insensitivity to the principle