

NOMINATIONS OF WILLIAM H. REHNQUIST AND LEWIS F. POWELL, JR.

WEDNESDAY, NOVEMBER 10, 1971

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The committee met, pursuant to recess, at 10:35 a.m., in room 2228, New Senate Office Building, Senator James O. Eastland (chairman) presiding.

Present: Senators Eastland, Hart, Kennedy, Bayh, Burdick, Tunney, Hruska, Fong, Mathias, and Gurney.

Also present: John H. Holloman, chief counsel, Francis C. Rosenberger, Peter M. Stockett, Hite McLean, and Tom Hart.

The CHAIRMAN. Senator Weicker.

Senator, identify yourself for the record.

STATEMENT OF HON. LOWELL P. WEICKER, JR., A U.S. SENATOR FROM THE STATE OF CONNECTICUT

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

Senator Lowell Weicker of Connecticut.

The CHAIRMAN. You may proceed.

Senator WEICKER. Mr. Chairman and distinguished members of the committee, I am only going to take a few minutes of your time but I wanted to do this personally and not just have it placed into the record.

It is with a great deal of pride and affection that I appear before you to speak on behalf of Lewis Powell.

I came to know this distinguished American 25 years ago when he and my father returned as comrades in arms and friends from World War II.

I was 15, he almost 40. So when I commend Lewis Powell to the favorable attention of your committee, it is done not just by the evaluations of a U.S. Senator, but done through the eyes of a youngster, college student, Army lieutenant, law student, lawyer, mayor, Congressman and constant friend. And, gentlemen, from whatever view, Lewis Powell has always lived for the America that was dreamt to be.

To him, patriotism and compassion have not been just words. They have meant courageous activism. Sometimes the battlefields were Europe: other times they were Richmond and Virginia.

As I've watched Lewis Powell through the gaze of different ages and different occupations, I always knew that to him love of country involved heart, brains, and guts in equal measure. I knew that he be-

lieved in our political system as the greatest not because it could protect the status quo but because it could bring about change without tragedy. And he has been in the forefront of such change.

Loose talkers will never have much in common with this man from Richmond. Americans who have been, are, or could be wronged, will.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Wait a minute; any questions?

Senator HART. Thank you very much.

The CHAIRMAN. Mr. Biemiller.

Do you have a prepared statement?

**TESTIMONY OF ANDREW J. BIEMILLER, LEGISLATIVE DIRECTOR,
AFL-CIO; ACCOMPANIED BY KENNETH A. MEIKLEJOHN, LEGISLATIVE REPRESENTATIVE**

Mr. BIEMILLER. I have, Mr. Chairman.

The CHAIRMAN. Will you give me a copy?

Mr. BIEMILLER. It was sent to the committee.

I beg your pardon; I thought they had been sent to the committee.

The CHAIRMAN. Well, it doesn't matter, just so you have a copy. Now proceed.

Mr. BIEMILLER. Mr. Chairman, for the record, my name is Andrew J. Biemiller. I am Legislative Director for the American Federation and Congress of Industrial Organizations. I am accompanied by Mr. Kenneth A. Meiklejohn, one of our legislative representatives.

Mr. Chairman, the AFL-CIO opposes the confirmation of William H. Rehnquist as an Associate Justice of the Supreme Court of the United States. We do so because Mr. Rehnquist's public record demonstrates him to be a rightwing zealot whose sole distinctions in public life are that he was the only major person of stature who opposed the Arizona civil rights bill in 1964 and that he has been one of the prime theoreticians of and apologists for this administration's root and branch assault on the constitutional system of checks and balances.

His nomination is consistent with and, indeed, can only be justified in terms of the President's program to secure a Supreme Court molded in his constitutional image. Mr. Rehnquist's name has been placed before this committee for consideration not because he has demonstrated the self-discipline, detachment and large minded independence that are the necessary prerequisites for distinguished judicial performance, but because he has demonstrated his complete fealty to the administration's programs, a quality that makes him an attractive servant for the President.

It is precisely because he is the administration's man rather than his own that he should not sit on the High Court, an equal and independent branch of the Government. Indeed, as the labor movement is all too acutely aware from its initial experiences with the Pay Board, a body of limited scope and authority, nothing is more destructive of the people's confidence than officials who have an obligation to the public but who view themselves as an extension of the executive, responsible to its interests rather than the public interest.

The central aim of this administration is the achievement of unbridled executive power. That is the lesson of its insistence on the right to engage in unregulated and unreviewable wiretapping in what it