

Mr. BIEMILLER. I have been very happy to have it.

Thank you again, Mr. Chairman.

The CHAIRMAN. Now there is a representative of the UAW present. Will he come forward and identify yourself for the record, please, sir?

**TESTIMONY OF WILLIAM DODDS, POLITICAL ACTION DIRECTOR,
UNITED AUTOMOBILE, AEROSPACE, AND AGRICULTURAL IMPL-
EMENT WORKERS OF AMERICA, ON BEHALF OF LEONARD WOOD-
COCK, PRESIDENT**

Mr. DODDS. Yes, sir. My name is William Dodds. Mr. Woodcock would not be here and asked that I read his testimony.

The CHAIRMAN. What is your connection?

Mr. DODDS. I am the political action director of the United Auto Workers.

The CHAIRMAN. You may proceed.

Mr. DODDS. We appreciate the opportunity to present our views on behalf of the international union, United Automobile, Aerospace, and Agricultural Implement Workers of America, UAW. We urge the Senate, through its Judiciary Committee, to decline consent to the nomination of William H. Rehnquist to the Supreme Court of the United States.

The UAW represents about a million and a half members and their families. In the crises of recent years, the UAW has had no choice but to respond not only to the direct needs and problems of those whom we directly represent, but also to the challenges we all face in today's world.

We join with others to recognize the pressing need to preserve the Supreme Court as the last refuge and the great hope of the poor, the oppressed, and the powerless. Every nomination to the Court should be scrutinized with great care because of the tremendous potential of the Court for long-range good or evil. It is with these criteria in mind that we express our opposition and not for any special, parochial interest.

Garry Wills, the syndicated columnist, wrote in his piece printed in the Detroit Free Press of October 29, 1971:

Indeed, he called Rehnquist "The President's lawyer's lawyer," which is a cruel charge when we remember who the President's lawyer is and the strange views he takes of the law.

Ability to function compatibly with this Justice Department might in itself be considered a disqualification for the Court. It means that Rehnquist has worked with officials bringing wild conspiracy charges, using Federal grand juries as fishing expeditions, introducing illegal evidence in Chicago, illegally arresting Leslie Bacon, illegally detaining thousands last May, making flimsy charges against Daniel Berrigan—only to drop them, using bail and parole laws to bring about de facto preventive detention while asking for de jure preventive detention, along with extensions to bugging and tapping.

Quite a record this Department has made, and if Rehnquist is proud of it, he does not belong on the Court. Too close a working relationship with this Department of Justice could make a man permanently insensitive to justice.

We believe, based on our study of Mr. Rehnquist's speeches and other writings, that he possesses neither the breadth of vision nor the humanity which is required of a Supreme Court Justice. Certainly he demonstrated neither of those qualities when he opposed a law forbidding racial discrimination at lunch counters. His opposition to a

public accommodations ordinance in the city of Phoenix, Ariz., in 1964, 7 years after the Court's decision in *Brown v. Board of Education*, was never publicly disowned until he appeared here before this committee. We believe that men can change their minds and we want where possible to give them the benefit of the doubt, but the UAW is always been leery of eve-of-confirmation hearings conversions.

We express our deep concern over the values and views which seem to have shaped the consistently far-right record of the nominee. We are, however, even more concerned over the way he expresses his views and values. In contrast, Mr. Lewis F. Powell, Jr., a conservative southerner, has commanded much respect from those who do not agree with many of his views, but who find his discussion of legal issues to be thoughtful, scholarly, and moderate.

But the Rehnquist speeches, articles, and letters are not marked by the same qualities as those of Mr. Powell. For example, Mr. Rehnquist, in taking issue with a Washington newspaper over its editorial opposition to the Carswell nomination, wrote that what the paper really wanted was a restoration of the Warren Court's majority which he said would have the result of "not merely further expansion of constitutional recognition of civil rights, but further expansion of the constitutional rights of criminal defendants, of pornographers, and of demonstrators." We submit that these hyperbolic and loaded words tell the Senate a good deal more about the one who uttered them than they do about the Warren Court.

In announcing his most recent choices for the Supreme Court, the President emphasized the importance of his role in staffing the Supreme Court. He neglected, however, to mention the crucial role of the Senate with respect to Supreme Court Justices. The Nation has come to expect the Senate to take seriously its advise and consent duty with respect to Court appointments. The President's own words—"Presidents come and go, but the Supreme Court through its decisions goes on forever"—attest to the critical task now before the Senate. We urge the Senate to reserve its consent for those who are qualified and open hearted and who will enrich the Supreme Court.

Even the President now seems to recognize that the Supreme Court of the United States is not a remote institution known only to government, academia, and the bar. As final arbiter of the Constitution, the Court plays a significant role in the life of every American. It is imperative that its members represent not only the best available legal talent but also that they demonstrate allegiance to basic human rights and traditional American values. We must never forget that to protect the rights of all of us, the Court must protect the rights of the least of us.

Whenever a President tries to pack the Court with those who are unqualified, whether by virtue of ability, character, or commitment, the UAW will urge the Senate to perform its constitutional duty and advise the President that it will not consent to any such nomination.

It is in that spirit we urge the Senate not to confirm William H. Rehnquist.

Senator HART (presiding). Mr. Dodds, thank you. I sense that even those who would disagree with your conclusion would commend you for the balance and moderation of the statement; and yet you speak very clearly to your conclusions.

Senator Kennedy?

Senator KENNEDY. I am sorry I was not here to hear your whole testimony, Mr. Dodds, but I appreciate very much your taking the time to be with us. Obviously the UAW has had a long tradition of being interested not only in questions of wages and hours of their employees. It also has been willing to speak out on important questions which are before us and which has been helpful to the Members of the Senate in reaching our own decision. I want to express my personal appreciation for your appearance here and say I look forward to looking through your testimony in its entirety.

Mr. DODDS. Thank you very much.

Senator HART. Senator Burdick?

Senator BURDICK. I want to thank you, too, Mr. Dodds, for the contributions you make. I have no questions.

Senator HART. Senator Hruska?

Senator HRUSKA. Thank you for coming. Please express to Mr. Woodcock our regrets he was not able to come, but also tell him he sent a good representative.

Mr. DODDS. Thank you very much, sir.

Senator HART. Next we shall hear a representative of the National Women's Political Caucus, I believe Mrs. Kathryn Herring. If the others would join you, fine, and for the record if you will identify them and the organizations.

TESTIMONY OF BARBARA GREENE KILBERG, ATTORNEY, NATIONAL WOMEN'S POLITICAL CAUCUS

Mrs. KILBERG. Gentlemen, my name is Barbara Greene Kilberg, rather than Katy Herring. She was a member of our staff.

I am an attorney and am pleased to testify today on behalf of the National Women's Political Caucus. We are a multipartisan, national organization whose goal is to bring about full and responsible participation of women in local, State, and Federal Government.

Our caucus initiated the campaign several weeks ago to press for the appointment of a woman to the Supreme Court. We were joined in this goal by a wide variety of organizations and thoughtful individuals throughout the country, among them: the First Lady, Mrs. Pat Nixon; Mrs. Martha Mitchell; Mrs. Lucy Benson, president of the League of Women Voters; Mrs. Margaret Laurence, president of Women United; the following Congresswomen: Hon. Florence P. Dwyer, Hon. Leonor H. Sullivan, Hon. Edith Green, Hon. Julia Butler Hansen, Hon. Charlotte T. Reid, Hon. Patsy T. Mink, Hon. Margaret M. Heckler, Hon. Shirley Chisholm, Hon. Bella S. Abzug, Hon. Ella T. Grasso, Hon. Louise Day Hicks and Hon. Martha Griffiths; former Chief Justice Earl Warren and former Associate Justices Arthur Goldberg and Tom Clark; members of the National Federation of Republican Women; the American Bar Association Committee on Rights of Women; Common Cause; the National Council of Catholic Women, B'Nai B'rith Women; the National Council of Negro Women; the National Federation of Business and Professional Women's Clubs; the Ripon Society; and the National Board of the YMCA of the U.S.A.

We asked that a woman be appointed to the Court because we are the majority group in this country, because there are qualified women