

American Bar Association

July 29, 1986

Honorable Strom Thurmond
 Chairman
 Committee on the Judiciary
 United States Senate
 Washington, D.C. 20510

Dear Mr. Chairman:

This letter is in response to the invitation to the Standing Committee on Federal Judiciary of the American Bar Association (the "Committee") to submit its opinion regarding the nomination of the Honorable William Hubbs Rehnquist of Washington, D.C. to be Chief Justice of the United States.

The Committee's investigation of Justice Rehnquist covered his professional competence, judicial temperament and integrity. Because the nominee is a sitting Justice of the Supreme Court and is being nominated for the position of Chief Justice, we were particularly interested in his administrative abilities, leadership qualities and collegiality. Consistent with its long standing tradition, the Committee has not concerned itself with Justice Rehnquist's general political ideology or his views on issues except to the extent that such matters might bear on judicial temperament and integrity.

The Committee's investigation of Justice Rehnquist included the following inquiries:

(1) Members of the Committee interviewed all of the Associate Justices of the Supreme Court and a large number of other federal and state judges throughout the United States.

(2) Committee members interviewed a cross section of practicing lawyers throughout the United States.

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(3) Committee members interviewed many deans and faculty members of law schools throughout the country, including a number of constitutional and Supreme Court scholars.

(4) A group of practicing attorneys reviewed approximately 200 of the written opinions authored by Justice Rehnquist.

(5) Three members of the Committee interviewed Justice Rehnquist.

Professional Background

Justice Rehnquist's career has included service as a practicing lawyer, an Assistant Attorney General with the United States Department of Justice, and as an Associate Justice of the United States Supreme Court. He received A.B. and M.A. degrees from Stanford University in 1948, an M.A. degree from Harvard University in 1949, and an LL.B. from Stanford Law School in 1952. He was a distinguished student in the law school, ranking first in his class. His military experience includes service as a non-commissioned officer in the U.S. Army Air Force during the period from 1943 to 1946.

Justice Rehnquist served as a law clerk to Associate Justice Robert H. Jackson of the Supreme Court of the United States from 1952 to 1953. He then commenced the private practice of law in Phoenix, Arizona. From 1953 to 1955 he was an associate in the firm of Evans, Kitchel & Jencks. During 1956 and 1957 he was a partner in the firm of Ragan & Rehnquist and from 1957 to 1960 he was a partner in the firm of Cunningham, Carson & Messenger. In 1960 he formed with James Powers the Phoenix firm of Powers & Rehnquist, where he practiced until 1969. From 1969 to 1971 he was an Assistant Attorney General, Office of Legal Counsel, United States Department of Justice in Washington, D.C. In 1971 he was nominated by President Nixon as Associate Justice of the United States Supreme Court, and this nomination was confirmed by the Senate in that year.

Through interviews of those who worked with Justice Rehnquist during various stages of his professional career, both prior and subsequent to his appointment to the United States Supreme Court, the Committee learned that he has demonstrated a high degree of competence and integrity, and has displayed excellent judicial temperament.

Interviews with Judges

In its investigation, the Committee interviewed over 300 persons, including all of the current Associate Justices of the Supreme Court, and more than 180 federal and state judges. Members of the judiciary who know him describe him as "a true scholar, collegial, genial and low key," "unbelievably brilliant," "a very capable individual in every respect". Generally, judges across the country who have become familiar with Justice Rehnquist have expressed admiration and respect for him as an able, hard working, conscientious individual. On the whole, the judicial community was high in its praise of Justice Rehnquist's abilities and qualifications. Of great importance, he enjoys the respect and esteem of his colleagues on the Court.

Interviews with Lawyers

The Committee contacted approximately 65 practicing lawyers throughout the United States. We interviewed a cross section of the legal community, including women and minority lawyers. Many who know Justice Rehnquist, including many who disagree with him politically and philosophically, speak of warm admiration for him and describe him as "very talented," "a bright and able man," "always well prepared," and one who "brings out the best in people and will facilitate the work of the Court."

Interviews with Deans and Professors of Law

The Committee spoke to more than 50 deans and faculty members of a number of law schools throughout the country. Some of these have known Justice Rehnquist personally. We found that he has visited and delivered speeches at several of the law schools. Many of these individuals spoke highly of his writing and analytical ability. The vast majority had strong praise for his professional qualifications.

Survey of Justice Rehnquist's Opinions

Approximately 200 of Justice Rehnquist's opinions were examined for the Committee by a group of practicing attorneys. From that review it can be concluded that the Justice's legal analysis and writing ability are of the highest quality.

Honorable Strom Thurmond

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Interview with Justice Rehnquist

Justice Rehnquist was interviewed by three members of the Committee. The Committee members have found him to be extremely intelligent, articulate, friendly, and committed to the fair and proper administration of justice. He has demonstrated outstanding qualities as a jurist, and is approaching the position of Chief Justice with enthusiasm, determination and dedication.

Based on the investigation described above, the Committee unanimously has found that Justice Rehnquist meets the highest standards of professional competence, judicial temperament and integrity, is among the best available for appointment as Chief Justice of the United States, and is entitled to the Committee's highest evaluation of the nominees to the Supreme Court -- Well Qualified.

This report is being filed at the commencement of the Senate Judiciary Committee's hearing. We will review our report at the conclusion of the hearings, and notify you if any circumstances have developed that may require modification of our views.

Respectfully submitted,

ROBERT B. FISKE, JR.
Chairman