

Senator HATCH. We will call our next witness. However we will take a 5-minute recess. We would like you Mr. Vincent Maggione, Edward Cassidy, William Turner, all three from Phoenix, AZ, and Ralph Staggs from Coronado, CA. to take your place at the witness table.

[Whereupon, a brief recess was taken.]

The CHAIRMAN. The committee will come to order.

Mr. Bush, I understand you have to leave right away. We are going to go 10-minute rounds with members of the committee.

Mr. Bush, you may proceed now.

TESTIMONY OF A PANEL CONSISTING OF JAMES BUSH, ATTORNEY, PHOENIX, AZ; VINCENT MAGGIORE, PHOENIX, AZ; FRED ROBERTSHAW, ATTORNEY, PHOENIX AZ; WILLIAM C. TURNER, PHOENIX, AZ; EDWARD CASSIDY, PHOENIX, AZ; GORDON MARSHALL, PHOENIX, AZ; RALPH STAGGS, CORONADO, CA; AND GEORGE RANDOLPH, PHOENIX, AZ.

Mr. BUSH. Thank you, Mr. Chairman. My name is James Bush. I am a resident of Phoenix, AZ. I am a practicing lawyer there.

The CHAIRMAN. If you would all stand and raise your right hand and be sworn.

Will the testimony that you give in this hearing be the truth, the whole truth and nothing but the truth, so help you God?

Mr. MAGGIORE. Yes.

Mr. BUSH. YES.

Mr. ROBERT-SHAW. Yes.

Mr. TURNER. YES.

Mr. CASSIDY. Yes.

Mr. MARSHALL. Yes.

Mr. STAGGS. Yes.

Mr. RANDOLPH. Yes.

The CHAIRMAN. Have a seat. OK. Mr. Bush, you may proceed.

And I will ask you to make your testimony as brief as you can to cover the points that you wish to convey.

Mr. BUSH. Very well, sir. As I said, I am a resident of Phoenix. I am a practicing lawyer. I have been a practicing attorney there for 32 years. I was a registered Democrat from 1943 to 1953. I have since been a registered Republican. I do not hold any office. I never have held any office in either the Democratic Party or the Republican Party.

I am a uniform laws commissioner from the State of Arizona. I was originally appointed by a Republican Governor. I have been reappointed twice by Democratic Governors.

During the 1960 and 1962 general elections in Arizona, I worked with William Rehnquist in organizing and supervising a lawyers committee to counsel and advise Republican Party officials and representatives with respect to legal questions that might arise during voting on election day.

It is my recollection that in both of those years Mr. Rehnquist acted as chairman and I was vice chairman, although I am not certain whether there was any formal title given. In any event, our functions and responsibilities essentially included the following:

To advise party officials on the appropriate credentials required for challengers and other party representatives appointed to serve at polling places on election day. In view of some of the questions that have been asked, Mr. Chairman, I might point out that the law at that time provided that the precinct committee of each party in each precinct could, by written appointment, address to the election board designate a party agent or representative and an alternate for a polling place in the precinct who could act as challenger for their respective party.

This presented some problems in some precincts in the southern part of Phoenix to Republicans, because there were not that many Republican voters, and in some cases, there were not precinct committeemen.

The attorney general in Arizona had rendered an opinion that said in precincts in which no regular precinct committee or committeeman was elected or chosen at a preceding primary the county committee could designate a challenger for the precincts without a challenger and such a designation must be accepted by the election board of those precincts and shall be allowed to act as representative of that party.

This particular issue was responsible for a number of the questions that arose on election day. In addition to that, the function of Mr. Rehnquist and myself was to brief appointed challengers and party representatives on applicable State election laws.

This was done at a meeting. We did not appoint the challengers. We did not organize the challengers, but we did have a meeting in which they were briefed as to what the applicable laws were.

We arranged for teams of lawyers to serve at the committee headquarters through election day, briefing and providing instructions to lawyers regarding their functions and their duties.

Last, we assisted the lawyer teams in researching and answering legal questions that were presented throughout the day including visitations to a polling place—if an incident occurred which seemed to require the presence of legal counsel.

The functions and responsibilities of this lawyer's committee were not those of challengers. We did not have credentials as challengers. We were not appointed to be challengers. We had the responsibilities of lawyers to answer legal questions raised by challengers, party representatives, members of the election board regarding incidents that might occur.

It is further my recollection that in both 1960 and in 1962 neither Mr. Rehnquist nor myself spent much time away from the headquarters. The majority of our time was spent there, responding to telephone calls or consulting with committee members and answering questions that came to us.

On one or two occasions, each of us left the headquarters to respond to a call regarding some question from a polling place. As I mentioned earlier, early in those elections many of the questions concerned who appointed the challengers. In some cases it was the precinct committee. In others it was a county chairman.

I specifically remember one call that called me to a polling place. It related to a marked ballot that was being displayed on the wall of a voting booth within the 50-foot limit of the precinct on East Van Buren Avenue.

Another call related to an incident in Murphy precinct where the challenger was being verbally abused because of his presence at the polling place. Other committee members made similar visits, but it was not our duty to act as challengers.

As I said, we did not have credentials, and to my knowledge no one, including Mr. Rehnquist, engaged in any challenging of voters at those two elections. During the 1964 election I worked at the committee headquarters for a portion of the day taking calls. I had no other responsibilities, but it is my recollection that the committee functions were exactly the same as they were in 1960 and 1962—that is, to answer legal questions.

I do recall that the committee was smaller and the volume of activity in 1964 was significantly less. I would be happy, Mr. Chairman, to answer any questions members of the committee might have.

The CHAIRMAN. Thank you very much. The distinguished Senator from Ohio. We are limiting questions to 10 minutes a piece.

Senator METZENBAUM. I do not expect it to go that long.

As I understand it, to your knowledge, no one including Mr. Rehnquist engaged in challenging voters.

Mr. BUSH. To my knowledge, that is correct, Senator.

Senator METZENBAUM. But Mr. Rehnquist very well could have been challenging voters when you were not present, is that not the fact?

Mr. BUSH. I cannot account for his action when I was not actually with him, but his role was that of a lawyer, and we were not about to waste legal talent sending lawyers out to do challenging work when we had other people, nonlawyers who could do that, but I cannot say when I was not there what he did.

Senator METZENBAUM. You cannot say what he did when you were not there?

Mr. BUSH. That is correct.

Senator METZENBAUM. I have no further questions.

The CHAIRMAN. Thank you very much. The distinguished Senator from Utah.

Senator HATCH. Mr. Bush, did Mr. Rehnquist ever depart from his legal duties, or did he fulfill those legal duties in a satisfactory manner?

Mr. BUSH. Yes, Senator, he did.

Senator HATCH. Did he fulfill them in a satisfactory manner?

Mr. BUSH. Yes, sir.

Senator HATCH. He did not depart from any ethical or other reasonable approaches toward the law?

Mr. BUSH. Never to my knowledge, Senator.

Senator HATCH. Did you ever receive a complaint of any kind about Mr. Rehnquist's activities?

Mr. BUSH. None whatsoever.

Senator HATCH. Not from anybody?

Mr. BUSH. Not from anybody.

Senator HATCH. Not even from your Democratic counterparts?

Mr. BUSH. I am aware of some of the testimony that has been given here, and I recall during the 1971 hearings some accounts that were made, but at the time of the elections, I do not recall of

any Republicans, Democrats, officials or voters who complained of the conduct of Mr. Rehnquist.

I am a personal acquaintance of Mr. Charles Hardy. I am familiar with his role.

Senator HATCH. He was the Democrat counterpart?

Mr. BUSH. Yes, that is correct.

Senator HATCH. He is now a sitting Federal District Judge. Is that right?

Mr. BUSH. Yes, he is, Senator.

Senator HATCH. He is the one I have been quoting as saying that Mr. Rehnquist did not do these things.

Mr. BUSH. That is correct, sir.

Senator METZENBAUM. Excuse me. I did not hear what you said.

Senator HATCH. I said he was the one I was quoting. I will be happy to requote it if you would like me to. There are two quotes. They read:

I never observed Mr. Rehnquist attempting to challenge voters at any polling place. I understand that there was testimony that he had challenged voters at Bethune and Grenada precincts. I can state unequivocally that Mr. Rehnquist did not act as a challenger of Bethune precinct.

Because of the disruptive tactics of the Republican challenger at that precinct, I had occasion to be there on several occasions. The same Republican challenger was there continuously from the time that the polls opened at 6 a.m. until about 4 in the afternoon.

About that time, after a skuffle, he was arrested and removed from the polling place by sheriff's deputies. Thereafter there was no Republican challenger at Bethune.

Is that in accordance with your beliefs?

Mr. BUSH. That is correct, sir.

Senator HATCH. When you received a complaint, what did you, do?

Mr. BUSH. Senator, if we could answer the question that was being presented on the telephone, we undertook to solve the incident or the question in that manner. If it appeared from nature of the question or the issue that it would be helpful to the person for one of the lawyers to go out to the polling place: we would ask one of the lawyer team members to go out there.

Now, only in the event that there was no one left at the lawyers committee headquarters; when I am talking about the committee headquarters, I am talking about this lawyers committee—only when all of the other members who were on the team were out somewhere, only then did either Mr. Rehnquist or myself go.

Senator HATCH. Occasionally you did go.

Mr. BUSH. There were occasions, I think, two or three times during the day, I recall, one or the other of us went out.

Senator HATCH. You went as attorneys, advising attorneys, not as challengers?

Mr. BUSH. That is correct, sir.

Senator HATCH. Did you ever witness then Mr. Rehnquist challenging voters or otherwise behaving in any manner that could have been construed to be improper?

Mr. BUSH. Senator, I am sorry.

Senator HATCH. Did you ever witness Mr. Rehnquist challenging voters or behaving in any manner that could be construed as improper?

Mr. BUSH. Never.

Senator HATCH. Have you ever heard of the charges made today by Mr. Brosnahan and others? Did you ever hear anybody even suggest that Mr. Rehnquist made a challenge to anybody?

Mr. BUSH. I do not recall ever having heard anybody say that we challenged a voter.

Senator HATCH. Mr. Bush, you are a Republican.

Mr. BUSH. I am.

Senator HATCH. You are Republican?

Mr. BUSH. Yes, I said I was a registered Democrat from 1943 to 1953. I became a Republican in 1953. I have been one since, but I have not held any office in either the Democratic Party or the Republican Party.

Senator HATCH. I am quite similar. I was a Democrat up until about 1960 when I changed parties.

The CHAIRMAN. The Senator from Ohio has one question.

Senator METZENBAUM. Mr. Bush, Staggs who I think was the county chairman, is that right? Ralph Staggs.

Mr. BUSH. I believe Mr. Staggs was county chairman in 1960 and also in 1962. I am not certain about 1960, but I am sure he was in 1962.

Senator METZENBAUM. He said that he advised that he dispatched Rehnquist from Republican county headquarters, located at 32d and Oak Street to go to the Bethune School and clear up the disturbance involving Benson.

He goes on to say more about that situation. But would you contradict that? Would you say that if Mr. Staggs he had sent Rehnquist out that that was not so?

Mr. BUSH. Senator, I am not aware of any telephone conversation. I do not recall any between Mr. Staggs and Mr. Rehnquist at that time. He well could have talked with him and asked him to go out there.

I would not have known about it unless I got the call, and I don't recall Mr. Rehnquist telling me anything about it.

Senator METZENBAUM. In summation, actually, you are saying to the best of your knowledge you do not know of any involvement of Mr. Rehnquist out of Bethune school but it very well could have occurred?

Mr. BUSH. I do not recall that Mr. Rehnquist was at Bethune school. He may have been, but I do not recall it.

Senator METZENBAUM. Thank you. Thanks, Mr. Chairman.

The CHAIRMAN. The distinguished Senator from Arizona.

Senator DECONCINI. Thank you, Mr. Chairman.

Mr. Bush, in 1962 was that the first formation of this type of lawyers committee?

Mr. BUSH. No, Mr. Chairman and Senator DeConcini. It was, I believe, 1960. At least, 1960 was the first time that I had anything to do with it. There may have been one in 1958 also, but 1960 was the first time I had anything to do with it.

Senator DECONCINI. And you were involved in 1960 in that committee?

Mr. BUSH. Yes, sir.

Senator DECONCINI. And in 1962?

Mr. BUSH. Yes, sir.

Senator DECONCINI. And in 1964?

Mr. BUSH. In 1964 but in a minor way in 1964. I just was one of the people who worked 3 or 4 hours during the day at headquarters.

Senator DECONCINI. In the lawyers committee?

Mr. BUSH. Yes; in the lawyers committee.

Senator DECONCINI. Did not that lawyers committee meet with the Republican designated challengers before the election?

Mr. BUSH. Yes, Senator. I do not recall whether it was the day before, or the night before election but at least somewhere 2 or 3 days before the election we met. One of the meetings was at the Women's Club in Phoenix, I do not recall, whether in 1960 or 1962. Maybe both of them were there.

We were there, and at that time, my recollection is that challengers were given a slip of paper that set forth what the grounds for challenge were that you read into the record here today.

There were some seven grounds at that time. There are no longer two of them. Betting on an election was a grounds for disqualification as well as a literacy test. But challenger were given the basis for challenge.

They were not urged to assert any challenges other than those challenges that were based upon residence, where there had been envelopes mailed, and the envelopes had been returned saying that the resident no longer lived there, or something to indicate the person did not live there.

In those instances, those envelopes were given to the challengers and they were told the appropriate method for challenging. The appropriate method for challenging was when the voter was ready to vote, the challenger would challenge, saying, Senator DeConcini is not entitled to vote because he is no longer a resident of such and such an address, and produce the envelope.

The inspector would then swear the person who had been challenged. If the person refused to be sworn, he could not vote. If the person was sworn, he was then required to answer the questions, and at the conclusion of that questioning, the election board would vote on whether or not the challenge should be sustained or overruled, and if the majority of the board sustained it, the person was not allowed to vote.

Senator DECONCINI. Now, your instruction to the Republican challengers was primarily to challenge them on this return mailing?

Mr. BUSH. That is correct.

Senator DECONCINI. Did you give them any instructions to challenge them on the English language?

Do you know if that occurred at all?

Mr. BUSH. Well, they had a sheet or a card that set forth the seven grounds for challenge. In addition to the envelopes there were as you will recall, other grounds for challenge. For example, a person who had already voted in the election, or a person who had not lived in the State for 1 year or had committed a felony were subject to challenge.

And our instructions were, if challengers had personal knowledge of some other grounds other than the returned envelope, then they should feel free to challenge.

Senator DECONCINI. And would that include the English language?

Mr. BUSH. I do not recall that we gave them any instructions with respect to that.

Senator DECONCINI. Mr. Bush, the area of your own participation, did you go to some precincts in 1962 or 1964?

Mr. BUSH. I went out to several precincts.

Senator DECONCINI. Were you dispatched by Mr. Staggs, the county chairman?

Mr. BUSH. No.

Senator DECONCINI. What dispatched you? Mr. Rehnquist?

Mr. BUSH. On the two that I got, I got a call from, I guess, the challenger or someone at Edison precinct on east Van Buren that there was a marked ballot on the voting booth indicating to voters who they should vote for.

I did not ask to go. I simply went out and found the ballot and took it off the voting booth and carried it back to the headquarters. On another occasion, I got a call from Murphy precinct that the challenger was being verbally harassed. People were saying he was not properly appointed.

I went out there personally to talk to the inspector and it was an issue, I believe, Senator, on whether this particular challenger had been appointed by a precinct committeeman or whether he had been appointed by the county chairman. It was not absolutely clear in those days, or you know, whether or not the county chairman could do it.

Senator DECONCINI. Maybe you answered this question. Were you ever with Mr. Rehnquist at any polling place?

Mr. BUSH. I do not recall that he and I ever went together to any polling place.

Senator DECONCINI. Thank you. I have no further questions.

The CHAIRMAN. The distinguished Senator from Nevada is next.

Senator LAXALT. Just a question or two, please.

Tell me within the campaign structure then or since, is there a complaint mechanism, Mr. Bush, in Arizona?

Mr. BUSH. Senator, I am not sure—

Senator LAXALT. For untoward campaign practices, was there something set up by the respective parties either by law or outside where if there was an untoward campaign practice such as an intimidating challenge that that complaint could be addressed to some group?

Mr. BUSH. Senator, only to this extent as far as I am aware. Following the 1960 or 1962 elections I think the two parties got together and sponsored legislation which cleared up whether or not a precinct committeeman or a committee chairman could appoint challengers or party representatives and how many there should be. The law was amended in Arizona to make that clear how it would go.

Also there was some clarification with respect to the process for challenging, but I am not aware that there was any other procedures set up by law or by some agreement between the two parties with respect to disputes.

Senator LAXALT. And to your knowledge, at the time of this election or any time that Bill Rehnquist was politically active in Arizo-

na, to your knowledge, were there any charges whatsoever concerning him about untoward campaign activity?

Mr. BUSH. No, I am not aware of any.

Senator LAXALT. That is all I have now, Mr. Chairman.

The CHAIRMAN. The distinguished Senator from Alabama.

Senator HEFLIN. As I understand it this voter challenging is susceptible of abuse by such things as lawyers being there, being recognized as lawyers and carrying some to the point the prospective atmosphere of equality. They begin to challenge people to the point where the prospective voters do not stand in the line and vote. Instead, they turn and go away.

Was there ever any instruction to endeavor to create confusion to, in effect, let it be known that there were Republican challengers there for the purpose of letting people in the voting lines know that they were being watched or that they were under some type of surveillance, or that they were suspect for being in the line?

Mr. BUSH. Senator, as I said, the lawyers committee did not have any of its members acting as challengers. They did not have credentials as challengers. Now, it is certainly true that on occasion during the day as I indicated, an incident might arise where one of us went out to a polling place.

On a couple of occasions, we met with a Democratic lawyer from their lawyers committee out there. Lawyers do argue and they get aggressive sometimes in their arguments. We have seen that. To the extent that you have two lawyers out there arguing with the inspector or the election board or someone, I suppose that someone not accustomed to legal arguments could perceive that perhaps there was somewhat of a tense environment.

But I do not know how you go about insuring that the law that the legislature has enacted, will be implemented. One of the laws in Arizona provides that it is a felony to fraudulently vote when you are not entitled to vote, and there are other reasons that prohibit you from voting. Just how to exercise and to implement those laws—whether a Democrat or a Republican—without creating an atmosphere that is going to upset voters may be a delicate one, but I think it is one of those things that has to take place and does. It may be that some voters at some time, in my judgment, misperceive discussions about a legal issue as being somewhat of a challenge when, in fact, it was not a challenge.

Senator HEFLIN. There has been a long line, at least when we started these hearings, I do not know whether there is now, of people wanting to get into this room. They had to have a desire to stand out there in line, and the chairman, if there were some vacant seats, felt very wisely and properly suggest to the police to come in, but a long line of people.

Now, as I would walk up and down, most of them look alike. I would assume that if I was in Arizona—I do not know—a group of 90-percent Hispanics, maybe a few percent Black, if I would walk up and down and see them, how would I be able to know whether the 5th one in line or the 8th in line or the 10th in line or the 27th one in line or whatever was in there, whether or not he was the one who had ever been convicted of a felony or that you could be able to find out?

In other words there might be some people in those lines that were violating the law that should not have been there and should not be there voting. But how can you find out? What is the procedure that is legal to find out, and then what is the procedure to challenge them?

Mr. BUSH. I do not think you can find out, Senator, unless you happen to know by some personal knowledge other than by walking up and down. You certainly cannot determine it that way.

As I indicated earlier and as others have testified, registered letters were sent to voters in precincts, and when they came back marked: "could not be delivered", then those returned letters were the basis for challenges. Ultimately the Arizona legislature amended the law so that it provides as follows.

Any returned U.S. mail addressed to the person challenged, the spouse of the person challenged or both, and to the address appearing on the precinct register shall be considered as sufficient grounds to proceed under this section.

That is Arizona Revised Statute 16-592.

So the legislature made it a law. That is established. That constitutes a reasonable grounds for challenge.

Senator HEFLIN. I am trying to distinguish what is legal and legitimate, in my mind, and what is illegal. You have a line of people. A great number of them look alike. How do you know that one in that line or those two or three or four? How do you find out?

Suppose you were there as the challenger. Is the procedure to go out there and just try to create a turmoil—to, in effect, cause people to leave because they do not want to stand in line, number one, and number two, because maybe they are suspicious and maybe they have some fear of authority?

I am trying to distinguish what is legitimate inquiry of how you proceed. I suppose you challenge by going inside and you go to this polling judge or whoever it is and say, "I challenge him", and you get his name and you vote. I suppose he votes under protest, and then he can take an appeal or whatever happens.

But how do you pick him out?

Mr. BUSH. Well, that is the way we instructed the challengers to do it, Senator, in Arizona. There is a precinct register, and your name is there and a number. When the voter comes up and gives his name, one of the clerks will check and look for that name.

Our instructions to our challengers, were not to be outside the polling place roving up and down the lines. They were to be and entitled to be present inside. When a voter gave his or her name, for example: "Jim Bush, and there was an envelope addressed to Jim Bush, marked "returned" or no longer resides here", then the challenger was instructed at that point to say to the inspector, I challenge Mr. Bush's right to vote on the basis that he is not a resident of the precinct and produce the returned envelope.

That was the type of instruction we gave, and to the best of my knowledge, that was the basis for challenges. I am not aware, as has been testified to here, of people walking up and down the line and saying "Are you entitled to vote? What is your name?" I never heard of anything like that. Nothing like that ever came to my attention.

I was not everywhere so I cannot say that it did not happen, but I am certainly not aware of it.

Senator HEFLIN. Well, did you have prepared cards that they could take around and show to people that would have something on them? Were cards ever prepared with any written material on them, such as excerpts from the Constitution?

Mr. BUSH. No.

Senator HEFLIN. In your Republican headquarters did you prepare provisions of the Constitution with regard to being able to read and interpret it? What are all these grounds, Dennis? You have something about the Constitution.

Senator DECONCINI. I do not have it right here. I will get it for you.

Senator HEFLIN. To assist challengers, did you have anything prepared for challengers on any of the grounds that are listed under the statute?

Mr. BUSH. Mr. Chairman and Senator, we provided at this training session or school for challengers material taken directly from the statutes. For example, Arizona revised statutes 16-921 listed seven grounds for challenging voters.

I do not recall whether the material was a Xerox copy of the statute book or whether it was reproduced on a card, but certainly the lawyers committee did not prepare any card that had a portion of the Constitution on it that was distributed to challengers and said use this for testing somebody's ability to read the Constitution. We did not do anything like that.

Senator HEFLIN. Let me see if somebody has a copy of the Arizona statute. All right. Of course, you have challenge one that he is not the person whose name appears on the register. Well, if he does not appear on the register I suppose there is no way he could vote. That is an automatic challenge.

Mr. BUSH. Well, my name might be on the register, but the person who showed up claiming to be me might be known to the challenger to not be me.

Senator HEFLIN. In other words, he might be a different person.

The CHAIRMAN. Senator, your time is up.

The distinguished Senator from Illinois.

Senator SIMON. Mr. Bush, just one question. As you recall, did you and the then Mr. Rehnquist ever have any discussions along the line we got to keep black voters off from voting; we got to keep Hispanic voters from voting? Were there discussions like that at all?

Mr. BUSH. Senator Simon, we never had any discussions like that.

Senator SIMON. I thank you. I have no further questions, Mr. Chairman.

Senator BIDEN. I would like to ask a question. I apologize for not being here but I caught—

The CHAIRMAN. The distinguished ranking member.

Senator BIDEN. I caught the tail end of Senator Heflin's questioning on the television, but I did not get to hear the answer and I apologize. Sir, I apologize.

Your name?

Mr. BUSH. Bush, Jim Bush.

Senator BIDEN. Mr. Bush, when I last turned off the TV, Senator Heflin had asked you, as you are going down the line, how do you tell whether or not someone is qualified to vote or not qualified to vote? What was your answer?

Mr. BUSH. My answer was I do not know of any way you can tell by going up and down the line whether somebody is qualified to vote unless I lived in the district and saw you in line and knew that you lived in another precinct. This raises an inquiry of why would you be in there? Outside of that, I do not know.

Senator BIDEN. Now, when the Arizona Legislature changed the law, which they did, relating to the sending of a registered letter, and I believe you quoted the law. Would you quote it again?

Mr. BUSH. Yes, sir; it provides that:

Any returned United States mail addressed to the person challenged, the spouse of the person challenged, or both, and to the address appearing on the precinct register shall be considered sufficient grounds to proceed under the section.

It does not mean the person is disqualified. But it is sufficient grounds to have him sworn and answer questions about it.

Senator BIDEN. Now, was it reasonable or unreasonable to conclude from that that the prior law had a similar requirement relating the grounds upon which one could proceed?

The dilemma here is that I am a little confused about Senator DeConcini raised earlier is that the law was obviously obnoxious. Eventually, the legislature concluded the law was obnoxious, requiring people to have to read. But the debate and the uncertainty—and I would ask of you gentlemen to respond to this—the debate—the discussion here has been whether or not there was an understood implicit and/or statutory provision that set grounds upon which you had to establish first, before you could proceed to challenge. Follow what I am trying to get at?

Now, was it, in your opinion, legal under the old law to walk up to someone whom you had never seen before, had no notion whether or not they could or could not read, and say, “read this card”? Was that a legitimate challenge or an illegitimate challenge under the old law?

Mr. BUSH. Senator, let me respond to it this way. If I were a challenger, and that provision was still in the law, and I sought to use it—although I agree with most of you, it was repugnant to me, I would not use it. But assuming I did, the method that I would use to do it would be as follows: When you gave your name, Mr. Biden, such and such an address, I would say, “I challenge Mr. Biden on the grounds that he cannot read, or that not being prevented by physical disability from doing so, he is unable to read the Constitution and the language in the manner as to show that he is neither prompted nor reciting from memory.” That is what I would say to the inspector. Whereupon, under the former law, the inspector would be required to ask the party challenged to read any section of the Constitution designated by the inspector and may be required to write his name. That is what the former law said, and that is the way you would challenge for that provision—paragraph 7 of A.R.S. 16-921.

Now, you would not be out on the grounds somewhere saying, “I challenge your right to vote because you cannot read.” You would

wait until the person got inside, ready to vote. Then the inspector would tell you.

Senator BIDEN. I see.

As the person ready to vote, you need not have anything other than a hunch that I might not be able to read under the old law?

Mr. BUSH. I suppose that is right.

Senator BIDEN. Have any of you gentlemen ever challenged a voter under the old law as to whether or not they could read?

Mr. BUSH. I have never challenged a voter, period.

Senator BIDEN. Thank you. No further questions.

The CHAIRMAN. The distinguished Senator from Massachusetts.

Senator KENNEDY. I have no questions.

Senator HEFLIN. I have a question.

The CHAIRMAN. Mr. Bush has got to catch a plane. You can ask him now so we can——

Senator HEFLIN. All right, I will do it.

Mr. Bush, this statute says, "is unable to read the Constitution of the United States in the English language."

Now, assuming that a great number of people in these districts were Hispanics, if you could determine that they could not speak the English language, you had a pretty good leg up on the challenge that they could not read the Constitution in the English language.

Were there efforts being made to determine as they were in the line, or wherever they might be, or were instructions given to determine whether or not they cannot speak English first?

Mr. BUSH. Mr. Chairman, Senator, the issue or question of how to deal with it never came up before the Lawyers Committee, because we were not asking anybody to challenge people on that basis. And I agree you have a problem. If one cannot speak English, how can you be sure one can read it? We just never dealt with that, because we never tried to—gave any instructions to people to challenge on that basis.

Senator HEFLIN. You never had any cards printed up or anything to pass around for somebody to flash to them; it is—says something like \$10 is available to you in the car across the lot, or something like that, you know, where——

Mr. BUSH. Senator, the Lawyers Committee, of which Mr. Rehnquist was chairman and I was vice chairman, never printed up any material like that, and I never saw any material like that from any other source.

If someone had such a card, they could have typed it up on their own, but I never saw any official card like that.

The CHAIRMAN. Any more questions?

If not, we are going to release Mr. Bush. He has got to catch a plane.

Mr. Bush, you are now excused.

Mr. BUSH. Thank you very much.

The CHAIRMAN. Now, would the other three gentleman from Arizona come up to the table? We are going to get all of you up at one time.

Now, we are going to hear statements from all of you, and then we are going to question you.

Now, we have—those against Mr. Rehnquist this morning and this afternoon have spent 9 hours. Originally they were to have 4, but we tried to be as lenient as we could.

Now, those that are for him, as I understand, you will testify more or less for him, we have been going only 30 minutes. But there is no reason to take too much time. If you will present your statement briefly, succinctly and then your questions, and we will allow 10 minutes to each member of this committee to question.

Now, the first is Mr. Maggiore. Mr. Maggiore, do you want to proceed?

STATEMENT OF VINCENT MAGGIORE

Mr. MAGGIORE. Yes, sir. My name is Vincent Maggiore.

The CHAIRMAN. Will you speak out now so we can all hear you?

Mr. MAGGIORE. Can you hear me?

I am a native of Ohio. I have lived in Arizona for the greater part of my life, since 1954. I graduated from Ohio State, undergraduate, and I attended Georgetown University Law School.

After graduating from Georgetown, I went to Arizona, and I waited and then passed the bar. I went to work for Ambassador Mahoney in the county attorney's office. But prior to that, I had spent a little time in private practice in Scottsdale, AZ. Then I went to work for the county attorney. And after being there for a period of some 3 years, where I became the chief deputy prosecutor, I then went to the attorney general's office. I stayed there until 1960, and I decided to run for office. I did not win. And that was the last office I attempted to run for.

At the same time that I was losing the county attorney's office, I guess some of the people felt sorry for me, and they elected me precinct committeeman. As precinct committeeman, in the latter part of 1960, I was elected by the committee as the county chairman, the Maricopa county chairman. As the county chairman from late 1960, I was reelected in 1962, and I was the county chairman that was in office at the time all of the problems that you are facing came into being.

I stayed county chairman until 1963. I had resigned at the death of President Kennedy. Senator Hayden requested that I be reelected for a period of time so that a Thomas Murphy could be elected as the county chairman.

At the time I was county chairman in 1962, I was the culprit that caused all of your problems today. I have been a lifetime Democrat, and at the time of the problems as to voting with minorities, and Bethune was caused by me, I thought, as a matter of fact at that time, that there was a little too much activity in the precincts, and I was the one that called the U.S. attorney's office, or I had called the U.S. attorney. I had quite a few assistants at that time. And I am the one that had caused the action that was taken by the U.S. attorney's office.

During this period of time, and I appreciate the seriousness of this today, at no time did anybody come to me and state that Justice Rehnquist had committed any of the acts that I have heard for 2 or 3 days. I feel that I was the party leader—we were not an affluent party, by the way, gentlemen—but I was the party leader and, for sure, all of these things should have come to me.

After the incident in Bethune, I realized that I was not going to get anything done as far as action by the U.S. attorneys office or