

Senator BYRD. All right. Very well. The committee will stand in recess, awaiting the call of the Chair, and I thank you. Did Senator Boschwitz have any questions?

Mr. SHORT. No, Senator.

Senator BYRD. Very well. Thank you, Mr. Justice.

[Recess.]

[Material referred to follows:]

WITNESS TO POWER, BY JOHN EHRLICHMAN

Senator Robert Byrd of West Virginia would be flattered to be considered, Nixon reasoned. There should be some public speculation about Byrd for the Court. He had gone to law school at night and had never practiced law, but it should "get out" that Nixon thought so much of Byrd's ability that he would consider him for the Court. Byrd then would be much easier to work with. "He's a very vain man, of limited ability," Nixon mused. As I asked questions, it became clear that Nixon had no intention whatever of nominating Byrd, but he wanted Byrd to hear that his name had been on the President's list—a very short list.

William Rehnquist had been the White House's lawyer from the first days of the Nixon Administration. Deputy Attorney General Richard Kleindienst had recruited him from their home state, Arizona, and designated him to head the Office of Legal Counsel at the Justice Department.

When I became Counsel to the President, I was told that William Rehnquist and his staff would be available to brief and answer any of the legal questions that arose in the White House. I was delighted. Bill Rehnquist and I had been law students at Stanford at the same time, and I knew him to have been a superb student. In 1969, when I was Counsel, I sent him more than a few tough questions, mixed issues of law and politics, and he handled them well, with a sensitivity to the President's objectives and to the practicalities of our situation.

Bill Rehnquist and I talked often. After I moved to Domestic Affairs we served on some policy committees together. Occasionally we met socially, at the public school our children all attended or at some party.

The CHAIRMAN. The committee will come to order.

I believe that completes the questions of the Justice. Are there any more questions by anybody? The distinguished Senator from Nevada. Do you have a statement you want to make, in closing?

Senator LAXALT. Nothing formal, but I would like to make an observation or two.

Justice Rehnquist, I think you have done remarkably well during the course of this rather tortuous drill. I do not know of anything that approaches being an inquisition quite like coming before the Judiciary Committee for confirmation purposes. And yet it could have been worse.

In my opinion, you have confirmed everything that most of us on this committee felt—that you are very conscientious, extremely confident, extremely competent.

I think you are coming out of this hearing even stronger than you came in. So, for those of us who have been supporters of yours for a long while, we believe that the President made an excellent choice for an extremely important position. We commend you and wish you well.

Justice REHNQUIST. Thank you, Senator.

The CHAIRMAN. The distinguished Senator from Utah.

Senator HATCH. Thank you, Mr. Chairman. I will not take long. I would like to paraphrase, and add a little bit to what my distinguished friend and colleague Paul Laxalt just said.

This is a very difficult process. And in your case, it has been made more difficult than it should have been.