

The CHAIRMAN. Now we will proceed with the witnesses. We will take the panels just as they are given. The Honorable Rex Lee. Mr. Lee, you come around. The Honorable Erwin Griswold. Is he here? Is Mr. Griswold here? Mr. Griswold, you come around. And Mr. Robert Stern, is he here? If you will hold up your hands and be sworn.

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

Mr. LEE. I do.

Mr. GRISWOLD. I do.

Mr. STERN. I do.

TESTIMONY OF A PANEL CONSISTING OF HON. REX LEE, SIDLEY & AUSTIN, WASH., DC; HON. ERWIN N. GRISWOLD, JONES, DAY, REAVIS & POGUE, WASH., DC; AND HON. ROBERT STERN, MAYER, BROWN & PLATT, CHICAGO, IL

The CHAIRMAN. Have seats. We are going to allow you to put your full statement in the record, but we are going to limit the statements to 3 minutes. Mr. Lee, you may proceed for 3 minutes.

Mr. LEE. Mr. Chairman, members of the committee. I am honored to have this opportunity to testify in support of the nomination of William H. Rehnquist as the 16th Chief Justice of the United States.

Of all of the lawyers with whom I am acquainted, I know of literally no one who is better qualified to be Chief Justice of the United States than the nominee you are considering.

The most important considerations relevant to this confirmation fall into three categories: professional competence, integrity, and judicial temperament.

Justice Rehnquist is magnificently qualified in each of these respects. His abilities and his performance as a legal analyst and scholar can only be described as brilliant. Few persons have as extensive knowledge of the Court's precedents and the substantive areas with which it deals. I have appeared before Justice Rehnquist as an oral advocate 37 times. Many times he has voted in favor of the causes I have advocated, and many times he has voted against them. But always he has been fair. Always he has done his best to understand my position and also, my opponent's position.

No member of the Court is more effective than Justice Rehnquist in identifying an advocate's points of vulnerability and in my cases, he has never hesitated to do that, notwithstanding my resulting discomfort.

But he always does it in a context of due professional respect. I am confident that he also maintains that same professionally respectable relationship with the other members of the Court, thereby contributing to the Court's collegiality and effectiveness.

Mr. Chairman, may I make one final comment. While it is of course important that the Senate take the time necessary to perform properly its constitutionally ordained responsibility to advise and consent to this nomination, the Court, and therefore our Nation, suffer rather serious consequences when the Supreme Court is deprived of the services of one of its members for any period of time.

Because of the preparation required for the first October conference, the Court should be at full strength no later than the first part of September. For this reason I commend the members of this committee for the sensitivity that you have shown in moving both this nomination and that of Judge Scalia with such expeditious care. Thank you.

The CHAIRMAN. Thank you very much, Mr. Lee, and if you have any further remarks to go in the record, you are welcome to put them in.

Hon. Erwin N. Griswold. Dean Griswold, we are pleased to have you to make a statement.

STATEMENT OF ERWIN N. GRISWOLD

Mr. GRISWOLD. Mr. Chairman, I served as Solicitor General of the United States for 6 years by appointment of President Johnson, and then continued in the first Nixon administration.

As a matter of fact, when I was a very young lawyer, my first job was 5 years in the Solicitor General's office, and during that time I played quite a role in establishing a new Office of Assistant Solicitor General.

When the department moved into the new building on Constitution Avenue, that office was right adjacent to the Solicitor General's office. That office, in course of time, became the Assistant Attorney General, Office of Legal Counsel, and it was because of that that I first met Mr. Rehnquist in January 1969, when he came to Washington.

Because our offices were adjacent, we saw each other frequently. We interchanged views about the legal problems of the Government quite frequently, and I quickly came to form a very high opinion of him in terms of his character and his ability.

I was very much pleased when he was nominated and confirmed for the Court. Like Mr. Lee, I have also appeared before him a good many times, probably not as many as 37, but a number of times, and because of my academic career of 33 years, I have been quite a student of the Supreme Court over the past good many years, including the current Court.

I have read the opinions. I think Justice Rehnquist's opinions are able, lawyer-like, important contributions to our constitutional and other law. In my opinion, he is extremely well qualified to be Chief Justice, and I am very glad to have the privilege of appearing here in support of the nomination.

The CHAIRMAN. Thank you very much, Dean Griswold. Honorable Robert Stern. Mr. Stern.

STATEMENT OF ROBERT STERN

Mr. STERN. Mr. Chairman, and Senators, I am now a practicing lawyer in Chicago but I was in the Department of Justice, mostly in the Solicitor General's office for 20 years, before I went to Chicago, and among other things, I am also an author of the book on Supreme Court practice which is now generally used. And I suppose that may be the reason I was asked to speak here.

Because of that, I have read all of the opinions of the Supreme Court, at least since 1950, including all of Justice Rehnquist's, al-