

Of even greater concern will be the nominee's views of the role of the Chief Justice; his explanation of how the Constitution is intended to end discrimination in our society, and if it is intended to do that; and his vision, generally, of the Constitution, and how it is to be applied to the issues that come before the Court.

But most of all, Mr. Chairman, I believe we will need to ask the nominee, and finally ask ourselves, how his views, in Senator Thurmond's words, quote: "Relate to the broad issues confronting the American people," end of quote. And what he believes to be, quote: "The role of the Court in dealing with these issues."

Mr. Justice Rehnquist, if you are confirmed as Chief Justice of the United States, of the Supreme Court, the significant impact you will have upon the lives of Americans is likely to last long after everyone on this panel is gone from public life.

This is a fact that we simply cannot step aside and pretend does not exist. In undertaking this solemn responsibility, we will look to the past for guidance, but in reaching our decision, I believe we must keep our eyes fixed firmly upon the future, which will lie so much in the hands of the person, such as you, if you are confirmed as Chief Justice; a person who will, in fact, be able to act upon and be required to act upon the major social and political issues that we cannot even envision at this moment.

It is to that future, and to the coming generations of Americans, that I am convinced, we owe our first and final allegiance. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

We are not going to limit, or attempt to limit any member of this committee on what he has to say. I would say, though, that you do not have to deliver long, scholarly lectures until you feel that you are called on to do it.

Now, I observed that the able and distinguished majority leader, Senator Robert Dole of Kansas is here, and our two Senators from Virginia, Senator Warner and Senator Tribble, the State in which Chief Justice Rehnquist now resides. And if there is no objection on the part of the committee—I know they want to get back to their duties—I would like to call on Senator Dole, if he cares to make a few remarks at this time. Senator DeConcini, I imagine that since you are from his State, that you will want to make some remarks, too. If you will join them down there.

We will now hear from Senator Dole, and then we will call on the other gentlemen. Senator Dole, we would be glad to hear from you.

#### STATEMENT OF HON. ROBERT DOLE, A U.S. SENATOR FROM THE STATE OF KANSAS

Senator DOLE. Mr. Chairman, let me just say, very briefly, that I am here really for two purposes: one, to express my own appreciation for these hearings and for the cooperation we have had from Members on each side in setting a date for the hearing. I think it has worked out very well.

Second, I want to add my endorsement to those many other endorsements recommending Justice Rehnquist be our Chief Justice.

Because of his illness, I wish to place in the record the statement on behalf of the nominee by our distinguished colleague, the senior Senator from Arizona, Senator Goldwater.

I would like for the statement of Senator Goldwater, who is a long-time personal friend of Justice Rehnquist to be included in the record at this point.

[Senator Goldwater's prepared statement follows:]

PREPARED STATEMENT OF SENATOR BARRY GOLDWATER

Mr. Chairman, 15 years ago I had the pleasure of introducing then Assistant Attorney General William Rehnquist as a nominee to succeed Associate Justice Harlan. Today I have the great privilege of endorsing unequivocally the nomination of Associate Justice Rehnquist to serve as Chief Justice of the Supreme Court.

Mr. Chairman, the original Magna Carta of 1215 declared the qualifications of a Judge as follows: "We will not make justices . . . except from those who know the law of the land and are willing to keep it." (Chapter 45.) Half a millennium later, James Wilson, one of the original Associate Justices of the Supreme Court and a signer of both the Declaration of Independence and the Constitution, added to this concise standard his instruction that "every prudent and cautious judge will . . . remember, that his duty and his business is, not to make the law, but to interpret and apply it." (Lectures on Law, Part 2.)

To these criteria, might add the expectation that a nominee be a person of high integrity and be free of any serious conflict of interest.

Mr. Chairman, Justice Rehnquist meets these tests perfectly. He is a man of evident excellence and his outstanding qualities have always been recognized by his colleagues of the bar.

As a student, he graduated from Stanford University "with great distinction" and as a member of Phi Beta Kappa. After acquiring a masters in history from Harvard, he graduated first in his class at Stanford Law School, where he served as editor of the Law Review.

As a private practitioner in Arizona for 16 years, where I knew the nominee personally, he achieved the highest rating Martindale's Legal Directory can give an attorney. In 1971, he also received the American Bar Association's highest rating of professional competence, judicial temperament and integrity.

While serving on the Nation's Highest Court, Justice Rehnquist has written 235 opinions for the court and participated in more than 60,000 cases, including petitions for certiorari.

His outstanding record of service on the Bench, and his well reasoned analyses of the law, prove beyond any doubt his fitness for the Office of Chief Justice. To use Alexander Hamilton's words in the Federalist Number 78, the nominee unites in the character of a judge "the requisite integrity with the requisite knowledge of the law."

If it is true, as some commentators have written, that Justice Rehnquist's Judicial opinions display a concern for principles of federalism and for the intention of those who drafted and ratified the Constitution, I believe this fact further commends the nominee for service as Chief Justice.

Let us remember that the tradition of federalism was born in efforts to limit the overbearing authority of parliament over representative assemblies in Colonial America; and it has survived and remains today as a fundamental check on the concentration in the central government of power dangerous to the liberties of the people.

And, as to the second characteristic, I do not believe that any of us could fault a member of the Court for possessing an abiding fidelity to the Constitution.

Mr. Chairman, I urge that you and the committee report favorably the nomination of William Rehnquist.

Senator DOLE. Also, Mr. Chairman, if I could include my statement in the record. It simply indicates that for those of us who have personally known Justice Rehnquist over the years, we are impressed by his judicial experience, and know of the hundreds of cases he has been involved in and the over 200 majority opinions that he has written. We are here to suggest that the President has done well and to support his nomination.