

professional qualifications, Mr. Rehnquist is one of the best persons available for appointment to the Supreme Court."

Mr. Rehnquist's tenure as Associate Justice of the Supreme Court has certainly substantiated this evaluation. And I am confident that when the ABA committee's present evaluation is presented to this committee, it will not only equal but surpass the previous finding.

The second criterion I proposed to apply to Supreme Court nominees was based upon achievement. Sixteen years ago, in referring to the nomination of one candidate for the Supreme Court, I noted that "[A]fter all, it is the Supreme Court the Senate is considering not the police court in Hoboken, N.J. or even the U.S. district or circuit courts." Our Nation's highest court demands the highest level of excellence. Mr. Chairman, this nominee has more than amply demonstrated that level of excellence.

Mr. Rehnquist has consistently demonstrated a level of professional achievement that all members of the legal profession may envy. After graduation, Mr. Rehnquist served as a law clerk to Mr. Justice Robert H. Jackson. After his clerkship with Justice Jackson, Mr. Rehnquist entered private practice in Phoenix. When he left Phoenix in 1969, to serve in the Justice Department, he was rated at the highest level in Martindale-Hubbell. I can testify from personal knowledge as to his ability as an Assistant Attorney General of the United States. And as the record of this hearing will amply demonstrate, Mr. Justice Rehnquist has excelled as a member of the Supreme Court. Mr. Chairman, I can think of no man better qualified to serve as Chief Justice of the United States.

Third, judicial temperament is vitally important. Service on the Supreme Court demands that an individual possess the highest degree of fairness, integrity, and courtesy. I know from my own experience, that Bill Rehnquist certainly conforms to these standards. As an aside, although I would not characterize it as being a formal prerequisite to service on the Court, I would mention Bill's well developed sense of humor. I am sure that sense of humor has and will continue to promote the necessary comradery among nine individuals engaged in such stressful and intense responsibilities.

The final two criteria I would apply to nominees require that the nominee must have violated no standard of professional conduct rendering him unfit for confirmation, and nor committed any serious impropriety in private life. While I, regretfully, anticipate attempts to cast doubt on Mr. Rehnquist's character on the basis of events delved into at length in his prior confirmation hearing, I am absolutely confident that these attempts will necessarily fail. These allegations speak more to the politics of the confirmation process than to the personal integrity and professional competence of the nominee. The "evidence" brought forward to date has failed to raise even a scintilla of doubt in this Senator's mind. Fortunately, we have not reached the day, I hope, when trial by media rules the confirmation process.

I was particularly troubled by a series of recent articles focused on memoranda produced by Justice Rehnquist during his clerkship with Justice Jackson. In a letter to the editor of the Washington Post, John G. Kester, a former clerk for Justice Jackson, discussed how faulty this line of attack has been. It is precisely a sense of conviction and strength of opinion that makes a clerk valuable to a Justice. I would urge my colleagues to focus on the relevant body of writing—Justice Rehnquist's opinions for the Supreme Court.

While I fully respect the opinions of my colleagues who disagree with the choice of Mr. Rehnquist, and who would have made a different choice, I believe that a heavy burden must be met by those who would have this nominee rejected. Under the Constitution, our duty is to provide advice and consent to judicial nominations, not to substitute our judgement for what are reasonable views for a judicial nominee to hold. I believe that if this nomination proceeds on the merits, William Hobbs Rehnquist will be quickly confirmed as our next Chief Justice of the United States.

The CHAIRMAN. The able and distinguished Senator from North Carolina, Mr. Broyhill.

STATEMENT OF HON. JAMES T. BROYHILL, A U.S. SENATOR FROM THE STATE OF NORTH CAROLINA

Senator BROYHILL. Thank you very much, Mr. Chairman I appreciate the opportunity to participate in this historic event. In his

years on the Court, Associate Justice Rehnquist has proven himself to be a man of great intellect, and also of high integrity.

More importantly, he has continued in his respect for, and has continued a defense of, his views of the Constitution.

Now the President has appointed Associate Justice Rehnquist as the Chief Justice with the full knowledge and recognition of those strong views. The President knows that strong leadership is needed on the Court, and that Justice Rehnquist has shown the capability of carrying out that responsibility.

The president also has the right, and I think the responsibility, to nominate a person who shares his views on the interpretation of the Constitution.

I look forward, Mr. Chairman, to the exchange of views in these hearings, and participation of these witnesses before the committee. Thank you very much.

The CHAIRMAN. Thank you very much. Is Senator Ted Stevens in the Hall? He indicated he wanted to make a statement.

[No response.]

The CHAIRMAN. Senator Stevens can place his statement in the record or he can come later, as any other Senator can.

Now, we will have one witness this afternoon whose wife is in the hospital and he has got to leave. That is the Honorable Griffin Bell, a former circuit judge. Judge Bell, if you will come around.

Judge Bell, if you will stand and be sworn. Will the evidence you give in this hearing be the truth, the whole truth, and nothing but the truth, so help you God?

Judge BELL. I do.

The CHAIRMAN. You may proceed.

**TESTIMONY OF HON. GRIFFIN B. BELL, KING & SPALDING,
ATLANTA, GA**

Judge BELL. Mr. Chairman and members of the committee, I have a statement which I have submitted and I would ask that it be included in the record.

The CHAIRMAN. Without objection, so ordered.

Judge BELL. I will make a very short statement, based on the paper that I have submitted.

I appear in support of the President's nomination of the Honorable William H. Rehnquist to be Chief Justice of the United States.

I have known Justice Rehnquist since shortly after his appointment and confirmation to be an Associate Justice of the Supreme Court, and have followed his career, as well as his writings on the Supreme Court. In fact I have followed the opinions of the Court throughout the period of his service, 15 years of service on the Court.

We are inclined, as Court watchers, to divide the members of the Court into liberals, moderates or centrist, and conservatives. Some of the Justices move from one category to another, depending upon the subject matter before the Court.

Probably Justice Brennan is more steadfast in his positions on the liberal side than any other member of the Court, or as much so. And perhaps Justice Rehnquist occupies an opposite position on the conservative side. I do not consider either Justice Brennan or