

The CHAIRMAN. Without objection, the prepared statement of the able majority leader will be placed in the record.

[The prepared statement follows:]

PREPARED STATEMENT OF SENATOR BOB DOLE

Mr. Chairman and members of the committee: It is with the greatest of pleasure that I am here to endorse and support the nomination of William H. Rehnquist to be Chief Justice of the United States.

As a former member of this committee I have more than a little appreciation for the staggering responsibility you have in receiving nominations for judicial appointments from the President and processing them expeditiously yet carefully. When I first became a member of the committee in 1979, it became my job, as the newest member, to participate in numerous confirmation hearings. This, of course, was at the beginning of the last two years of the Carter administration, in which more than 150 judges were confirmed.

This activity was the result of an omnibus judgeship bill in 1978 which created 153 new judgeships in addition to the usual 30 to 50 annual vacancies due to retirements, resignations or death. Although I never was involved in a Supreme Court nomination, there were all manner of other judicial appointments to consider. One of the nominees that the committee approved at that time, Patricia Wald, just became the new chief judge of the Circuit Court of Appeals for the District of Columbia.

I mention this past history, because it seems relevant today. It seems to me that again the committee faces a similar situation. There is a need to act expeditiously yet carefully. Chief Justice Burger has announced his intention to retire from active service on the court so as to be able to devote his full time and attention to the Bicentennial Commission. In little more than a month the court will begin its active preparations for the fall term. Although the court does not formally convene until the first week of October, much work must be done prior to that date so that the court can organize itself and prepare for the cases to be presented.

To enter this period without a full court would be to place that institution in grave danger of falling behind in its vital work. For example, almost a thousand petitions for certiorari have accumulated at the Court over the summer months. The Justices must vote on these petitions before the first week in October.

There are 24 cases to be reviewed thoroughly before the October argument session.

As a former chairman of the Courts subcommittee, I have some appreciation of the leadership role of the Chief Justice as the presiding officer of the Judicial Conference of the United States. This group, which consists of the chief judges of the several circuit courts of appeal and other judicial leaders, is the policy making body for the Federal court system. Its fall meeting is scheduled for late September. A lame duck Chief Justice would understandably be hesitant to exercise his or her authority to do anything with a lasting effect, yet decisions have to be made.

Mr. Chairman, I recall Justice O'Connor's initiation to the Court. It was made immensely more difficult by the fact that she was not confirmed until a few days before the Court's first conference. The members of the Court did not want to vote on petitions without her participation. She was then faced with hundreds of petitions aided only by memoranda prepared by other Justices' law clerks. It is simply not possible to be a fully participating member of the court under those circumstances. Judge Scalia, if confirmed substantially after the August recess, would be at a major disadvantage, as would the rest of the Court waiting to see what would happen.

This is not to suggest that the committee should short-circuit its deliberate process. However, I suggest that the committee should make haste—carefully.

Since the President announced his intention to nominate Justice Rehnquist to become Chief Justice and Antonin Scalia to be Associate Justice, millions of words have been written tracing in great detail the public and private lives of these two men. Of course, the committee itself has full hearing records since both have previously been subject to the confirmation process. In addition, both have produced volumes of written opinions. Justice Rehnquist has authorized more than 200 opinions in his decade and a half of the High Court.

Then, too, the committee has been made aware of the FBI background reports and the various financial and ethics in government disclosures that have been made.

As I read the record and as I review the public life of William Rehnquist, I am persuaded the President has made an excellent choice to succeed Warren Burger as Chief Justice. He has the experience, temperament, wisdom and ability to be one of

the great jurists of this Nation. It is not my place to restate or add to that which is already before the committee. I simply want to endorse this nominee in the strongest possible terms.

Mr. Chairman, I also ask unanimous consent that the statement of the distinguished senior Senator from Arizona, Mr. Goldwater, be placed in the record at this point. Senator Goldwater is unable to be here today. I know that Barry has always felt very proud of Mr. Justice Rehnquist and helped him get his start in Arizona politics many years ago. If he could have possibly been here today, he would have been.

The CHAIRMAN. I now call on the other Senator from Arizona, Senator DeConcini.

**STATEMENT OF HON. DENNIS DeCONCINI, A U.S. SENATOR FROM
THE STATE OF ARIZONA**

Senator DeCONCINI. Mr. Chairman, and my distinguished colleagues on the Judiciary Committee, let me assure you that this will suffice for my opening statement and it is not a long one, so you can applaud if you want to, or you can go to sleep, as the case may be.

I am honored to be here, to introduce to this committee, for those of you who may not know, the Honorable William Rehnquist. He is the President's nomination, as you know, to be Chief Justice, as a matter of fact, the 16th. Justice Rehnquist appeared before this committee, as the record shows, some 15 years ago. He was confirmed by the U.S. Senate as an Associate Justice.

For that reason, I would like only to briefly outline Justice Rehnquist's career as his credentials and achievements are already quite well known to anyone on this committee, but I feel it important, at this beginning point, that they be reiterated.

After growing up and attending high school in Milwaukee, WI, William Rehnquist enlisted in the U.S. Army and served in the Air Corps as a weather observer from 1943 to 1946. After an honorable discharge, he attended and graduated with distinction from Stanford University.

During college he was elected to membership in Phi Beta Kappa. He received a master's of arts degree in Political Science from Harvard University in 1950. Justice Rehnquist finished first in his class at Stanford Law School in 1952. After graduating from law school he served as a law clerk for Justice Robert H. Jackson on the Supreme Court of the United States until June 1953.

From 1953 until 1969, Justice Rehnquist worked at a variety of firms in Phoenix, AZ, in private practice. In 1969 he was confirmed by the Senate as Assistant Attorney General in charge of the Office of Legal Counsel at the Department of Justice.

In 1971, at the age of 47, Justice Rehnquist's appointment to the Supreme Court of the United States was confirmed by the U.S. Senate.

Justice Rehnquist has established a reputation in the last 15 years as an energetic, efficient, hard-working member of the Court.

He is widely acknowledged as a writer of exceptional ability. He is well organized, and with polished opinions, with forcefulness of logic and expression, long on collegiality, and organization, are a requirement, Justice Rehnquist has it. I believe an immense talent that he will bring to the Court will serve him well in the administration of the Federal court system.