

Why do we ask a higher standard of them or a higher standard of a 27-year-old law clerk? Interesting issue, but it will come.

Well, I would hate to go back and drag up all my old red wagons. I was always in trouble. When something happened in my hometown, the cop car drove up to our house. It was a ritual, an absolute ritual. My mother gasped, my father sighed.

The collected mumbblings and memos of Al Simpson 35 years ago would be grotesque because change is the essence of life and creeping maturity is what we all had best be involved in. If I had not changed I would have been in the clink, and that is for sure. Check that record. It is a dazzler.

I am a birdwatcher here. I love this place. I love the Senate, but you are going to get a spirited exercise. I warn you of a bird of prey which is not in the Senate, and I describe it ornithologically. I have described it before; be on the lookout for them.

They are described best as a bug-eyed zealot, heavilylided, characterized by ruffled feathers and a pinched bill. They scratch for and dig up dusty facts from old dirt, and then make a continual thin whining noise whenever the President pulls one of his appointees out of the bag.

You want to watch for them. They are endemic to the process and a little spooky to observe, and they are out here right now. I have seen some of them today perched on the edge of their roost waiting to gin up more stuff as soon as we get to them here today.

So, I say to you, sir, it is a pleasure and distinct privilege to have you here and I know you are ready for this. It is an exercise which is not pleasant, and I hope that we will remember that you are a sitting Supreme Court Justice of the United States of America, not somebody that wandered in to be approved to the Federal bench in some State, district, or circuit court. You ought to receive that due acknowledgement.

We should review your work product carefully, exceedingly carefully, but we should not delay these proceedings unduly in a search aimlessly to get this man, and I will be proud to be a part of a swift and well-deserved confirmation of you as the 16th Chief Justice of the United States.

The Nation will be well served by you, sir. You are a splendid gentleman. I have no further comment.

The CHAIRMAN. The able and distinguished Senator from Alabama, Judge Howell Heflin.

STATEMENT OF HON. HOWELL HEFLIN, A U.S. SENATOR FROM THE STATE OF ALABAMA

Senator HEFLIN. First, I would like to welcome you personally to this hearing as well as your wife and family. I am not here to condemn you or to praise you but to try to endeavor to do my duty fairly and justly. I approach these committee hearings with a sense of awe. It is a privilege to participate in the process of nominating an individual who will probably become only the 16th Chief Justice in American history.

There have been only 15 before him during the 210 years of this Nation's existence. I feel a deep and an abiding sense of responsibility because, while it is a privilege, it is also a power, one man-

dated by the Constitution to advise and consent on judicial nominations.

It is an awesome obligation to the Court and to the people. If it can truly be said that justice is our ultimate goal and that justice is indispensable for the survival of our free republic, then we can best assure and maintain it by exercising extreme diligence in selecting individuals who will care for our Constitution as its custodian.

The task that brings us here today is an important one. It is the process by which a branch of government renews itself, a process of regeneration, of pumping new blood into the life of a great and vital institution.

Hopefully, our system of justice will profit from a transfusion of energy and innovative ideas as well as from a new pacemaker. Some may question the analogy of new blood since Justice Rehnquist has served on the Court for the past 14 years.

But today, we are considering Justice Rehnquist for a different position, Chief Justice of the United States. While he will continue to serve on the Supreme Court, he will also, if he is confirmed, be assuming a new and extraordinarily important leadership responsibility to America's system of justice.

One might say that a more appropriate analogy of the confirmation of a Chief Justice would be the changing of the guard, the passing of the leadership role from one Chief Justice to another.

For the past 17 years Chief Justice Warren Burger has labored strenuously to improve and modernize our entire judicial system. His efforts have met with a tremendous degree of success.

If Justice Rehnquist is confirmed, I hope he will continue to improve the organization, the structure and the efficiency of State and Federal courts.

The independence of our judiciary is measured only by the strength of its parts. While it is manifestly important to thoroughly examine this nominee's qualifications and the role that he will assume as Chief Justice, it is also fitting and proper that we take note of the critical role that the Supreme Court plays in our system of segregated powers.

I have always believed that the establishment of the Supreme Court was the crowning marvel of the wonders wrought by the members of the Constitutional Convention almost 200 years ago.

The creation of the Supreme Court with its appellate powers was the greatest conception of the Constitution. No product of government either here or elsewhere has ever approached its grandeur.

It would be impossible for the members of this committee to take the task at hand too seriously. The Court itself, in the position for which Justice Rehnquist has been nominated, has no parallel in ancient or modern times; no other court has been vested with such high prerogatives.

Its jurisdiction extends over sovereign States as well as over the humblest individuals, but it should not encroach upon the reserved rights of the States or abridge the sacred privilege of local self government.

It is my hope that each member of the Supreme Court will never let individual freedom be the price of justice, but rather the result.

Justice Rehnquist, you were once asked in an interview what qualities should a Supreme Court justice possess. You responded in part with a quote from Cicero,

"He saw life clearly and he saw it whole."

It is my hope that you will consider the immense duty being proposed to be entrusted to you, that you will remember that you are no longer just a lawyer, no longer just a judge, no longer just an administrator. If confirmed you will become the Chief Justice of the United States.

While your major responsibility will be to the work of the Court, your leadership cannot help but impact upon the entire American system of justice. Look to your duty clearly as a whole.

There is much to be done. It is an awesome responsibility, an arduous task but an appropriate demand for the Chief Justice of our Supreme Court. There is no higher honor in the Judiciary, but while it is a position of strength, it is also one of humility.

In effect, you are a servant to many masters, the Supreme Court, the Federal courts, the State courts, and the American public. Serve them all well, all fairly, all equally, and your legacy will not only be compelling but complete. Good luck.

The CHAIRMAN. The able and distinguished Senator from Iowa, Mr. Grassley.

STATEMENT OF HON. CHARLES E. GRASSLEY, A U.S. SENATOR FROM THE STATE OF IOWA

Senator GRASSLEY. Thank you, Mr. Chairman.

Today this committee begins one of its most solemn duties, and although the full Senate must ultimately act on this nomination, this committee has the obligation to build a record and to conduct the most in-depth inquiry that we can.

Fortunately, in the pursuit of that duty, we are aided in our inquiry by the fact that this nominee already has a well-documented record of Supreme Court jurisprudence. No doubt some would quarrel and some have already with that record and with that judicial philosophy.

I expect that we will hear witnesses who would take issue with the results or even with the legal reasoning of some of those individual cases, but that is not the point of our hearing.

Instead, we must assure ourselves that this nominee has the qualities deserving of the most important role on the most important court in our land, and for example, I would think that we ought to cover whether this nominee is a person of unquestioned integrity.

Will he render his opinions based on the Constitution and the relative statutes without regard to personal belief when those beliefs conflict with the law?

Is he a person of great intellectual capacity and knowledge of our Constitution? Will he exhibit an even judicial temperament, one that resists judicial activism and is not swayed by the mere breeze of public opinion?

Does he have a full appreciation of the separation of power principle and the careful balance between our coequal branches of the Federal Government?