

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?

Likewise, does he recognize that powers not expressly given to the Federal Government by the Constitution are reserved to the States and the people thereof rather than to the Supreme Court?

And particular to this role as Chief Justice, will he be a thoughtful and eloquent spokesperson on important issues of judicial administration and the role of the high court?

I look forward to our hearings as the best way to answer these questions. About a few items however there can be no doubt. It has been said both by those who agree and those who disagree with the nominee that Justice Rehnquist is a man of powerful intellect and very great independence of mind.

A fellow justice is said to have remarked that no member of the Court carries more constitutional law in his head than Justice Rehnquist. These qualities will, undoubtedly, stand him in good stead as Chief Justice.

With respect to his opinions, it seems to me that Justice Rehnquist has struck several consistent themes, prominent among these is federalism, a belief that Federal intervention into the affairs of a State requires convincing justification and that, in fact, it ought to be an exception rather than the rule.

Other themes include a commitment to the Framers original intent, a skepticism about judges setting out to solve social problems by themselves, a deference to legislative judgments and to the political process and a belief that judicial review ought to be restrained within clearly defined bounds.

All of these views will also, in my opinion, make him an effective Chief Justice, and so I look forward to these hearings, making those points that I think establish and certify what we already know about this gentleman.

The CHAIRMAN. The able and distinguished Senator from Illinois, Mr. Simon.

STATEMENT OF HON. PAUL SIMON, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator SIMON. Thank you, Mr. Chairman.

I want to join in welcoming Justice Rehnquist and his family. Several things have been talked about here. One is what is our role here, and I may be accused by Senator Simpson of being that bird to dig something out of the dust here now but I think as fine an article about what our role is that I have read was written by William H. Rehnquist in 1959 in the Harvard Law Record. I have an idea it is more carefully read today than it was in 1959, Mr. Justice.

But among other things he said the Senate should thoroughly inform itself on the judicial philosophy of the Supreme Court nominee before voting to confirming him. He talks about the debate when Herbert Hoover nominated Judge John Parker, who was rejected 41 to 39, but says that debate was the kind of debate and care that we should be providing.

He quotes Senator William Borah of Idaho saying:

Upon some judicial tribunals it is enough perhaps that there be men of integrity and of great learning in the law. Upon this tribunal something more is needed, something more is called for, for here the widest, broadest, deepest questions of government and governmental politics are involved.