

The CHAIRMAN. Thank you very much, Dr. Freedman, and Mr. Bradley, you have 3 minutes.

Mr. BRADLEY. Thank you, Mr. Chairman.

The CHAIRMAN. If you do not get through, you may put your whole statement in the record.

STATEMENT OF CRAIG M. BRADLEY

Mr. BRADLEY. I am a professor of law at Indiana University and a former law clerk to Justice Rehnquist. However, I am also a political moderate, a registered Democrat, and I am on record as not always agreeing with Justice Rehnquist's decisions.

I want to speak to two matters, neither one of which has been addressed explicitly. First of all is Justice Rehnquist's integrity as a Supreme Court Justice. Many issues as to his integrity have been raised in the years prior to when he was a Supreme Court Justice, but no one has really talked about his performance and his character in the role of a Justice.

As a law clerk to him in 1975, I saw him at extremely close quarters for as many as 60 hours a week. My office had an open door. His office had an open door. I was pretty much aware of whom he saw, whom he talked to on the phone, what he did after work as well as what he did during work.

I also should add that I was a senior trial attorney in the Public Integrity Section of the Justice Department. So I am something of an expert on the question of the integrity of public officials.

Justice Rehnquist's integrity was almost amazing to me. The modesty of his lifestyle and the modesty of the manner in which he treated his underlings, not only his law clerks but his secretaries, was that of a man who did not abuse in any way his position.

I developed the greatest admiration for the simplicity of his life and the feeling that this was a man who was open to every viewpoint. He frequently did not decide the way that I wanted him to decide, but he was open to my arguments invariably and with great patience.

His personal life I would describe as a life of quiet inspiration. He went home at night. He read. He did not make the scene in Washington, and I considered his integrity to be extremely high.

Now, criminal procedure is my field, and I have studied Justice Rehnquist's criminal procedure decisions and I have submitted a draft of an article to this committee. I apologize for any spelling errors. I know this committee has taken spelling errors seriously in recent times.

Senator BIDEN. Now, now. [Laughter.]

Mr. BRADLEY. But it is an early draft. And my conclusion, without going into the details of Justice Rehnquist's criminal procedure decisions, is that he cannot be described as an extremist. He cannot be described as a knee-jerk conservative.

He has, in fact, explicitly joined virtually all of the major decisions of the Warren Court, for instance, *Gideon v. Wainwright*, extending right to counsel to felony trials. He has not only joined it. He has concurred in the result and joined most of *Argersinger v. Hamlin* which extended it to misdemeanor trials.

He has, in a similar vein, joined the other major opinions of the Warren Court. I turn you to my submitted paper for the details.
[Prepared statement follows:]