

Because of his illness, I wish to place in the record the statement on behalf of the nominee by our distinguished colleague, the senior Senator from Arizona, Senator Goldwater.

I would like for the statement of Senator Goldwater, who is a long-time personal friend of Justice Rehnquist to be included in the record at this point.

[Senator Goldwater's prepared statement follows:]

PREPARED STATEMENT OF SENATOR BARRY GOLDWATER

Mr. Chairman, 15 years ago I had the pleasure of introducing then Assistant Attorney General William Rehnquist as a nominee to succeed Associate Justice Harlan. Today I have the great privilege of endorsing unequivocally the nomination of Associate Justice Rehnquist to serve as Chief Justice of the Supreme Court.

Mr. Chairman, the original Magna Carta of 1215 declared the qualifications of a Judge as follows: "We will not make justices . . . except from those who know the law of the land and are willing to keep it." (Chapter 45.) Half a millennium later, James Wilson, one of the original Associate Justices of the Supreme Court and a signer of both the Declaration of Independence and the Constitution, added to this concise standard his instruction that "every prudent and cautious judge will . . . remember, that his duty and his business is, not to make the law, but to interpret and apply it." (Lectures on Law, Part 2.)

To these criteria, might add the expectation that a nominee be a person of high integrity and be free of any serious conflict of interest.

Mr. Chairman, Justice Rehnquist meets these tests perfectly. He is a man of evident excellence and his outstanding qualities have always been recognized by his colleagues of the bar.

As a student, he graduated from Stanford University "with great distinction" and as a member of Phi Beta Kappa. After acquiring a masters in history from Harvard, he graduated first in his class at Stanford Law School, where he served as editor of the Law Review.

As a private practitioner in Arizona for 16 years, where I knew the nominee personally, he achieved the highest rating Martindale's Legal Directory can give an attorney. In 1971, he also received the American Bar Association's highest rating of professional competence, judicial temperament and integrity.

While serving on the Nation's Highest Court, Justice Rehnquist has written 235 opinions for the court and participated in more than 60,000 cases, including petitions for certiorari.

His outstanding record of service on the Bench, and his well reasoned analyses of the law, prove beyond any doubt his fitness for the Office of Chief Justice. To use Alexander Hamilton's words in the Federalist Number 78, the nominee unites in the character of a judge "the requisite integrity with the requisite knowledge of the law."

If it is true, as some commentators have written, that Justice Rehnquist's Judicial opinions display a concern for principles of federalism and for the intention of those who drafted and ratified the Constitution, I believe this fact further commends the nominee for service as Chief Justice.

Let us remember that the tradition of federalism was born in efforts to limit the overbearing authority of parliament over representative assemblies in Colonial America; and it has survived and remains today as a fundamental check on the concentration in the central government of power dangerous to the liberties of the people.

And, as to the second characteristic, I do not believe that any of us could fault a member of the Court for possessing an abiding fidelity to the Constitution.

Mr. Chairman, I urge that you and the committee report favorably the nomination of William Rehnquist.

Senator DOLE. Also, Mr. Chairman, if I could include my statement in the record. It simply indicates that for those of us who have personally known Justice Rehnquist over the years, we are impressed by his judicial experience, and know of the hundreds of cases he has been involved in and the over 200 majority opinions that he has written. We are here to suggest that the President has done well and to support his nomination.