

that title VII of the Civil Rights Act of 1964 prohibits a wide variety of discriminatory practices in hiring, promotion, and compensation, Justice Rehnquist's reading of the statute's coverage is far more restrictive.

The overarching tenets of Justice Rehnquist's judicial philosophy are his deference to State and institutional interests, and his disregard for individual and civil rights.

In his 15 years on the Supreme Court, he has exhibited almost consistent hostility to the rights of women, choosing in case after case to deny or circumscribe venerable constitutional rights.

It truly—

Senator HATCH. Ms. Rogers, your time has expired.

Ms. ROGERS. Thank you, sir.

Senator HATCH. We appreciate it. We will now turn to Mr. Rauh.

STATEMENT OF JOSEPH L. RAUH, JR.

Mr. RAUH. My name is Joseph L. Rauh, Jr. I am general counsel of the Leadership Conference on Civil Rights.

You will forgive me, Mr. Chairman, if I speak from the heart. I was the law clerk to two great Justices 50 years ago, Justices Frankfurter and Cardozo. And I say to you very seriously, Mr. Chairman, this nomination is a desecration of the Supreme Court of the United States.

What we are doing is rewarding a lifetime of opposition to individual rights—a lifetime of that opposition—with the highest judicial and legal post in the country. The Senate cannot let that happen. I do not care whether you look at him as a law clerk—and do not fool yourself that memorandum was his views—or as a lawyer or justice. I challenge any Senator to read the Kugler book on simple Justice and then say the memorandum was not his own views. Then you have all the way through Phoenix when he opposed voting, when he opposed the slightest civil rights law, all the way up through the Court where he opposed everything, dissenting alone in *Bob Jones* and *Keyes*, even dissenting in the *Columbus* case.

No, he cannot change. All stages of his life are so consistent that he is not going to change. Do not try to think you can be hopeful in this situation. No, he will not change.

As a good lawyer, Chairman Hatch, you tried to get him out of his statement that this country is no more committed to an integrated society—you were very good at it—than a segregated society. [Laughter].

But, sir, no matter how good you were in trying to get him out of that, the remainder of the sentence which you said changed it only reinforced it. Because what it says is that we are dedicated to a free society. We were always dedicated to a free society, but we had a segregationist society.

I do not know whether this man is a bigot or not. It is very hard to say. But I do know that the things he has done in his lifetime are the same as they would have been if he were a bigot.

I think it is better to describe him as a statist. He thinks the State is always right. Whether it is women, blacks, Hispanics, homosexuals, aliens, people on welfare, the State always is right

when it denies them their rights. That is no position for a Chief Justice. That is no view for him to hold.

The time has come for the Senate to stand up for its rights. The Senate almost had this job of appointment alone from the framers, and what they did was to turn around and say no, we will split the job between President and Senate. Well, the Senate has got to do the job that the President has failed to do. The Nation has to have a symbol there as the Chief Justice of someone who believes in individual rights, not someone who has devoted his life to the contrary.

Thank you, sir.

Senator HATCH. Thank you, Mr. Rauh.

We will turn to Senator Biden.

Senator BIDEN. Mr. Rauh, is there a distinction between the Justice's records on issues relating to minorities when he is interpreting the Constitution and when he is interpreting the statute? Do you see any distinction?

He offers instances where he has voted with the majority to either expand or confirm the rights of minorities. It seems to me that usually occurs in statutory cases. But I wonder if you would comment?

Mr. RAUH. I see no distinction, sir, but I cannot claim to have read every statutory decision. I think I have read the constitutional ones. I think he follows the same view of limiting individual rights and increasing the powers of the State in both.

Senator BIDEN. Mr. Hooks, is there a distinction between—the Court is characterized as being made up of several conservatives, several liberals, and some centrists.

If one or the other conservatives were to be nominated to the position of Chief, would you be here?

Mr. HOOKS. I have looked at the present Supreme Court, and I am almost of the opinion, speaking off the top of my head, that I do not think that I would be in opposition to any of the sitting Justices. That is my thought.

But now let me qualify that by saying, of course, I have not read their record as close as I have Mr. Rehnquist's record. But as a practicing lawyer, and NAACP is before the Court all of the time, I do not think there is a Justice that—I may not be pleased with all of them, but I do not think I would be in opposition. That is my best.

Senator BIDEN. Ms. Jones, if it could be proven that there has been a progression in Justice Rehnquist's voting record that the cases that were the most objectionable where he has, in fact, imposed the most limited interpretation of the due process and equal protection clauses, if it could be shown that there were progress or growth—growth connotes a value judgment—but change, broadening of the application, would you be in here in opposition still, do you know, or would you give the benefit of the doubt?

Ms. JONES. Senator, I would never say I would not consider new evidence because that is what that would be.

Senator BIDEN. Touché.

Ms. JONES. But on the point that you raised earlier about statutory cases versus constitutional cases, you know, on statutory cases, things ought to be a little different with Mr. Rehnquist because the