STATEMENT OF MARTIN F. RICHMAN

As a former colleague of Mr. Rehnquist in Government service, I am pleased to testify in support of his confirmation. He is well qualified to be an Associate Justice of the Supreme Court, in my view, on the basis of his strong legal and intellectual abilities, character and judicial outlook.

To put my opinion of him in perspective, it is necessary to digress a moment to tell the Committee a few things about myself. First, near the beginning of my career I served as law clerk to Chief Justice Warren, and thus gained some insight into the processes of the Court and the qualities that are important to the work of the Justices. More recently, I served three years as Deputy Assistant Attorney General in the Office of Legal Counsel, most of that time during Ramsey Clark's tenure as leader of the Justice Department. I am a supporter of the main thrust of the work of the Warren Court, and an admirer of Attorney General Clark's approach to law enforcement and the exercise of governmental power.

When Mr. Rehnquist arrived at Justice a few days prior to the Inauguration, I had already set in motion plans for returning to my firm in New York after completing the transition in the Office of Legal Counsel. As it turned out, the period of transition, during which I served as Mr. Rehnquist's Deputy, continued for about four months.

We had a close, informal relationship, with frequent and often extended discussions of the numerous legal issues, large and small, that made up the business of OLC during those early months of the new Administration. We also talked, more casually, of other matters of political and general interest. We made no bones about our divergent political views, but we shared a common professional approach to the work at hand. In this way, through the daily give-and-take of a candid relationship, my opinions of Mr. Rehnquist's mind and character were formed.

I need not dwell on Mr. Rehnquist's legal abilities. He has an incisive grasp for the key issues in a complex problem, the ability to learn a new subject quickly and an exceptional gift for expressing legal matters clearly and forcefully in writing. Though long out of the academic atmosphere, he has a fine scholarly bent, with an inquiring mind on subjects ranging beyond legal matters.

In terms of character, he is strong, honorable, straightforward in his actions and positions. I thought he showed exceptional sensitivity and decency in his decisions on administrative and personnel matters within the Office. While these traits do not necessarily bear on legal ability, they speak deeply of the character of a man.

Finally, there is judicial outlook, perhaps the most important criterion in your scrutiny of a nominee for the Court. The Committee is well aware that Mr. Rehnquist has a deeply held body of views on the political and social issues of our time. They are, in general, very conservative views. The key question for inquiry here, in my opinion, is whether as a Justice Mr. Rehnquist will bring to the decision of the cases not only his own views, however long held and well thought out, but an open mind. Will he approach each case on the basis of the facts in the record, the briefings by counsel, the arguments of his Brethren in conference, and his best judgment of all the available legal materials? In short, will he act like a Judge?

Based on my experience with him, my own answer is in the affirmative. Mr. Rehnquist approaches legal problems thoughtfully, with careful personal study. He is responsive to persuasive argument, and contributes to it by the articulate presentation of his own views. He brings his considerable legal ability to bear when the issues are broad questions of constitutional law, as well as on more technical matters.

I fully expect that I shall disagree with many of his decisions on closely-contested constitutional issues. But I am confident that his votes will be cast on the merits of the cases, that his opinions will illuminate the issues, and that he will make a constructive contribution to the ongoing work of the Court in the development of our law.

STATEMENT OF HOWARD KARMAN, PRESIDENT, ARIZONA STATE BAR ASSOCIATION

Mr. Chairman, my name is Howard H. Karman, President of the Arizona State Bar. I am here at the behest of the Board of Governors of my state bar to support the nomination of a fellow Arizona lawyer, William H. Rehnquist, as an Associate Justice of the Supreme Court of the United States.

Mr. Rehnquist has been a member of that State Bar of Arizona since early in 1954, when he was admitted to practice before the Arizona Supreme Court.

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Our Bar is integrated—which is another way of saying that all persons admitted to the practice of law in Arizona courts by our Supreme Court are required by law to be members of the State Bar of Arizona.

As you already know, Mr. Rehnquist engaged in the general practice of law in Phoenix, Arizona from 1954 until 1969 when he came here as one of Mr. Mitchell's top people in the Justice Department.

During his practice in Phoenix, he found time to devote himself to the betterment of the profession in numerous ways.

Phoenix, in addition to being the capital of Arizona, is also the county seat of Maricopa County. The lawyers of Maricopa County have for many years been organized into a voluntary county bar association. Mr. Rehnquist became active in the administrative affairs of the Maricopa County Bar Association when in 1959, he was elected to its Board of Directors, and during the year 1959–60, served as Chairman of both the Program Committee and the Committee on Continuing Legal Education.

During 1961 and 1961 he served as Secretary of the Board of Directors, and in 1961 he was elected vice-president of the Association.

The following year he was accorded the honor of being elected President of the Maricopa County Bar Association, which post he filled with honor. At that time, the county bar association had a membership of approximately 1200.

After completing his year as president, he continued to serve the county bar both as a member of the Board of Directors and as immediate past president.

Since 1959 Mr. Rehnquist has been very active in various activities with the State Bar of Arizona:

He was a member of a committee formed to study proposed amendments to the Constitution of the United States during 1959, 1960 and 1961.

From 1959 to 1964 he served on the Committee for Continuing Legal Education to the Bar, and was chairman of that committee for two years during that time.

One of the functions of the State Bar of Arizona is to provide continuing legal education, which is accomplished through the committee I have mentioned, and through the Arizona Law Institute, an arm of the organized bar, directed by Charles Marshall Smith, a professor of law at the University of Arizona at Tucson. Mr. Rehnquist was always in great demand as a lecturer at courses and programs presented by the Arizona Law Institute, and, according to many, had an unusual facility for understanding even the most obscure and involved legal problem, and the ability to translate such problems into language clearly understandable by those of us not possessed of similar capacities.

Mr. Eldon Husted, the Executive Director of our bar, has reported to me that attendance at seminars and programs presented by the Institute always increased when Mr. Rehnquist was lecturing, and that Mr. Rehnquist, even though he has not been a resident of our state for the last two years, still leads Arizona lawyers in number of lectures given for, and hours devoted to, continuing legal education to the bar, excepting only the director of the Institute.

Mr. Rehnquist was a member of the Committee on Economics of Law Practice during 1963 and 1964; the Memorial Resolutions Committee for the 1962 Annual Convention of the State Bar of Arizona; a council member of the Trial Practice Section from 1960 to 1964; and a member of the Committee on Uniform Laws from 1964 to 1968. During a portion of that time, and until he resigned to join the Justice Department in 1969, he served ably as one of Arizona's three Uniform Laws Commissioners.

Basic discipline of the State Bar of Arizona is under the direction of our Supreme Court, and the factfinding agencies in connection with grievances against lawyers in our state are called Local Administrative Committees. Mr. Rehnquist was appointed by the Arizona Supreme Court to membership on one of the three committees operating in this area in Maricopa County, and served in such capacity for five years, and until his resignation to accept his present position.

I have known Bill Rehnquist professionally for a number of years. After his nomination by President Nixon, I talked to a great many people in Arizona, Republicans and Democrats, liberals and conservatives. To a man they had nothing but praise for Bill Rehnquist. I was surprised that no lawyer I spoke with had an unfavorable comment to make, even those who find themselves at the opposite end of the political spectrum.

I talked to the former counsel of the Arizona NAACP, who also happened to be Chairman of the Arizona Democratic State Central Committee. He spoke favorably of Bill's intellect and experience. I also spoke to Robert H. Allen, former Chairman of the Arizona Democratic State Central Committee, who has

known Bill both professionally and personally since he came to Arizona in 1953. He said that Bill has no personal animosity for anyone, no matter of what race or religion, nationality or sex. He commented that Bill is a lawyer through and through and that foremost in Bill's mind is an adherence to the doctrine of *stare decisis*.

Willard H. Pedrick, Dean of the Arizona State University Law School, supports Bill Rehnquist and said that all of the other members of his faculty likewise support him. In fact, Dean Pedrick informs me that he tried to get Bill Rehnquist to join his faculty several years ago.

In conclusion, Mr. Chairman, I believe that Mr. Rehnquist is admirably qualified by virtue of intellect, temperament, education, training and experience to be confirmed as an Associate Justice of the United States Supreme Court, and I urge your committee to favorably report to the United States Senate in connection therewith. Should you or any of the other distinguished members of your committee have any questions, I will be pleased to try to answer them.

The CHAIRMAN. We are going to recess now until 10:30 Monday morning, at which time Mr. Powell will be the witness.

Senator MATHIAS. Before you recess, can I say 30 seconds' worth?

The CHAIRMAN. Yes.

Senator MATHIAS. I welcome our colleague, Senator Tydings, back to the committee, and also a distinguished Marylander who has deserted us and gone to Virginia, Mr. Carlisle Humelsine. I give great weight to their statements and testimony.

(Whereupon at 3:20 p.m. the hearing recessed and will reconvene on Monday, November 8, at 10:30 a.m.)