swear our congressional witnesses, and, certainly, a distinguished Member of the House, it is nice to welcome him as a colleague, and he chairs a committee himself over in the House. I am happy to see him out so bright and early with the other witnesses this morning.

Senator HEFLIN. How about me? I am here, too. I am up bright and early this morning; did not get to bed.

Senator METZENBAUM. My distinguished colleague on the left over here, and, quite often on my right, is always bright and early, no matter what time of the day.

Senator HEFLIN. I think the chairman should be commended, too.

The CHAIRMAN. The Senator from Alabama.

Senator HEFLIN. I think the Chair—I thought I could get your attention when I started talking about you. I said the chairman is to be commended for being here, because the Senate did not get out of session, I believe, until 1:30 last night, and so I think we all do our duty.

The CHAIRMAN. I got 4 hours sleep and did not get any lunch yesterday, and did not get any dinner last night until 1:30.

Senator METZENBAUM. Yes, but the young chairman has more strength and vigor than anybody in the Senate, so that is understandable.

The CHAIRMAN. I do not get tired. All right.

Now we are going to give 3 minutes apiece, that is all we can give, and then have questions, and we hope the statements can be brief and concise, so you can get in all you can in 3 minutes.

But we will put the rest in the record if you have any more, if you have a complete statement, and we hope the questions will not be duplicative, too, because there is no use to go over the same road.

The last few days, some of the members who are not here, they went over the same matter over and over again, and we will try to avoid that all we can this morning.

Now Representative Weiss, we are glad to have you with us and you may proceed.

TESTIMONY OF A PANEL CONSISTING OF REPRESENTATIVE TED WEISS, PRESIDENT OF AMERICANS FOR DEMOCRATIC ACTION, HOUSE OF REPRESENTATIVES, ELEANOR SMEAL, NATIONAL ORGANIZATION FOR WOMEN, WASHINGTON, DC, AND ALTHEA SIMMONS, NAACP, WASHINGTON, DC

Mr. WEISS. Thank you very much, Mr. Chairman. I want to express my appreciation to Mr. Metzenbaum for his kind words.

I have nothing but admiration for all of you, for your doggedness and perseverance in these hearings. But I must add that I do not understand why you have imposed this rigorous schedule of confirmation hearings on yourselves, on Justice Rehnquist, and on the American people.

I have heard many questions about why there is this pell-mell rush to complete in 2 or 3 days such an important matter, a matter affecting the Nation for perhaps decades and decades to come.

Mr. Chairman, members of the committee, I am testifying today both as a Member of Congress, and as president of Americans for Democratic Action.

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Although ADA has sometimes had reservations about Supreme Court nominees, rarely have we opposed one. In fact the only nominations we have opposed, besides the nomination of William Rehnquist in 1971, were the nominations of Clement Haynsworth and G. Harold Carswell, nominations which the Senate itself rejected.

But we have found Justice Rehnquist's record so hostile to the rights of minority groups, so unconcerned about the abridgement of constitutional liberties protected under the Bill of Rights, and so polarizing and excessive in its doctrine, that we are compelled to oppose his elevation to the Nation's most important unelected office.

Mr. Chairman, we are convinced, after scrutinizing Justice Rehnquist's record on a broad range of issues, that his positions, as Chief Justice, will further divide this country between the privileged and the poor, between black and Hispanic and white, between men and women, between homosexual and heterosexual, between the majority and the minorities.

We feel that the role of Chief Justice must be filled by someone who will bring the country together, not polarize and embitter it.

We believe that it would be a calamitous mistake for the Senate to confirm as Chief Justice a man whose fundamental views are inimical to the Bill of Rights.

Mr. Chairman, together with the American people, I have had occasion, with the time that I could take away from my other duties, to watch as much of these hearings as I possibly could. And as a former prosecutor, I would characterize him as a "slippery witness." You could hardly recognize him as the person who has held the views that he has enunciated over the years, from the way in which he responded to questions.

I have had occasion to reread some of the testimony given in 1971 by the late distinguished civil rights leader Clarence Mitchell, and Mr. Joseph Rauh, and at that time, they pointed out that Mr. Justice Rehnquist, in 1964, opposed an ordinance allowing public accommodation access to all citizens.

He is the only one who testified in Phoenix, AZ, against that ordinance. He appeared, and excoriated members of the community who demonstrated for civil rights purposes in Phoenix, AZ.

He opposed the elimination of de facto segregation in the high schools of Phoenix, AZ. His voting rights challenges, which you will hear more about today, were established beyond any question of doubt.

All of these actions fit into a piece with the decisions that he has rendered as a Supreme Court Justice since then.

And it also fits in line with the revelations, which I found shocking and offensive, that he had participated in the purchase and sale of homes with restrictive covenants. For a member of the Department of Justice, for a U.S. Supreme Court Justice, to be so insensitive as to have that kind of restrictive clause in a sale of deed is just incomprehensible. I have spoken to any number of lawyers, who agree with me, that his testimony about his lack of knowledge of the restrictive covenants is just incredible.

And as one who has done some real estate work in the course of a prior career, I find it unbelieveable that his lawyers would not

have brought to his attention, as a member of the Supreme Court, the presence of an offensive restrictive clause in his property deed.

So, Mr. Chairman, on the basis of his record, on the basis of his life-time conduct, on the basis of predictability as to what kind of Chief Justice he would be, the ADA urges the Senate to reject Justice Rehnquist's nomination for the position of Chief Justice of the Supreme Court.

[The statement follows:]