

NOMINATION OF JUSTICE WILLIAM HUBBS REHNQUIST

FRIDAY, AUGUST 1, 1986

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee convened, pursuant to notice, at 8 a.m., in room SD-106, Dirksen Senate Office Building, Hon. Strom Thurmond (chairman of the committee) presiding.

Also present: Senators Biden, Metzenbaum, Heflin, Hatch, Simon, Kennedy, DeConcini, Specter, Grassley, Mathias, Leahy, and Laxalt.

Staff present: Dennis Shedd, chief counsel and staff director; Duke Short, chief investigator; Frank Klonoski, investigator; Mark Gitenstein, minority chief counsel; Cindy LeBow, minority staff director; and Melinda Koutsoumpas, chief clerk, and Christopher Dunn, minority counsel.

OPENING STATEMENT OF CHAIRMAN STROM THURMOND

The CHAIRMAN. The committee will come to order.

We have a large number of witnesses today, 28 witnesses, and we have got to finish at 2 o'clock today. We are just taking 2 hours of that 6 hours and giving 4 hours to the other side.

Our first witness this morning is Representative Ted Weiss, president of Americans for Democratic Action. On this same panel we have Senator Clarence Mitchell III, president of the National Black Caucus of State Legislators. Is he here?

Senator METZENBAUM. He has been here. I am sure he will arrive.

The CHAIRMAN. Miss Eleanor Smeal, National Organization for Women. Miss Smeal, if you will come around. Miss Althea Simmons, NAACP. Miss Simmons, if you will come around. And Miss Judith L. Litchman, executive director, Women's Legal Defense Fund.

Now if you will stand up and be sworn. Do you swear the testimony you will give in this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WEISS. I do.

Ms. SMEAL. I do.

Ms. SIMMONS. I do.

The CHAIRMAN. Have a seat.

Senator METZENBAUM. Mr. Chairman, I see the very distinguished Congressman Ted Weiss was sworn. We do not normally

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.