

News from Senator

# BOB DOLE



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FOR IMMEDIATE RELEASE  
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## STATEMENT OF SENATE MAJORITY LEADER BOB DOLE NOMINATION OF WILLIAM REHNQUIST TO BE CHIEF JUSTICE

THE SENATE NOW BEGINS ITS FINAL DEBATE ON THE NOMINATION OF WILLIAM H. REHNQUIST TO BE CHIEF JUSTICE. SINCE I HAVE ALREADY SPOKEN AT LENGTH PREVIOUSLY, I WILL NOT TAKE MORE TIME NOW EXCEPT TO HIGHLIGHT BRIEFLY THE REASONS WHY I SHALL VOTE TO CONFIRM JUSTICE REHNQUIST, AND DO SO WITH A FIRM CONVICTION THAT THE PRESIDENT HAS ACTED WISELY IN SUBMITTING THIS NOMINEE TO US FOR OUR ADVICE AND CONSENT.

I SHALL BE BRIEF ALSO, BECAUSE THE SENATE HAS ALREADY SPENT THE BETTER PART OF A WEEK ON THIS NOMINATION, OFTEN GOING OVER THE SAME FEW ARGUMENTS ENDLESSLY. I REMIND THE SENATE THAT THIS IS THE THIRD TIME WE HAVE BEEN ASKED TO CONFIRM JUSTICE REHNQUIST. HE WAS APPROVED AS AN ASSISTANT ATTORNEY GENERAL IN 1969. HE WAS CONFIRMED AS AN ASSOCIATE JUSTICE OF THE SUPREME COURT IN 1971. THE COMMITTEE ON THE JUDICIARY HELD FOUR DAYS OF HEARINGS, RECEIVING TESTIMONY FROM MORE THAN FORTY WITNESSES OVER FORTY HOURS. EVEN THE MOST DIE HARD OPPONENT MUST CONCEDE THAT THE SENATE HAS GIVEN THE MOST CAREFUL ATTENTION TO THIS NOMINEE. CHAIRMAN THURMOND CERTAINLY ACCOMMODATED OPPONENTS DURING THE COMMITTEE PROCESS. THIS SENATOR ALSO HAS MADE EVERY ATTEMPT TO ACCOMMODATE OPPONENTS. ONLY WITH GREAT RELUCTANCE WAS A PETITION FOR CLOTURE FILED LAST MONDAY EVENING. EVEN THEN, UP UNTIL THE LAST MOMENT I FELT WE WOULD BE ABLE TO AVOID CLOTURE--AT LEAST THAT WAS MY IMPRESSION. BUT IT DID NOT HAPPEN.

IT IS UNQUESTIONED THAT JUSTICE REHNQUIST BRINGS A UNIQUE SET OF CREDENTIALS TO THE SENATE FOR REVIEW. HIS FIFTEEN YEARS OF SERVICE ON THE HIGH COURT HAS SIMPLY BEEN A MODEL FOR



JUSTICES AND JUDGES EVERYWHERE TO FOLLOW. HE HAS BEEN PROLIFIC AND PRODUCTIVE. HE HAS AUTHORED MORE THAN 230 MAJORITY OPINIONS--MORE THAN ANY OF HIS COLLEAGUES DURING THAT PERIOD. HE HAS ALSO BEEN A FREQUENT DISSENTER--MORE THAN 80. THIS IS THE THIRD HIGHEST NUMBER AMONG THOSE CURRENTLY ON THE COURT.

HE HAS UNEQUALLED EXPERIENCE AND HAS THE TEMPERAMENT AND COLLEGIALLY NECESSARY TO PROVIDE EFFECTIVE LEADERSHIP ON THE COURT. HIS ACADEMIC CREDENTIALS ARE THE BEST. HE WAS FIRST IN HIS CLASS AT STANFORD LAW SCHOOL. HE HAS A MASTERS DEGREE IN HISTORY FROM HARVARD. OF COURSE, HE HAD HIGHEST HONORS AT STANFORD IN HIS UNDERGRADUATE STUDIES.

HE WAS FOUND TO BE WELL QUALIFIED BY THE AMERICAN BAR ASSOCIATION--THE HIGHEST RATING TO BE GIVEN. AND THIS RATING WAS BESTOWED AFTER IN DEPTH INTERVIEWS WITH ALL OTHER MEMBERS OF THE SUPREME COURT AND LITERALLY HUNDREDS OF JUDGES, SCHOLARS AND LAWYERS THROUGHOUT THE COUNTRY.

WHAT MORE CAN WE ASK?

THE CRITICS OF THIS NOMINEE HAVE RAISED A NUMBER OF OBJECTIONS TO CONFIRMATION. IN MY VIEW THEY DO NOT PRESENT A STRONG ENOUGH CASE TO WARRANT A NEGATIVE VOTE. SINCE I HAVE ALREADY SET FORTH MY ANALYSIS OF THESE OBJECTIONS, I WILL NOT AGAIN BELABOR THESE POINTS, EXCEPT FOR A FEW BRIEF OBSERVATIONS.

FIRST, IT IS SAID THAT HE IS AN EXTREMIST--OFTEN DISSENTING FROM HIS COLLEAGUES. YET HE SEEMS TO REFLECT THE VIEWS OF A MAJORITY OF HIS COURT COLLEAGUES MORE OFTEN THAN ANY OTHER JUSTICE. HE CERTAINLY HAS THE CONFIDENCE OF THE PRESIDENT, WHO IN TURN RECEIVED AN OVERWHELMING MANDATE FROM THE ELECTORATE IN 1980 AND AGAIN IN 1984. IF THAT IS EXTREMISM, THEN THE MAJORITY OF THE AMERICAN PEOPLE FIT INTO THAT SAME MOLD.

IT IS SAID THAT HIS VIEWS ON SCHOOL DESEGREGATION ARE EXTREME--A THROWBACK TO PLESSEY V FERGUSEN AND ITS ABHORRENT SEPARATE BUT EQUAL DOCTRINE. BUT AS EVIDENCE OF THIS ARGUMENT, A THIRTY-FOUR-YEAR OLD LAW CLERK'S MEMO IS CITED. AT THE SAME TIME, THIRTY-FOUR OPINIONS OF THE SUPREME COURT IN THE PAST FIFTEEN YEARS, IN WHICH JUSTICE REHNQUIST EITHER AUTHORED OR JOINED WITH THE MAJORITY, TO UPHOLD THE LANDMARK BROWN VS. THE BOARD, ARE IGNORED. TO ME, THAT IS THE BEST EVIDENCE UPON WHICH TO WEIGH THIS ARGUMENT.

CHARGES HAVE BEEN MADE THAT MR. REHNQUIST ENGAGED IN PARTISAN VOTER INTIMIDATION TACTICS IN HIS TIME AS A PRACTICING LAWYER IN PHOENIX IN THE EARLY 1960S. YET THESE CHARGES WERE MADE BY A GROUP OF AVOWED DEMOCRATIC PARTISANS AND DENIED BY A GROUP OF PARTISAN REPUBLICANS (AND INCLUDING SOME FORMER LOCAL DEMOCRATIC PARTY OFFICIALS). AND WE HAVE THE REPEATED FLAT DENIALS OF INTIMIDATION BY THE NOMINEE HIMSELF. TO ME, AFTER ALL THIS PASSAGE OF TIME AND THE BELATED NATURE OF MUCH OF THE ACCUSATORY MATERIAL, AGAIN THE ARGUMENT MUST FAVOR THE NOMINEE.



I WELCOME PRESIDENT AQUINO'S COMMITMENT TO ABIDE FULLY BY THE BASES AGREEMENT AT LEAST UNTIL 1991. AND I UNDERSTAND THAT THERE ARE GOOD REASONS WHY, RIGHT NOW, SHE MIGHT NOT WANT TO COMMIT HERSELF PUBLICLY BEYOND THAT DATE. BUT I ALSO KNOW -- AND I EXPECT SHE WILL HEAR DURING THIS VISIT -- THAT THERE IS A STRONG FEELING IN THIS COUNTRY THAT THOSE FACILITIES -- OR, AGAIN, SIMILAR FACILITIES ELSEWHERE -- ARE GOING TO BE NEEDED LONG PAST 1991. AND THERE IS SOME CONCERN ABOUT THE VIABILITY OF CLARK AND SUBIC FOR THAT LONGER TERM, ESPECIALLY IN THE ABSENCE OF SOME KIND OF EXPRESSION FROM THE PHILIPPINE GOVERNMENT THAT IT, TOO, SEES MERIT IN THEIR CONTINUED OPERATION. AT THE APPROPRIATE TIME, I HOPE SHE WILL BE PREPARED TO ADDRESS WITH OUR PRESIDENT SOME LONGER-TERM PLANS FOR THE BASES AND THE ROLE THEY PLAY IN ADVANCING THE SECURITY INTERESTS OF BOTH THE UNITED STATES AND THE PHILIPPINES.

A NEW PAGE IN U.S.-PHILIPPINE RELATIONS

WHEN PRESIDENT AQUINO ASSUMED OFFICE, IT REPRESENTED THE TURNING OF A PAGE IN U.S.-PHILIPPINE RELATIONS. THE STORY WRITTEN SO FAR ON THE NEW PAGES HAS BEEN A POSITIVE ONE, OF FRIENDSHIP AND COOPERATION. PRESIDENT AQUINO'S TRIP, I AM SURE, WILL BE YET ANOTHER SIGNIFICANT CHAPTER IN THAT ON-GOING STORY. I WELCOME HER, AND I LOOK FORWARD TO SEEING HER AND HEARING HER MESSAGE TOMORROW.

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