

News from Senator

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JUDGE O'CONNOR BRINGS RICH AND VARIED BACKGROUND TO HEARINGS

WASHINGTON -- Following is a statement by Senator Bob Dole (R-Kan.), a member of the Senate Judiciary Committee, on the opening day of hearings for Supreme Court nominee Sandra O'Connor:

"Judge O'Connor, it is a pleasure to welcome you here this morning. I think all of us are aware that we are participants in a uniquely historic occasion. I need hardly tell you that. For whatever else these hearings may tell us, I have a sense already of your own feeling for the institution to which you have been nominated by President Reagan.

The Central Role of the Court

"The Supreme Court stands at the very center of American life. Its decisions define public policy for decades to come. The words used to explain its reasoning shape the law and its practice for thousands of practitioners and millions of citizens. Not least of all, the Court in recent times has been called upon to render judgments in cases of almost bewildering complexity, fraught with delicate moral or social implications.

"Should you be confirmed and take your place alongside the other brethren, you will undoubtedly find yourself confronted with issues Solomon himself might agonize over. It is not my job, nor does it fall within the realm of senatorial prerogative, to nail down precisely your views on a host of controversial questions you may face on the bench.

Justice Holmes and the Rules of the Game

"But it is useful, I think, to call to mind the words and the example of Oliver Wendell Holmes. Mr. Justice Holmes was a legal interpreter, not an independent policy-maker. When a young friend seized the opportunity to urge him to, as he put it, 'do justice,' Holmes replied with words I sometimes think ought to be cut into the frieze that ornaments William Howard Taft's temple of justice.

"That is not my job,' said Holmes. 'My job is to play the game according to the rules.'

"The Judiciary Committee is faced with the job of examining your prior record and assessing your present qualifications to perform a role with profound impact on American society. Most of all, however, we are here to learn if you, like Mr. Justice Holmes, intend to play the game according to the rules.

A Richly Varied Background

"In this regard, I find it encouraging that you bring to these hearings a rich and varied background. Some justices come to Washington known chiefly as legal educators. Others are Washington lawyers, leaders of the bar, or prominent figures from state and national politics.

"The justices pursue many paths to the Court. But few have won separate reputations, as you have, on the campus, in the legislature, in the practice of law, and on the state bench. Few have arrived in this city with a better insight into the legislative and judicial dichotomy. Having helped to write laws, I expect you have come to appreciate the limitations of statutes alone. Having interpreted laws, I expect you have come to value the continuity of precedent and the wisdom of plain common sense. Of course, as your presence here demonstrates, it is sometimes plain common sense to break with precedent. And, might I add, better 190 years late than never.

Among Friends

"No single act by a president reverberates with greater historical force than his nominations to the Supreme Court. And no senatorial function ranks higher in importance than deciding the qualifications of would-be justices. In that spirit, and cognizant of the special interest that surrounds this nomination, I look forward to ex-

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ploring in detail your judicial philosophy. I would add, Judge O'Connor -- and I think I can summon the ghosts of Roger Taney and Louis Brandeis to my side in saying this -- you are among friends."