

NEWS



Hubert H. Humphrey

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HUMPHREY ANNOUNCES OPPOSITION TO REHNQUIST NOMINATION

WASHINGTON, November 30--Senator Hubert H. Humphrey announced today that he will vote against confirmation of William Rehnquist for the Supreme Court.

"I believe that the political and judicial philosophies that he has espoused . . . would weaken the legal protections which are the Constitutional right of every American," Senator Humphrey said in a statement prepared for delivery on the Senate floor.

His statement cited Rehnquist's positions on civil rights and civil liberties, wiretapping and his philosophy of Executive Branch supremacy.

The Senator previously had announced that he will vote for confirmation of Lewis F. Powell, Jr.

Following is the text of Senator Humphrey's statement:

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I shall vote against the confirmation of William Rehnquist to the Supreme Court.

I believe that the political and judicial philosophies that he has espoused if applied to the Court's role of judicial decision-making would weaken the legal protections which are the constitutional right of every American. His judicial philosophy is clearly out of step with a nation undergoing dramatic economic, political and social change.

I believe members of the Senate would be abdicating their constitutional responsibilities if they failed to examine and evaluate the judicial philosophy of a president's nominee to the Supreme Court. I have carefully reviewed the record of William Rehnquist as a citizen, a lawyer, a member of the Administration and as a nominee before the Senate Judiciary Committee.

I have no argument with his integrity, character or professional competence.

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But William Rehnquist himself argued twelve years ago in the Harvard Law Review that the Senate has every right -- and indeed has a responsibility -- to inquire into the judicial philosophy of nominees to the Supreme Court. In good conscience I cannot support the appointment to the Supreme Court of a man with Mr. Rehnquist's views of the Constitution and the Bill of Rights.

The Supreme Court, the Congress and many state legislatures had firmly committed themselves to equal rights for all Americans when William Rehnquist in 1964 publicly opposed the passage of a Phoenix public accommodations law that would have allowed black people to eat at the city's drug stores and restaurants.

Despite Mr. Rehnquist's change of mind, I find it alarming that it took him so many years to realize what we viewed a businessman's "right" to refuse service to a customer on the basis of race was the denial to an American citizen of his basic constitutional rights.

Every American has the right to change his mind. But even in 1967 Mr. Rehnquist boldly wrote that ". . . we are no more dedicated to an 'integrated' society than we are to a 'segregated' society." This excerpt from a letter to the editor of a Phoenix newspaper was part of Mr. Rehnquist's efforts to oppose integration of the Phoenix public schools.

I believe that a man who sits on the Supreme Court cannot view integration and segregation as dispassionately meriting equal consideration. As late as three weeks ago, Mr. Rehnquist was given several opportunities by Senator Bayh to disassociate himself from this philosophy during the Judiciary Committee's hearings. He did not do so.

The law can achieve what violence and force can never accomplish. The law is the only effective weapon that can secure equal rights for all Americans. I find in Mr. Rehnquist's interpretation of the law a total unwillingness to use it for these ends.

At a time when so many Americans feel powerless in the face of an all-powerful government and corporate world, William Rehnquist has chosen to interpret basic constitutional questions construing the rights of the individual citizen in a very narrow fashion.

Mr. Rehnquist has strongly defended the broad powers of the Executive Branch to violate the principles of privacy and equal protection under the law. He has continually supported the Executive branch's drive for a dominant position among the branches of government. His position violates the constitutional principle of checks and balances.

At a time when Executive power is magnified, judicial emphasis will serve only to weaken the role of the Congress.

Our judicial institutions do not exist in a vacuum apart from political and legal currents of American society. If they did, they would soon become antiquated bodies removed from their role of insuring that we live in a just and free society.

The Constitution is a living document. It must be applied and interpreted in light of the times and conditions in which we live.

As the Supreme Court deliberates in the years to come the basic principles of the separation of powers, the integrity of the Federal system and constitutional rights of all Americans will be at stake.

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Not to be forgotten as crucial judicial issues are the rights of the accused in criminal proceedings, the development and nature of our economic institutions, the role of government in the continued social and economic development of this nation and the important right of peaceful dissent in opposition to governmental policies. Yes, a great deal will be at stake.

As a Senator, I have the right and the duty to oppose a nominee's confirmation to the Supreme Court if I believe that he would impede the efforts of our nation to come to grips with important social, economic and political dilemmas which we face today.

The judicial philosophy of William Rehnquist clearly endangers the principles of freedom and human dignity which are the cornerstones of our constitutional protections.

I am opposing William Rehnquist's confirmation on these grounds.

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