

## *Little Billy Rehnquist*

INSIDE EACH OF US the little boy or girl still hides. We may even dress up in private—put on a soldier suit or a silly hat and sneak a peek in the mirror. If we have been careful in our choice of profession, we are even allowed to dress up in public. Look at RuPaul, say. Look at Oliver North testifying in his cool Marine threads. Or look at William Hubbs Rehnquist in his black robe with fat gold stripes that make him The Biggest Justice of All.

But underneath that robe hides the same little scamp, Billy Rehnquist, who used to run around the neighborhood terrorizing minority voters.

Return with me now to those innocent days of yesteryear.

IT IS ELECTION DAY in November of 1962. We are in Phoenix, Arizona, where a young former Supreme Court clerk is doing his unlevel best to see that Barry Goldwater is elected president. The young man, William H. Rehnquist, Esq., has been director of “ballot security” operations for the local Republican Party since 1958. On this day he is the sole Republican official at a polling station in south Phoenix, which is overwhelmingly African-American, Hispanic, and Democratic.

On that same day in Phoenix another young lawyer, James J. Brosnahan, is sitting in the office of the United States Attorney in Phoenix. Mr. Brosnahan, a graduate of Harvard Law School, is an assistant U.S. attorney.

Complaints of voter harassment are pouring in from precincts in south Phoenix. Republican challengers are said to be breaking the federal law which makes it a crime to “intimidate, threaten, or coerce...for the purpose of interfering with the right to vote.”

Mr. Brosnahan is dispatched, along with an FBI agent, to investigate these charges of voter intimidation. Mr. Brosnahan’s sworn testimony before the Senate Judiciary Committee in 1986 follows:

“The complaints we received alleged in various forms that the Republican challengers were aggressively challenging many voters without having a basis for that challenge...

“Based on my interviews with others, polling officials, and my fellow assistant U.S. attorneys, it was my opinion in 1962 that the challenging effort was designed to reduce the number of black and Hispanic voters by confrontation and intimidation...

“When we arrived, the situation was tense. At that precinct I saw William Rehnquist, who was serving as *the only Republican challenger* (emphasis added). The FBI agent and I both showed our identifications to those concerned, including Mr. Rehnquist...The complaints did involve Mr. Rehnquist’s conduct. Our arrival and the showing of our identifications had a quieting effect on the situation and after interviewing several witnesses, we left. Criminal prosecution was declined as a matter of prosecutorial discretion...

“I have read the testimony and letter supplied by Justice Designate William Rehnquist to this committee in 1971...He describes his role in the early 1960s as trying to arbitrate disputes at polling places. That is not what Mr. Rehnquist was doing when I saw him on Election Day in 1962.

“At page 491 of the 1971 Record in his letter, William Rehnquist stated: ‘In none of those years did I personally engage in challenging the qualifications of any voters.’ This does

not comport with my recollection of the events I witnessed in 1962 when Mr. Rehnquist did serve as a challenger.”

LET’S BE FAIR, though. After all, Little Billy Rehnquist has come a long, long way from those early days in Arizona. It is 2,300 miles from south Phoenix to Washington.



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