

Mr. HUGHES. Thank you.

The CHAIRMAN. Now I say to my colleagues on the panel here, on the Judiciary Committee, that there are at this moment no more public witnesses.

We will not vote on this nomination until shortly after resuming the Senate session when you all can—you are welcome to stay and listen to our business, but you are also free to go. Thank you.

We will vote shortly after we return. We will be back on the 25th, and it would be my intention to schedule an executive committee meeting shortly after that time, as is appropriate, when we know we are all going to be here. And we will keep the record open between now and the time we return, for any additional testimony that any of our colleagues, or any public witnesses would like to put in.

I indicated to Judge Kennedy that I have some questions that I will submit to him in writing, and any of my colleagues who may have them also, may have questions. I do not have, at this moment, any intention of asking Judge Kennedy to come back, but the committee reserves the right to do that, and I would expect, after having spoken to the leader, Senator Byrd, that shortly after we vote, assuming we vote favorably—or unfavorably, because it is still my intention, regardless, that the full Senate get a chance to vote on this—that there will be a scheduled vote in the Senate, I am told, as shortly thereafter as Senate business permits.

I thank my colleagues for their attendance, and all those witnesses who have appeared, and the Committee stands in recess at the call of the Chair.

Senator THURMOND. Could I say a word?

The CHAIRMAN. Yes. Sure you can, Senator.

Senator THURMOND. Mr. Chairman, since the testimony is all in now except some written statements to come in, I just want to make a statement about the hearing.

The ABA, American Bar Association Committee screens the judges, and they have given Judge Kennedy the highest rating they could give him, "well-qualified." That means that they feel he has integrity, judicial temperament and professional competence.

There is no one who has disputed that testimony during these hearings. None of the witnesses have taken issue with that point. I think the testimony shows here clearly that Judge Kennedy is a profound student of the Constitution and that he will construe the law and the Constitution in the best interests of the public.

I think also that the evidence shown here is that he is an independent thinker and that he answers questions here in an honest and forthright manner, which is very admirable. I think also that the testimony showed that Judge Kennedy is open-minded, that he believes in stare decisis, but that in cases where warranted that he would feel free to take another course; that he would give careful consideration to every case that he hears, and that he also shows compassion.

I think the testimony showed, too, that he does not in any way appear to be prejudiced against anyone on account of his race, his color, his sex or national origin or religion. I think also the evidence is clear that from his practice of law and his service as a pro-

fessor of law and as a judge on the bench that he has gained the respect and admiration of those with whom he has come in contact.

The very fact that we had lawyers here from Sacramento, California, his home city, who testified so clearly in his behalf—Nathaniel S. Colley, Jr., who is a partner in Colley, Lindsay and Colley in Sacramento, a black man, gave strong testimony for him, and also these other witnesses from Sacramento indicate the admiration and esteem in which they hold Judge Kennedy.

I think all of the testimony, in general, shows that he is a man of convictions; he is a man of ability, he is a man of wisdom, and a man of intelligence. I think he possesses all the good qualities that we need in a Supreme Court Justice.

Also, I am convinced too from his testimony and his record throughout his career that he has great respect for the majesty of our system of government, which I think is extremely important. The American Bar did not consider that, but in my opinion that is a criteria that is very valuable and should be considered.

So, for all of these reasons I am thoroughly convinced that Judge Kennedy should be confirmed by this committee and should be confirmed by the Senate, and I predict that that will take place.

Now, Mr. Chairman, in closing, too, I want to take this opportunity to again compliment you during the hearings on Judge Kennedy for your unflinching courtesy, for your usual fairness, and your evident dedication to seeing that these hearings went off in the right way, and that has contributed largely to the smoothness with which these hearings have gone.

We will look forward to the vote in January, and if you wish to fix a date now, we can agree on that.

The CHAIRMAN. I promise the Senator we will vote very shortly after returning. The Senate schedule is not even permanently set at this point, to the best of my knowledge, and I can assure the Senator we will vote before the month is out.

Senator THURMOND. Your word to me is as good as gold that we will vote soon after we return. That is a reasonable commitment. I congratulate you and, again, thank you for all you are doing to make these hearings go so well.

The CHAIRMAN. Thank you.

Do either of my remaining colleagues have anything they would like to say?

Senator HEFLIN. Well, I just look at the Chairman and the ranking member having this love feast right now. [Laughter.]

I would like to comment about the Chairman. I think he has moved expeditiously, but reasonably, and has done a fine job and a very fair job in chairing these hearings.

The CHAIRMAN. Well, I thank you—an unnecessary comment, but appreciated.

Do not feel obliged to say anything, Senator. The hour is getting late, but the Senator from Pennsylvania.

Senator SPECTER. With less than 30 seconds, I have stayed through the concluding proceedings for the purpose of expressing my congratulations to you, Senator Biden, for the conduct of these hearings, for starting them so promptly.

The CHAIRMAN. Thank you.