

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-