

Holmes said that "A page of history is worth a volume of logic," and certainly 200 years of history is not irrelevant, so I think we are in a better position. The answer is, I think we are in a much better position.

And the other point is that over time the intentions of the framers are more remote from their particular political concerns and so they have a certain purity and a certain generality now that they did not previously.

The CHAIRMAN. I think I will stop there. I will reserve the balance of my time.

The Senator from South Carolina.

Senator THURMOND. Thank you, Mr. Chairman.

Judge Kennedy, I want to commend you for the astute manner in which you have answered the questions during this hearing. You have answered them with credibility and with knowledge. You have shown the great respect you have for the Constitution of the United States, which, in my opinion, is the greatest document that has ever been penned by the mind of man for the governing of a people.

You have shown that you are an independent thinker. In other words, you will draw your own conclusions after you get the facts. And you have shown a knowledge of the construction of the Constitution and the law, which I think is to be admired by all, and that it is your desire to construe it for the best interests of the American people.

On the question of issues, you have impressed me as being open-minded and will give careful consideration. You will follow stare decisis unless there is some overriding reason why you would act differently. For instance, in *Plessy v. Ferguson* the Supreme Court reversed itself. There may be instances in the future in which they will reverse themselves, and you would not hesitate to reverse a decision if you felt it was the right thing to do.

You have shown I think that you are not prejudiced and that you will be fair to all. I have been deeply impressed with your testimony. And I am not going to take more time at this point, I think we can all cut these questions short. I think they have had a chance to size you up, and the only conclusion they can reach is you are a good man and ought to be confirmed.

Judge KENNEDY. Thank you very much, Senator.

The CHAIRMAN. You don't object to that, do you?

Judge KENNEDY. Not at all. I appreciate the Senator's most gracious remarks.

The CHAIRMAN. The Senator from Ohio.

Senator METZENBAUM. Judge Kennedy, I have some questions in the antitrust area, and I know that is not your special field of expertise, so I am not going to get into what I call the nitty-gritty of some of the Court decisions.

Judge KENNEDY. Well, I know that it is yours, Senator, so I would be pleased to learn.

Senator METZENBAUM. Pardon?

Judge KENNEDY. I know that it is yours, so I would be pleased to learn.

Senator METZENBAUM. Well, I will at least make an overall inquiry.