

**TESTIMONY OF PANEL CONSISTING OF HAROLD R. TYLER, JR., CHAIRMAN; J. DAVID ANDREWS, MEMBER, NINTH CIRCUIT REPRESENTATIVE; JOHN C. ELAM, MEMBER, SIXTH CIRCUIT REPRESENTATIVE; AND JOHN D. LANE, MEMBER, FEDERAL CIRCUIT REPRESENTATIVE, STANDING COMMITTEE ON THE FEDERAL JUDICIARY, AMERICAN BAR ASSOCIATION**

Judge TYLER. Thank you, Mr. Chairman, and good morning, gentlemen.

We on the American Bar Association Standing Committee for the Federal Judiciary commenced our investigations in respect to the nominee, Judge Anthony Kennedy, on November 11th. We finished our work on December 7th, and I reported in short form on behalf of the committee to Chairman Biden that we had unanimously concluded that we should rate Judge Kennedy as well qualified for consideration for the Supreme Court of the United States.

As the members of the Senate Judiciary Committee are certainly aware, the rating of well qualified is the highest rating under our procedures that we could possibly vote for any Supreme Court candidate.

In the course of our investigation, we interviewed in excess of 480 judges, practicing lawyers and people in academic life in the legal world across this country. We asked the three law schools in the United States—the University of Pennsylvania Law School, the Vermont Law School, and Fordham University Law School—to assist us in appraising and reviewing the opinions of Judge Kennedy, more than 430 in number. A team of lawyers in my own office also assisted us in reviewing the opinions of the nominee.

I should hasten to add that, in addition, three members of our committee interviewed Judge Kennedy face to face in San Francisco, California, on or about November 30th.

As a result of that investigation which I have summarily described, we as a committee met and unanimously concluded that Judge Kennedy was entitled to our highest rating.

I will say no more, Mr. Chairman, subject, of course, to any questions which you wish to pose in the course of our appearance here this morning.

[The statement of Judge Tyler follows:]