

It is a little bit like an FBI investigation. It is a little like saying that the FBI, that everything will be said and the FBI file will be released.

Some of what you hear is hearsay. Some of what you hear is gossip. Some of what you hear is substantive. And you make a judgment and direct it toward us.

I do not want to belabor it. But really, at some point, I think it warrants, and with good reason—I am not being in any way disrespectful to the point of view of my colleagues. I think we in the committee should debate this, whether or not to have the bar association at all.

Mr. ELAM. Senator Biden—

The CHAIRMAN. I yield to my colleague.

Senator GRASSLEY. The remarks that Mr. Andrews just made about what a lawyer does in regard to reviewing a judicial nominee who he might have to appear before sometime in the future, you know, I've heard this before. It was 30 years ago as a freshman member of the Iowa legislature that I listened to Judge Harvey Uhlhopp, of the Iowa supreme court and a leader of the reformation of the Iowa judiciary. Incidentally, I think we have a pretty decent judicial system in Iowa.

But Judge Uhlhopp used that very same argument then. He was comparing the need to change the Iowa system so that it would be more like the federal system, because he said we had to be careful. We could not have judges running for office, with lawyers campaigning for and against each other, because after the election, they might have to appear in the courtroom of the winning candidate someday.

And, for over 30 years, the ABA has reviewed nominees for the federal judicial system—a system that many States like Iowa have emulated. Yet, there is still the "future appearance before the judge" problem, as I see it.

Senator HEFLIN. Mr. Chairman, might I—

The CHAIRMAN. No, I yield to the Senator who has been seeking recognition from Massachusetts, and then we will go to you.

Senator KENNEDY. I know we want to move on.

Senator HEFLIN. Well, I would like to be heard.

The CHAIRMAN. I know you would like to be heard, but he sought recognition first.

Senator HEFLIN. Well, I know, but you said after him you were going to someone else.

The CHAIRMAN. Because he had not had an opportunity to speak yet.

Senator HEFLIN. Well, I am merely trying to comment on this one issue.

The CHAIRMAN. We will do our post-mortem after Senator Specter has completed.

Senator KENNEDY. Mr. Chairman, I appreciate it.

I just want to sound perhaps a discordant note, and commend Judge Tyler and the panel that is here today for the work that they have done on these various nominations.

I think it is a commitment and a dedication to public service that Judge Tyler has been associated with over the course of his life, and which the bar association has also performed.

It is a thankless job. And I think they have done well.

It is interesting, Mr. Chairman, at this point in the course of the hearings on Judge Kennedy that the real controversy is still Judge Bork.

And I think that the American people are beginning to understand it. Because in the course of the two days of hearings, they have seen that Judge Kennedy's America is quite different from Judge Bork's America.

The American Bar Association understood that. This Senate Judiciary Committee understood it. The United States Senate understood it. And America understood it.

And because of that, I believe that the cause of justice in America is better served. In spite of, quite frankly, the sour grapes of some of our friends on the right about a battle that has been long ago fought and decided.

And I just want to express my own appreciation for the work of these witnesses. And I have hope that after Senator Specter has an opportunity to speak, that we can get on with the other witnesses who will speak of the qualification of the nominee who we are charged to evaluate as members of this Senate Judiciary Committee.

I thank the Chair.

The CHAIRMAN. I apologize to the Senator from Pennsylvania for the two interventions. I will go back to the Senator from Alabama upon conclusion of the Senator from Pennsylvania's 15 minutes or less of questioning.

Senator SPECTER. Thank you, Mr. Chairman.

At the outset, I want to agree with both Senator Kennedy and Senator Grassley. [Laughter.]

Senator METZENBAUM. No wonder you got elected.

Senator SPECTER. Speaking as a long standing member of the American Bar Association and as a member of this committee, I do applaud your work.

But I think that Senator Grassley has raised some questions which are very, very important. And I do disagree just slightly with Senator Kennedy. I do not think we are talking about Judge Bork here today on this issue; I think we are talking about Judge Ginsburg on this issue.

Judge Tyler, with all respect, not just due respect, because I have tremendous respect for what you have done in a public service way, and especially what you are doing now pro bono, I do not think that it really advances our interest here to say that it ill behooves the committee to spend more time on the issue of the disclosure by the anonymous ABA member, or to say to Senator Grassley that you cannot imagine anybody missing the point.

I do not believe that on this record the point has yet been established. And I believe, without being unduly repetitious, that it is a very important point. And I took the time to write to you separately back on November 11 concerning this issue.

And I will ask that my letter and your response be made a part of the record at the conclusion of our discussion.

The CHAIRMAN. Without objection, it will be.

Senator SPECTER. And just a couple of lines from my letter. I said, as hard as it is to do, I hope that you will make every effort to