

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.