

The CHAIRMAN. Thank you, Dean. Professor Levin?

Mr. LEVIN. Thank you, Mr. Chairman, members of the committee. It is a privilege to appear before you. I have submitted a prepared statement which may be included in the record. I will make resolve—

The CHAIRMAN. It will be, in its entirety.

Mr. LEVIN. Thank you. I will make these comments very brief.

I came to know and to admire Judge Kennedy some 10 years ago. From 1977 to 1987, I had the great privilege of serving as Director of the Federal Judicial Center, and it was in that connection that I came to know Judge Kennedy.

Let me begin with more recent events. In March of this year, Judge Kennedy was elected by the Judicial Conference of the United States to be a member of the Board of the Center. By statute, only two judges of the United States Courts of Appeal serve on the Board at any one time, and Judge Kennedy was one.

By design, it is a very small Board. Including the Chief Justice who presides, there are only eight members. There is great diversity among the members, but by tradition, they have all been of truly superior quality, and Judge Kennedy was elected/selected in that tradition.

Shortly after his election to the Board, I visited him for an extended visit in his Sacramento chambers, and I recall then being struck by and reporting back to my colleagues about his probing questions and brilliant insights concerning both the Center and broader questions of judicial administration.

He has been most conscientious in the discharge of his duties. I had the opportunity to observe him in connection with the selection of a new Director of the Center. That is Judge John C. Godbold of Alabama, a former chief judge of the eleventh circuit and the fifth circuit.

Judge Kennedy demonstrated a very high standard of his notion of his personal obligation to probe, to assure himself, to verify, and so on. That is just one example.

His reputation had preceded him. Over 10 years, I have observed that he enjoys the esteem of his colleagues, and in one sense, it is almost remarkable that it is all across the spectrum of judicial thought. And it is also true in the academic community as well.

Sometimes the law favors the hearsay of reputation evidence even over that of one person's knowledge and opinion. In this case, I suggest to you that, based both on reputation and personal experience and knowledge, I believe this nominee will make a truly great Associate Justice of the United States Supreme Court.

Thank you.

[The statement of A. Leo Levin follows:]