

into account; that he treat people's rights, whether they be against or for a ministerial function denial, the same as—those are treated the same as when they are seeking to vindicate their rights against an institution that he may be feeling comfortable with.

Senator SPECTER. Thank you very much.

Mr. MARTINEZ. Thank you.

The CHAIRMAN. Do you have any reason to believe that this process we are going through now will impact positively on that prospect?

Mr. MARTINEZ. I do. I think questions that you bring out, certainly as I have been hearing today, are of immense assistance to everyone.

One, they are brought out in frank discussion. I think that is a commitment we all have, to frankly discuss this.

Secondly, I think what happens is, it causes people to think. The transition we are going through here today is one from follower to leader.

I do not think anyone has mentioned that. We are going from a judge who is reviewing cases on appeal who says, hey, if I'm wrong, come back; or someone will tell me I am wrong.

So often in his cases he says, maybe the polling places, there was something wrong with that. Or maybe if the school district has not remedied the segregation, come back.

An impractical solution, from our viewpoint, because it takes money and time when you are dealing with people who are so devastated by that they cannot afford to come back.

But more than that they are saying, someone may correct me. But now—now—he is the one setting the precedent. He is the one who must provide the leadership.

He is the one that will tell us what you intended when you passed a certain law. And it is with the most recent laws that affect civil rights that he has had the most problems: the 1968 Fair Housing Act; the Voting Rights Act; the 42 U.S.C. 1983, the recent interpretations.

Those are the ones he has problems on. Why? Because those are the ones that get to the very heart of our establishments, and whether they act correctly, whether they always provide the equality that we say we stand for.

I think these hearings bring these questions not only into focus, but a man like Mr. Kennedy who I feel I know from reading so many of his opinions now and doing analysis, and discussing him with so many of my colleagues across the country is a man who will take this to heart; is a man who will search his own soul and say, maybe that is something I can do better at.

And we in the Hispanic bar association intend to assist him with that, as we do with all judiciary. What we intend to do is invite him to our national convention in Albuquerque next September so that he can affiliate with over 500 Hispanic attorneys in one place. And we can educate him and he can educate us.

The CHAIRMAN. Mr. Martinez, notwithstanding the fact that you came last, I think it is good that you are toward the end. Because quite frankly I think you may have, in the last 3 days, had the most significant insight into this whole process.

I think what you have just explained and articulated is the most significant thing that has been said in 3 days.

I for one believe you are correct. I have grave doubts about Judge Kennedy; grave doubts. And quite frankly if I was certain that he was going to rule on the Bench in the Supreme Court exactly how he has been for the last 52 years of his life, I do not see how I could vote for him, to tell you the truth; it would be awfully tough.

But I know from my own experience of standing for office, I know that all of us up here, what the educational process is.

Most of us, all of us, are a product of our background and our culture. As a matter of fact, you and I had a discussion. I asked for your help.

I come from an area where I think I am as attuned as any white American can be to the problems of black Americans, because it is where I come from; it is what I am part of.

But I did not grow up in an area or a community where there were large Hispanic, or even small Hispanic, populations. I mean it was just nonexistent.

And exposure and education are important. It wasn't until 3 years ago that I realized the extent to which Hispanic Americans have been simply the victims of prejudice in the most extreme way; as extreme as any black American in this country have been, particularly in the Southwest, but also in other parts of the country.

And how many civil rights leaders there are, and great heroes there have been.

And so this has had an impact on me, and I think I started out way ahead of the game. And I suspect that same process of going through this will have the same impact on Judge Kennedy. At least that is my fervent hope.

And I thank you for waiting. And I still think you have time to catch your plane. You have half an hour, and it only takes about 14 minutes with luck; 18 minutes without luck; half hour if you are in trouble. So you better go.

Mr. MARTINEZ. Thank you very much.

The CHAIRMAN. Thank you very, very much.

Now, the rest of the panel and those who are waiting to testify, I thank you very, very much for your indulgence.

But this is in fact, as you can tell by the questions and the interest, this is really the first real opportunity we have had to speak to the concerns of a group of a significantly large majority in America who we have not had an opportunity to—we have not had much chance to question, nor have representatives of the community spoken beforehand.

Having said that, now let us—I forget now even the order we were going in. Who would be next, based on the way I called it?

Ms. Feinberg, you will be next. Then I guess it was Mr. Wallace we called next. And then, Kristina, you will be next.

And then we will ask questions of all three.

Ms. Feinberg, thank you.

Ms. FEINBERG. Mr. Chairman and members of the committee, my name is Audrey Feinberg. I am a New York City attorney, and I am appearing on behalf of the Nation Institute, a private foundation dedicated to protecting civil liberties and civil rights.