

Professor BATOR. Mr. Chairman, I have known Judge Kennedy since he was a student at the Harvard Law School, and was a student in my class in administrative law. But that is not his only qualification for being on the Supreme Court.

I have followed his career since then with attention and admiration. I will be very brief because it seems to me that the song that is being sung at these hearings is very clear. Judge Kennedy is one of the most admired and admirable judges on the federal bench.

The CHAIRMAN. Excuse me. Would you all please clear the hearing room, and would the officer ask them to carry the conversation out the door, please. Thank you. I am sorry.

Professor BATOR. He is admired, and an admirable judge, and he is admired and is admirable for his qualities of care, fairness, thoughtfulness, openmindedness, and devotion to the rule of law.

He clearly is one of the outstanding jurists of the country. He does not have an explicit dogmatic constitutional philosophy, it seems to me, but underneath his opinions there appears a very firm philosophy of devotion to justice, devotion to law, of modesty and restraint in exercising the power, the immense power of the judge, and the courage and the willingness to speak out on behalf of the law and the Constitution, where that is required.

He has made an enormous impression, in his quiet way, on the law of the country. He is eminently qualified to be a Justice of the U.S. Supreme Court.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Professor, you are one of the eminent professors in the country. In light of the hour, I yield to my colleague from Pennsylvania.

Senator SPECTER. Thank you very much, Mr. Chairman. Professor Bator, thank you for joining us, but I think I will waive any questions at this time, too.

The CHAIRMAN. Professor, you are welcome to catch your plane.

Professor BATOR. Thank you very much.

The CHAIRMAN. We appreciate your testimony and I am going to literally give you a copy of those questions on the way out the door, if I could. Thank you.

I thank the rest of the panel for being so gracious. Now if we could hear testimony in the order in which you were called. Mr. Plant, if you would be first.

Mr. PLANT. Thank you, Mr. Chairman and members of the committee. I am an attorney-at-law engaged in private practice in Sacramento, California. I am a past president of the State Bar of California and of our Sacramento County Bar Association. I am appearing before you to vigorously and enthusiastically support the nomination of Judge Kennedy from the perspective of a practicing lawyer in his hometown, who has for almost 25 years known Judge Kennedy as a lawyer and then as a judge, both personally and by his local reputation.

As a practicing lawyer, he was known for absolute integrity, for hard work, for superior intelligence sensibly applied to his client's problems, for accommodation and fairness in his dealings, for high quality work and excellent results.

I can personally attest to those qualities having dealt with him, and I particularly recall an instance where we were in some hard

negotiations regarding mineral rights, representing clients with adverse interests. They were difficult negotiations but were amicably and mutually settled to the satisfaction of our clients, due in no small part to his contribution to that process.

Although that was many years ago and was early in his career, those same qualities, which to my mind are essential for a fine judge, have marked his service as a judge.

Now there are other witnesses who have appeared before you who are better able than I to comment on his legal decisions, but I am here from the standpoint of personal knowledge and local reputation to tell you that Judge Kennedy possesses in full measure the necessary traits for the high position to which he has been nominated.

He is extremely industrious. He is very intelligent. He is scholarly, as shown not only by his legal opinions but his long service as a professor at law school. He is very objective. He is, as many witnesses have already told you, open-minded, and collegial in his operations, not doctrinaire, not inflexible. He is firm but sensitive and compassionate.

Also I must tell you that based on 38 years of practice and much of it in the courts I believe that the qualities of a judge, of a fine judge are the qualities of a fine person, and Judge Kennedy has those qualities. Bad news travels very fast in Sacramento, and I have never heard anything either by rumor or personal knowledge which in any way would shed doubt on him as a man of the highest integrity and probity.

I urge this committee to make a favorable recommendation on the confirmation of Judge Kennedy.

[The statement of Forrest A. Plant follows:]