

yet dictate the outcomes of litigation. So I don't think there is anything unusual about that, and I am well aware of the situation in Pasadena.

Now, with reference to *TOPIC v. Circle Realty*, that was a narrowly decided case. I don't guess there is anything wrong in telling you that I talked with Judge Kennedy about that case, because he knew of my concerns about discrimination in housing.

His explanation to me was that he certainly harbored no animosity toward anybody, but he honestly thought that the section of the law which that case was brought under did not allow parties who were not discriminated against—community groups such as this—to bring an action directly in court.

He felt that the law required them to go through the administrative process, and he felt that the administrative process was really in many ways far superior to the long, drawn-out court actions.

So there was nothing in that case which expressed any view of race and housing so far as minorities are concerned.

The CHAIRMAN. I thank you, and I thank my colleagues for allowing me to go over a little bit of my time. The Senator from South Carolina.

Senator THURMOND. Thank you very much, Mr. Chairman. First, I want to express my appreciation to the witnesses who came here today to testify in behalf of Judge Kennedy.

Now, as I understand, Mr. Cartwright, you know Judge Kennedy personally.

Mr. CARTWRIGHT. Yes.

Senator THURMOND. How long have you known him?

Mr. CARTWRIGHT. Oh, 15 or 20 years.

Senator THURMOND. Mr. Colley, how long have you known him?

Mr. COLLEY. About the same time.

Senator THURMOND. Mr. Plant, how long have you known him?

Mr. PLANT. About 25 years.

Senator THURMOND. Now, Ms. Kuhl, do you know him personally?

Ms. KUHL. I do, Senator Thurmond. I have known him about 10 years. I was—

Senator THURMOND. Are you from Sacramento?

Ms. KUHL. I was his law clerk in 1977.

Senator THURMOND. A law clerk. Ms. Kepley, do you know him?

Ms. KEPLEY. I have not had the privilege of knowing—

Senator THURMOND. I can't hear you.

Ms. KEPLEY. I have not had the privilege of meeting Judge Kennedy as of yet.

Senator THURMOND. So four of you have known him personally, and you know him through reputation, do you, Ms. Kepley?

Ms. KEPLEY. Yes, sir.

Senator THURMOND. You have studied his cases and his records, speeches, and so forth?

Ms. KEPLEY. Yes, sir.

Senator THURMOND. Now, from your personal knowledge of Judge Kennedy, and the knowledge Ms. Kepley has obtained from studying his record, speeches, decisions, and so forth, I want to ask you this question.

The American Bar has said that they consider three qualities in determining whether a judge to the Supreme Court is qualified—integrity, judicial temperament, and professional competence.

I want to ask you a simple question, and I wish you to answer yes or no. I don't think you need to go explaining because it explains itself. Do you feel that Judge Kennedy—and I will start with you right on this end—do you feel he is qualified by those qualities to be a member of the Supreme Courts of the United States.

Mr. CARTWRIGHT. I do, Mr. Thurmond.

Mr. COLLEY. I believe he is exceptionally well qualified by that standard and additional standards as well.

Mr. PLANT. I resoundingly feel that he is extremely well qualified.

Ms. KUHL. Judge Kennedy is extremely well qualified by the ABA's criteria or any other criteria.

Ms. KEPLEY. Absolutely. Yes, sir.

Senator THURMOND. I want to ask you this question. Do you know of any reason why he should not be confirmed by this committee and the Senate? Is there anything of a particular nature that is not covered by those three qualities that the ABA considers? Do you know of any reason whatsoever why he should not be confirmed? Is there anything in his personal life or anything in his career history, or any other reason? Do you know of any reason why he should not be confirmed?

Mr. CARTWRIGHT. I don't know of anything.

Mr. COLLEY. Not at all. I have never heard anybody in Sacramento utter a bad word about him.

Mr. PLANT. And I previously testified to the same effect.

Ms. KUHL. I know of no reason he should not be confirmed, Senator Thurmond.

Ms. KEPLEY. I know of no reason why he should not be confirmed.

Senator THURMOND. Now, Mr. Colley, I want to say that Congressman Matsui testified here, and he told us to listen especially to your testimony. He said you knew him so well, and I guess he wanted to explain certain portions of his testimony and to be substantiated by your positions.

Mr. COLLEY. When an unknown comes before you, somebody has to go ahead and warn you that somebody is coming, and describe that person.

When you come to the President of the United States, they just say, "Ladies and gentlemen, the President of the United States." If a country lawyer from Sacramento comes, you need a big press release, a Congressman to tell how great you are, and all the rest.

Senator THURMOND. Well, I want to commend you, too. I know you have had to overcome a lot of obstacles to get where you are today, and I just want to commend you for what you have done, what you have accomplished.

Mr. COLLEY. Thank you.

Senator THURMOND. Now, Ms. Kopley, I believe you represent an organization, Concerned Women for America.

Ms. KEPLEY. Yes, sir.

Senator THURMOND. That is the same organization, I believe, of which Ms. Beverly LaHaye is the president?

Ms. KEPLEY. Yes, sir, that is correct.

Senator THURMOND. She has testified here in the hearing for Judge Bork.

Ms. KEPLEY. Yes, sir.

Senator THURMOND. She made a very fine impression. One of the finest witnesses that we have had come before us.

Ms. KEPLEY. Thank you for your very kind words.

Senator THURMOND. And from her testimony, I gained good respect for that organization. I just want to tell you that.

Ms. KEPLEY. Thank you very much.

Senator THURMOND. Again, I want to thank you all for coming, taking your time, and testifying. I think you have taken the right side. I agree with you.

Thank you very much.

The CHAIRMAN. Before you dismiss them all, Senator, the Senator from Ohio.

Senator METZENBAUM. Ms. Kepley, I don't want to question you about the substance of your testimony, nor about your position, but I've sat through a number of hearings in which I've heard about Concerned Women for America.

There are eleven million people in Ohio, and I've looked around for Concerned Women for America in Ohio, and can't find any, and I know that you always talk about the organization being a catalyst through which over 500,000 women nationwide voice their opinions, and seek solutions to the problems which affect the future of American men, women and families.

Now, I think Ms. LaHaye says you don't have 500,000 members, but that that number has to do with women who have written in or something.

Tell me exactly where you get that 500,000 figure.

Ms. KEPLEY. I will be happy to clarify that for you, sir, and furthermore, we do have membership in Ohio, and I'm sure that—

The CHAIRMAN. They'll come and visit you shortly.

Ms. KEPLEY [continuing]. We'll have some people come and visit you very shortly, that's right.

Senator METZENBAUM. That's fine. I haven't heard from them yet. I'll be glad to hear from them.

Ms. KEPLEY. We would be happy to do that, Senator Metzbaum.

Senator METZENBAUM. I'll be glad to do that. How many members do you have in the country?

Ms. KEPLEY. We have over half a million members.

Senator METZENBAUM. And how do you become a member? Do you pay dues?

Ms. KEPLEY. I would be happy to clarify that for you. Our membership is composed of people who have either supported us actively on the grassroots level, or they have supported us financially, or both.

Quite frankly, Senator, we have members who are senior citizens who are on Social Security, and they cannot afford to donate financially, and so we give them complimentary memberships.

So we have those who are both active on the grassroots level, or those who financially support us, or both.