

ency. And, in the courtroom when there is an inconsistency, and when there are witnesses that come up behind a chief witness and there is such inconsistency, and I think he said this, and someone else thinks he said that, then it is time to find out really what is thought.

And the philosophies of the jurists are going to be different, and I think that people on either side of the issue have to gain by clarity. I am concerned about the potential of executive branch influence preventing the purity, the truth, and the clarity of this man's thinking.

The CHAIRMAN. Thank you very much. I would point out for the record that the reason we didn't use to ask questions is they use to just summarily vote against nominees based on their philosophy. I am one who thinks philosophy always has been taken into account. The more the President takes it into account, the more the Senate historically has taken it into account. When he doesn't, the Senate doesn't. When he does, the Senate does.

And I might point out just for the record—I can help the Senator—Earl Warren, he asked about Earl Warren, was Governor of the State of California for 10 years. He was a Vice Presidential nominee in the Republican Party. He was a district attorney, and he had a distinguished legal career.

Justice Felix Frankfurter was assistant attorney for New York.

Senator SIMPSON. Well, Mr. Chairman, I really don't need that rehabilitation. I was talking about the issue of judicial experience. I know what those men did. I will take judicial notice of that.

The CHAIRMAN. Right.

Senator SIMPSON. I don't know what is appropriate about that. I was responding to the issue of judicial experience, and that is only what I was responding to.

The CHAIRMAN. I misunderstood you. Because the men you named, with the exception of Warren, were the most distinguished lawyers in America at the time they were nominated. The most distinguished lawyers in America by everyone's account.

Senator SIMPSON. Let the record show that I would concur with that, and let the record also show that none of them had one whit of legal judicial experience.

The CHAIRMAN. Now, having said all that, let me yield to—no, I am not going to yield to you—

Senator SIMON. I thought you were going to skip Senator Specter.

The CHAIRMAN. No, I wasn't going to skip him. You are looking out for him, and I appreciate that. I was looking to see if Senator Kohl had come in. He has not. I yield to my friend from Pennsylvania. The hour is getting late, and the Senator from Wyoming and I probably—we are good friends, and this isn't getting us anywhere.

Senator SPECTER. Ms. Axford, I agree with you that there are many people, I don't know if there are millions, who are watching this hearing at this moment. But had any chosen to watch you and Senator Simpson, it would have been better than "LA Law" for that last exchange. [Laughter.]

And, by the time we get to midnight, which is not too far away, this hearing could even become livelier.