

Mr. FAZIO. I believe it is time to unite the Senate, and thereby the country, behind a man who has proven himself to his profession and his community, the capital of California. He has earned the respect and support of Sacramento, just as I am sure that Justice Lewis Powell earned that of the people of his State's capital, Richmond, during his many years of practice there. Anthony Kennedy is the right man to take up the responsibility that Justice Powell has set down. I urge you to send his nomination to the full Senate with your unanimous endorsement.

The CHAIRMAN. Thank you, Congressman. The two references you made will be placed in the record as if read.

Mr. FAZIO. Thank you very much.

The CHAIRMAN. Congressman Matsui, welcome. Nice to have you here. Please proceed.

#### STATEMENT OF HON. ROBERT T. MATSUI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. MATSUI. Thank you very much, Mr. Chairman.

I would like to join my colleagues, Senator Wilson and Representative Fazio, in introducing Judge Kennedy and also give him my highest endorsement for his nomination to the U.S. Supreme Court.

I noticed an editorial in the New York Times this morning that made reference to the two nominees that preceded Judge Kennedy, Judge Bork and Judge Ginsburg. It is too bad that two individuals preceded Judge Kennedy for this nomination. I say it is a shame because we should not be here today comparing Judge Kennedy to his two previous nominees.

Judge Kennedy in and of himself is a superb candidate for the U.S. Supreme Court, and comparisons do not do this gentleman justice. He has a deep compassion for the law, as many of you know. He is highly intelligent; from his academic record, we can discern that. His experience, 12 years on the appellate court in California, demonstrates a level that very few nominees to the U.S. Supreme Court demonstrate.

Obviously, Judge Kennedy is a conservative, and Representative Fazio and myself are here as Democrats. We support him because of our personal knowledge of Judge Kennedy. I look back to Sacramento County, where he and I grew up, and I can talk to any of the 1 million people in Sacramento and not one of them would have anything negative to say about this candidate. One individual, when asked by a reporter what they thought of him, said they noticed a lack of an observable ego. Judge Kennedy is a man of humility; he is a man of compassion. He is an individual that really has no ego and who will understand the plight of the common man when matters come before this court.

I would also have to say that even though he is a conservative and Representative Fazio and I are moderates to liberals, we have a great deal of confidence in Judge Kennedy in terms of what he will do on the U.S. Supreme Court. If one looks at his opinions, one will notice that he demonstrates judicial restraint. But in 1987, that makes a lot of sense. It means that he probably will not be overturning many of the decisions of the 1950s, 1960s, 1970s and

1980s. As a result, you will have stability on the court, which I think all of us in the United States desire today.

Let me make one further observation. In the next few days, you will hear testimony from a gentleman for whom I have a great deal of admiration. The gentleman is from Sacramento. His name is Nathaniel Colley. Nathaniel Colley is a black lawyer. He was former general counsel of the NAACP. He was born in Alabama, came to Sacramento, opened up his law practice, and became truly one of the prominent lawyers in the United States and one of the great trial lawyers in the State of California. I would like you to read or listen to his testimony when he gives it because that testimony will demonstrate the regard that lawyers, law students and ordinary individuals have for Judge Kennedy.

I heartily endorse his nomination to the U.S. Supreme Court. You could not make a better selection.

Thank you.

#### OPENING STATEMENT OF CHAIRMAN JOSEPH R. BIDEN, JR.

The CHAIRMAN. Thank you very much, Representative. As I indicated to my three colleagues, you are welcome to stay. We will now move to opening statements from me and my colleagues, but any time you have to absent yourself, we understand. We want to thank the three of you for coming over and being so eloquent in your support of Judge Kennedy.

This committee last assembled to consider the Supreme Court nomination on the eve of the 200th anniversary of the Constitution's drafting, and our discussion with the previous nominee and other witnesses was vigorous, educational and, I believe, ultimately enlightening. In sum, it was a discussion that I and most of my colleagues believe was worthy of the momentous anniversary that we were at that very moment celebrating.

Today, there is a calmer atmosphere. The confrontational spirit that characterized the last two nominations has passed as well. But make no mistake about it: at this moment in history, the Senate's decision on this nomination is every bit as important as our decision on the nomination of Judge Bork or anyone else. For if we are to do our job, and if you are to be confirmed, Judge Kennedy, you will occupy the same position of responsibility and power to which Judge Bork and Judge Ginsburg were nominated.

Our tradition of evolving liberty is just as much at stake today as it was when Justice Powell resigned in July. So once again, we meet to discuss the meaning of the majestic phrases of our greatest document, the Constitution; phrases that Justice Harlan knew cannot "be reduced to any formula"; a document that Chief Justice Marshall foresaw was "intended to endure for ages to come and consequently to be adapted to the various crises of human affairs."

Through that document, the Supreme Court holds far-reaching power over the constitutional rights and the daily lives of every American citizen. Accordingly, our role of advice and consent demands from every Senator a thorough and careful review, even with nominees of sterling character and qualifications, as you obviously have, Judge Kennedy. This careful review is not an expres-