

## Opening Statement of Senator Simon

Judge Kennedy, I would like to welcome you and your family this morning.

If you are confirmed as the next Associate Justice of the Supreme Court, you will be asked to decide some of the most sensitive and controversial issues of American life. The Supreme Court has a special role in making good the promise of liberty in our Constitution. The words that say it best have been carved across the entrance to the Court itself: "Equal Justice Under Law." That is what the Supreme Court represents, and so should every Justice of that Court.

Unlike most of my colleagues on the Committee, I am not a lawyer, so I will not be asking about technical legal rules or doctrines. My concern is this basic one--will Judge Kennedy be fair? Will he be sensitive to individual rights? Will he safeguard the constitutional protections of all Americans? Will he pay particular regard to the rights of women, to the rights of minorities, sometimes ignored in our nation's history? Will he represent "Equal Justice Under Law"?

I want a nominee who is open-minded, not a man with a mission; a judge who will listen carefully to every argument and decide on the basis of law, not philosophy. I want a Supreme Court Justice who understands and applies not only the letter of the Constitution, but its spirit as well. These are the qualities I looked for in Judge Bork, and they are the criteria I will apply to any Supreme Court nominee.

Judge Kennedy, I have reviewed your record on the federal bench and I see some very positive signs. But I do have some concerns, and some questions. I look forward to your testimony.