

Senator KOHL. Thank you very much, Mr. Kirkland.

Mr. Kirkland, in 1988 when the committee was considering the nomination of Justice Kennedy, you wrote Chairman Biden of your organization's concerns with the nomination. You said at that time, and I quote: "In a number of areas of critical concern to working people, Judge Kennedy's record on the United States Court of Appeals for the Ninth Circuit is quite troubling, and his record is only somewhat reassuring in other areas." You went on to say that "he has shown only a limited appreciation of the legitimate needs and aspirations of women, of minorities, and of the other members of this society who over the years have been denied equal rights and opportunities." And yet in that statement you urged that Justice Kennedy be confirmed.

So what are the differences this time?

Mr. KIRKLAND. The differences this time, Mr. Chairman, are matters to some extent of degree. We had differences, of course, with the positions that typified Justice Kennedy's history, but we must acknowledge that those differences still left him within the spectrum of differences of a variety that don't dictate or urge us or compel us to oppose his nomination.

We believe that Judge Thomas' record is outside of that spectrum. And I think the fact that we did not oppose and in fact supported the confirmation of Justice Kennedy demonstrates quite fully that we do not go into taking such a position casually or without considerable concern and study and reluctance.

I think it demonstrates that our forbearance in these matters is very considerable, and perhaps in the light of Justice Kennedy's subsequent position on the court, perhaps that forbearance was misguided. We do not always do those things that we ought to have done; we sometimes do those things we ought not to have done, being human.

Senator KOHL. Thank you very much.

Senator Thurmond.

Senator THURMOND. Mr. Kirkland, we are glad to have you here. I have no questions. Thank you.

Mr. KIRKLAND. Thank you, Senator.

Senator KOHL. Senator Kennedy.

Senator KENNEDY. Thank you very much, Mr. Chairman.

I too want to join in welcoming Lane Kirkland, who speaks for working men and women all over this country. We are fortunate to have a leader of working men and women prepared to take positions on many of the important issues of our time that affect working men and women.

I am interested in why you think that the interests or the rights of working men and women might be threatened with Judge Thomas on the court. Is it perhaps the way that he views various statutes and construes them in an apparently extremely narrow way? I won't ask you about his statements opposing minimum wage or Davis-Bacon or parental leave, or his recommendation actually for the abolition of the Labor Department, the Agriculture Department—an agriculture department that looks after a number of different programs, but certainly health and safety issues, in terms of food supply, obviously, and a wide range of different issues including occupational health and safety.