AMERICAN BAR ASSOCIATION
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STATEMENT

OF

HAROLD R. TYLER, JR.

STANDING COMMITTEE ON FEDERAL JUDICIARY
AMERICAN BAR ASSOCIATION

CONCERNING THE

NOMINATION OF

THE HONORABLE ANTHONY M. KENNEDY

TO BE THE

ASSOCIATE JUSTICE

THE SUPREME COURT OF THE UNITED STATES

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

DECEMBER 16, 1987

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Mr. Chairman and Members of the Committee:

My name is Harold R. Tyler. I practice law in New York City, and I am Chairman of the American Bar Association's Standing Committee on Federal Judiciary. I appear here to present the views of the American Bar Association on the nomination of the Honorable Anthony M. Kennedy, Judge of the United States Court of Appeals for the Ninth Circuit, to be Associate Justice of the Supreme Court of the United States.

At the request of the Attorney General, our Committee investigated the professional competence, judicial temperament and integrity of Judge Kennedy. Our work included discussions with 480 persons, including (1) the Justices of the Supreme Court of the United States and many federal and state judges throughout the country; (2) practicing lawyers throughout the country; (3) law school deans and faculty members, including constitutional law and Supreme Court scholars; and (4) Judge Kennedy himself, who was interviewed by three members of our Commitee. Panels of law professors from three distinguished law schools and a separate group of practicing lawyers reviewed Judge Kennedy's published judicial opinions for the Committee.

The Committee commenced its investigations of Judge Kennedy on November 11 and completed its work on December 8, 1987. This report was prepared after the latter date.

This Committee is satisfied that its investigations reveal that Judge Kennedy's integrity is beyond reproach, that he enjoys justifiably a reputation for sound intellect and diligence in his judicial work and that he is uniformly praised for his judicial temperament. Hence, we have concluded that Judge Kennedy is among the best available for appointment to the Supreme Court of the United States from the standpoint of professional competence, integrity and judicial temperament and that he is entitled to this Committee's highest evaluation of a nominee to that Court because of the high standards which he meets. Accordingly, this Committee has unanimously found him "Well Qualified".

Thank you very much.

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