

STATEMENT
OF
A. LEO LEVIN

ON THE NOMINATION OF

HONORABLE ANTHONY KENNEDY

TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

SENATE JUDICIARY COMMITTEE

HONORABLE JOSEPH BIDEN

Chairman

December 16, 1987

My name is A. Leo Levin. I serve as Leon Meltzer Professor of Law at the University of Pennsylvania. I first joined the Penn Law School faculty in 1949 and I have taught at the University of Pennsylvania since that time except for relatively brief periods at other academic institutions and rather more extended law-related government service.

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My most recent government assignment was as Director of the Federal Judicial Center, a position I assumed in 1977 and held through July, 1987. It was in that capacity that I came to know Judge Kennedy, probably about ten years ago. Over the years, I have come to know him well and, of no lesser significance, I have come to know the high regard in which he is held by his colleagues in the federal judicial system. I say of no lesser significance but mindful that in some situations the law has preferred the hearsay of reputation evidence to one individual's opinion, I should say of greater significance. Based on that knowledge and reputation, I believe that Judge Kennedy will prove himself to be an Associate Justice of the highest quality. He has the intellect, the integrity, the judicious temperament, and the experience to warrant that assessment.

In the spring of 1987 Judge Kennedy was elected to the Board of the Federal Judicial Center by the Judicial Conference of the United States. By statute, only two judges of the United States Courts of Appeal serve on this Board.

Of course his selection in itself testifies to his reputation for there has been a long tradition of superior quality among those chosen, even as there has been a tradition of great diversity in background, philosophy and style. In his service on the Board, Judge Kennedy was most impressive. We visited for some hours in Sacramento and we talked frequently thereafter. He was perceptive, judicious and most conscientious, not only at meetings, but in the preparation for his participation in important decisions. He was, for example, involved in the selection of the current Director of the Center and discharged his function as a member of the Board in superior fashion.

Judge Kennedy has been involved in the work of the Committee on the Pacific Territories of the Judicial Conference of the United States and we were in contact in that connection. Again, he performed in stellar fashion, exhibiting good judgment and wisdom.

Attending Circuit Conferences of the Ninth Circuit over an extended period, as was my obligation, I became aware of the high regard in which Judge Kennedy is held by his colleagues, including those who do not necessarily share his judicial philosophy.

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I recall with pleasure one occasion when I was honored by being assigned to Judge Kennedy's table at a special festivity during the course of a Ninth Circuit Conference. At that time my wife and I had the pleasure of coming to know Mary Kennedy better as well.

It is not irrelevant that a colleague in the academic world, whose work as a professional in the Ninth Circuit brought him in close and frequent contact with Judge Kennedy, spoke of him then and thereafter in terms of highest regard.

Indeed, I can testify that whether I am talking to a federal judge, to colleagues who can hardly be characterized as conservative in outlook, to colleagues who have taken the trouble to study Judge Kennedy's opinions, or to students, the reaction to the nomination has been most affirmative. Indeed, it ranges from "pleased and satisfied", to "enthusiastic and delighted."

I have had the distinct pleasure of conversation with Judge Kennedy while he was wearing his academic hat, to my great benefit. Again, he demonstrated himself to be most impressive: thoughtful, insightful, and wise.

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Judge Kennedy's career brings to mind comments of the late Albert Schweitzer who told a group of young people:

I don't know what your destiny will be, but one thing I know: the only ones among you who will be really happy are those who have sought and found how to serve.