The CHAIRMAN. Thank you very much, Senator.

I might add, Judge Thomas, I had the occasion to spend about 7 or 8 days with the junior Senator from Missouri in the month of August, and when he was not lobbying me on matters relating to the North Slope and others, he was lobbying me with regard to you. You are probably the only Supreme Court Justice nominee who has ever been discussed on the North Slope of Alaska in the middle of nowhere. [Laughter.]

Everyone was talking about the precedents being set, Judge Thomas. I do not know whether or not we should call this the Rudman precedent or not, but you have one of the strongest and most ardent supporters, I suspect you have anywhere, including your mother and your wife and your son and your sister, in the person of the senior Senator from Missouri.

We are all supposed to be limited to 10 minutes. I want you to know at the outset that I have no illusion that this is going to be a 10-minute introduction. [Laughter.]

For my respect for our colleague from the State of Missouri, I will do what the former chairman of this committee, Senator Eastland used to do. He would say we have to end this meeting at 2:00 o'clock or we are not able to meet beyond that time. Some would say, "I notice it is 2:00 o'clock, Mr. Chairman," and he would turn around and open up the face of the clock and turn the clock back and say, "It doesn't look like 2:00 to me." [Laughter.]

So, we will invoke the rule of the former chairman of this committee. Jack, try to keep it under an hour, if you can. [Laughter.]

Senator DANFORTH. Mr. Chairman, thank you very much. I am sorry that the North Slope gambit did not occur to me during the hearing.

The CHAIRMAN. Well, I assume you put your junior colleague up to it.

STATEMENT OF HON. JOHN C. DANFORTH, A U.S. SENATOR FROM THE STATE OF MISSOURI

Senator DANFORTH. Mr. Chairman and members of the committee, other than the nominee himself, I know Clarence Thomas better than anyone who will appear before this committee. I hired him 17 years ago, when he was a law student. He worked for me twice, as an assistant State attorney general and as a legislative assistant, and we have kept in touch since he left my office.

His life story is public knowledge, and I will not review it for you. Instead, this will be a personal testimony about the Clarence Thomas I know, and a reflection on the case that is being made by various groups that oppose his confirmation.

Let me begin with the most fundamental points. Clarence Thomas is intelligent, hard-working, honest, and fair. Because these are the minimum qualifications we expect of a nominee for any position, I will not dwell on them. It is enough to assure the committee on the basis of personal knowledge that Clarence Thomas possesses each of these requisites to serve on the Supreme Court.

As the ABA will testify, he is certainly qualified for the job. But he has more than these fundamentals. The Clarence Thomas I

know has special qualities which convince me that he is more than the average nominee. He would be an extraordinary Justice on the Supreme Court.

What are these special qualities? First, Clarence Thomas is his own person. President Bush had it absolutely right when he called him "fiercely independent." This quality struck me when I first interviewed him in the faculty lounge at Yale Law School. Clarence made it clear that he was his own person, to be judged on his own merits. He was not to be the special case, given special treatment, and he was not to be given special work within my office. He was uniquely Clarence Thomas, and his goal was to be the best Clarence Thomas he could possibly be. He has reached that goal, and that to me is his most striking attribute.

Repeatedly, he has said that, as a judge, he has no personal agenda and that he will call them as he sees them. That pledge is a function of his independence and it is completely consistent with the Clarence Thomas I know. It is consistent with the young assistant attorney general who, to my political dismay, insisted that my constituents had no legal right to keep their low-numbered license plates. It is consistent with the Chairman of the EEOC, who excoriated his own administration for favoring tax-exempt status for a racially exclusive college, and for opposing extension of the Voting Rights Act.

I have no doubt whatever in giving the committee this assurance: Just as Clarence will resist any effort to impinge on his independence by seeking commitments on how he will decide cases before the Court, so he will never become a sure vote for any group of Justices on the Court.

For 2 months, I have noted with wonder the certainty of various interest groups, as they have predicted how the nominee would vote on an array of issues. They do not know Clarence Thomas. I do. I cannot predict how he would vote on any issue. He is his own person. That is my first point.

Second, he laughs. To some, this may seem a trivial matter. To me, it is important, because laughter is the antidote to that dread disease "federalitis." The obvious strategy of interest groups trying to defeat a Supreme Court nominee is to suggest that there is something weird about the individual. I concede that there is something weird about Clarence Thomas, it is his laugh. It is the loudest laugh I have ever heard. It comes from deep inside and it shakes his body, and here is something at least as weird in this most uptight of cities, the object of his laughter is most often himself.

Third, he is serious, deeply serious in his commitment to make a contribution with his life. I will never forget visiting with Clarence after he had been nominated for a second term at the EEOC. I pressed him on why he would accept a second term. It is a thankless job, one that, when done well, makes everyone mad. It is a career blind alley. He answered simply, "I haven't yet finished the job."

I pondered that statement many times over the past 5 years. Undoubtedly, he meant that he had not yet finished the job of transforming the EEOC from the administration basket case he inherited to the first-rate agency it is today. But I think he meant more than that. I think he meant the discrimination he has known in

his own life is still too much with us. There is so much more to do, if we are to end it.

This is the seriousness of Clarence Thomas. It is not anger, as some have suggested. It is not a bitterness that eats away at him, but it is profound and it forms the person that he is and the Justice he will become.

I hope that sometime in the days Judge Thomas will be before this committee, someone will ask him not about unenumerated rights or the establishment clause, but about himself, what was it like to grow up under segregation, what was it like to be there when your grandfather was humiliated before your eyes, what was it like to be laughed at by seminarians because you are black.

Everyone in the Senate knows something about the legal issues before the Supreme Court. Not a single member of the Senate knows what Clarence Thomas knows about being poor and black in America.

For more than 2 months, interest groups have been poring over the volume of speeches made by the nominee, looking for the word here or phrase there that could be used against him. I hope all of us will read some of his speeches in their entirety. They are eloquent statements of his deep commitment to justice in America. It is better to read the whole speech, but if we are piercing together sayings, here is my compendium of the words of Clarence Thomas.

He said—and these are his words—"What is more amoral than the enslavement of an entire race? What is more amoral than the vicious cancer of racial discrimination? What is more amoral than the fabrication of a legal and political system which excludes, demeans and degrades an entire race?"

He said, "Discrimination holds out a different life for those who do not happen to be the right race or the right sex. It is a world in which the have's continue to reap more dividends than the have-not's, and the powerful wield more influence than the powerless."

He said, "It exists in the factories and the plants and the corporate board rooms, it makes a lie of our pledge of freedom. It is the great fault that sends tremors through the bedrock of our nationhood."

He said, "I never understood the logic behind the division of labor that decreed that women be restricted to certain jobs, such waste of talent, such infringement of individual rights."

He said, "Today, the civil rights law often appear to be without teeth to insure nondiscrimination." He said, "There is something less than equitable about a system that subjects an individual to stronger sanctions for breaking into a mailbox than for violating the basic civil rights of another human being."

Those are the words of Clarence Thomas. Name one other member of the Supreme Court that talks like that. Name one other person who could conceivably be nominated by President Bush who talks like that.

The obvious question is: Why do some civil rights leaders, good people, oppose the nominee with such a strong commitment to equality? The answer lies in a major debate now taking place in America which divides good people, who share a common commitment to equal justice.

With respect to the black community, William Raspberry has described the debate as follows: "At issue is whether it is wiser to pursue government policies that target blacks generally—contract set-asides, affirmative action, hiring and promotion, race-based special admissions, and so on—or to fashion approaches based on specific social, educational and economic conditions."

"Over-simplified," Raspberry continues, "the two opposing propositions can be stated this way: One, race-specific approaches; two, approaches that target the conditions, joblessness, drug abuse, family dissolution, and under-education."

Before becoming a judge, while he was in the executive branch, Clarence Thomas was a leading advocate for one side of this debate. At that time, he argued that race-based preferences are not helpful to the most disadvantaged citizens, that they stigmatize and sometimes even victimize the beneficiary, and that they create destructive animosity among unfavorite citizens. In their place, he advocated affirmative action based on disadvantage, rather than race, with special emphasis on education and job training, coupled with strict enforcement and tough penalties in cases of specific discrimination.

I do not understand why the nomination of a Supreme Court Justice should be the occasion for arguing the best political strategy for advancing the cause of civil rights. Whether one strongly supports or strongly opposes race-based preferences should not trigger an attack on the person's motives or fitness to serve on the Court.

Nearly a third of black families are now living in poverty. Nearly a third of young black men do not have jobs. The average income of blacks is not much more than half that of whites. Against this background, we should welcome, not penalize a diversity of opinion on solving the problem of inequality. We should welcome a diversity of opinion among blacks as well as whites.

If support for race-based preferences becomes a litmus test for the Supreme Court, that test would rule out a majority of the American people and a majority of the Members of the Senate, as well.

Mr. Chairman, throughout this process, you and all members of this committee have been characteristically considerate and fair to the nominee. I join him in thanking you for your kindness. I am convinced that, like the President, you will not judge Clarence Thomas on the basis of litmus tests, you will judge him on the basis of his ability and character and the special qualities he would bring to the Court.

It is a proud day in my life to present for the Supreme Court a person I know so well and believe in so strongly.

[The prepared statement of Senator Danforth follows:]