

Senators do not always have that experience with regard to what people form views of them, so it is somewhat refreshing to have this phenomenon come up. It is particularly, I think, helpful to have people who have read the Judge's decisions. We have had a number of people testify on his judicial temperament and demeanor and how he would rule, but, unfortunately, many of them, as Senator Grassley has pointed out, have not had the opportunity to read his decisions, so this panel comes particularly well prepared and we appreciate your insights as a result of that.

Mr. Thompson, you having worked with the Judge, I wonder if you might share some observations about his work habits, his approach to problems, his temperament in the years you worked with him in corporate law.

Mr. THOMPSON. He was as very, very hard worker. He took his job serious. We both, as young lawyers in a corporate law department, faced many technical issues with respect to drafting long contracts and purchase agreements, and analyzing the myriad of regulations that a large corporation has to deal with. We both had many problems with respect to having to deal with that.

I recall Judge Thomas putting in many long hours, trying to grapple with the issues and master his craft, as you have to do as a young lawyer, and we spent a lot of time together. While we did have an opportunity to talk about some of the public policy issues facing the day, much of the time that we spent together was faced really trying to understand and grapple with the technical issues that we both faced, as young lawyers in a corporation, and I think that dedication to mastering his craft, his willingness to work hard, his desire to want to do a good job, these are all qualities that will serve him well on the U.S. Supreme Court.

Senator BROWN. Young attorneys, particularly, although I suspect attorneys generally, become advocates for their client, as indeed they are paid to do. Some become very strong advocates in the very competitive way. Some temper that advocacy with a sense of justice and fair play, as the ethics require to be honest, to not misrepresent facts, even though they are strong advocates of a viewpoint. Are there any observations you might share with us as to what kind of an advocate Clarence Thomas was in those early years, even-handed, able to see both sides or simply somewhat narrow-viewed advocate?

Mr. THOMPSON. Senator, if I can respond to your question based upon my knowledge of his tenure at the EEOC, and there he took over an agency in which many of the career professionals, I would think it is fair to say, had some strong differences of opinion with respect to affirmative action and some issues that Judge Thomas held strong views on.

But, notwithstanding these differences, many of the career professionals that I have talked with, who know Judge Thomas and his work at the EEOC, have nothing but praise and respect for him. They understand his fairness and his ability to see both sides, because many times he retreated from some of the very strongly held abstract views he had, in the face of the reality of running this agency and trying to serve its constituents and trying to protect American citizens from unlawful employment discrimination.

He did that and he took his job seriously, and I think that goes to his character and that goes to his integrity.

I don't know if you had an opportunity to hear my direct testimony, but this past weekend I talked to one of those career professionals in Atlanta, he has just retired from the EEOC after many years, and he will acknowledge that he and Judge Thomas differ on some issues, but he has nothing but praise and respect for Judge Thomas. He says, "I tell my friends that if they don't want to change their views on him, those who are critical of him, if they don't want to change their views on him, then they shouldn't get to know him, because once they get to know this man, they will respect his character, his integrity, his intellect, and all of the unfair and unfounded criticism of him will go aside."

Senator BROWN. Thank you.

Attorney General Norton, you have read, I take it, the criminal cases that Judge Thomas has written on the Circuit Court of Appeals?

Ms. NORTON. That is right.

Senator BROWN. In reviewing those decisions and opinions, have any dissents been filed in connection with those opinions?

Ms. NORTON. There were not dissents filed to any of those. There was one concurring opinion in one of the cases. It is the same opinion that has been discussed extensively on the interpretation of using a firearm, and in that case the one concern was that perhaps there had been too much of a burden placed on the Government to show the use of a firearm, and that was one that, nevertheless, concurred very much in the result.

Senator BROWN. Does the fact that there weren't dissents lead you to an impression of whether the Judge was in the mainstream of legal thinking or not?

Ms. NORTON. Certainly in the cases that I have examined, he was very much in the mainstream and very much presented a balanced view in his treatment of those cases.

Senator BROWN. In reviewing his opinions, do you have a view of whether or not the Judge would be overly strict with regards to the doctrines of standing or mootness? Would he have a tendency to deprive individuals of access to the court?

Ms. NORTON. I know that in some documents that have been presented by various organizations to this committee there have been some concerns about his views on standing and access to the courts. But having reviewed those decisions and Judge Thomas' concurring and dissenting views in those cases, I believe his views were very much in the mainstream on those cases. Questions of standing are often very difficult to decide for the courts, but his analysis was the traditional analysis.

Senator BROWN. Thank you very much. I thank all the panel for their testimony.

Senator KOHL. We thank you very much for appearing here today. You have been very helpful.

Senator THURMOND. Thank you very much for your appearance.

Senator KOHL. Our next witness today is Mr. Lane Kirkland, President of the AFL-CIO. Mr. Kirkland has been a distinguished spokesperson on behalf of working people of America for many,