

Cross board, and I can personally attest to your capacity to evaluate lawyers, judges, having known of your work in some detail, would you rate him well qualified for the Supreme Court?

Mr. GIBBONS. I personally would, and indeed, I said as much to the representative of the American Bar Association who called me.

Senator SPECTER. Thank you very much, Chief Judge Gibbons. Thank you, ladies and gentlemen.

I yield now to my colleague, Senator Brown.

Senator BROWN. Mr. Chairman, I have long waited for you to become chairman of this committee. I have a motion for the adoption of constitutional amendments for the balanced budget and line-item veto and term limitation. [Laughter.]

Senator SPECTER. Without objection, agreed to.

Senator BROWN. Thank you.

Senator SPECTER. And now, Senator Brown, with my departure, you are the Chairman. [Laughter.]

Senator BROWN. Judge Gibbons, we have heard from a number of witnesses and some distinguished scholars today about how Judge Thomas might rule on the Court. They made a number of observations, but several of them were very serious charges. These scholars had not had an opportunity to read any of Judge Thomas' cases. My understanding is that you have read all of his decisions while he has been on the Circuit Court of Appeals. Would that be correct?

Mr. GIBBONS. Yes.

Senator BROWN. In those decisions, do you find that he has relied on natural law in any of those decisions?

Mr. GIBBONS. No.

Senator BROWN. Some of these scholars—

Mr. GIBBONS. I might say that none of them presented any occasion where that would be likely, since most of them dealt with statutory issues.

Senator BROWN. In reviewing the Judge's writings, they indicated they found and believed that he would follow a very simplistic approach, see things and be unable to grasp the complexities of issues that might come before the Court. Having read his cases, and I assume some of his other writings, could you give us your view of whether or not that would be his approach to constitutional questions?

Mr. GIBBONS. I do not think in adjudicating constitutional issues it is possible for just to take simplicity issues. They are dealing with cases that are intensely litigated and they are decided at the end of the litigation process. The competing considerations are usually well developed and it is hard in a collegial body of nine Justices or even in the court of appeals, where the typical panel is three, to take a simplistic approach. Your colleagues on the bench will not let you, you have to engage in a rigorous intellectual effort for which you have become fully prepared by studying the relevant materials.

I am fully confident that he will engage, as a member of the Court, in the kind of internal debate that is necessary for the intelligent moral resolution of complex constitutional issues, many of which cannot be determined on the basis of facts.

Senator BROWN. Thank you.