

NOMINATION OF JUDGE CLARENCE THOMAS TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

TUESDAY, SEPTEMBER 10, 1991

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee met, pursuant to notice at 10:05 a.m., in room 325, Senate Caucus Room, Russell Senate Office Building, Hon. Joseph R. Biden, Jr. (chairman of the committee) presiding.

Present: Senators Biden, Kennedy, Metzenbaum, DeConcini, Leahy, Heflin, Simon, Kohl, Thurmond, Hatch, Simpson, Grassley, Specter, and Brown.

OPENING STATEMENT OF CHAIRMAN JOSEPH R. BIDEN, JR., A U.S. SENATOR FROM THE STATE OF DELAWARE

The CHAIRMAN. The hearing will come to order.

Good morning, Judge.

Judge THOMAS. Good morning, Senator.

The CHAIRMAN. Welcome. Welcome to the blinding lights. It is a pleasure to have you here.

Let me begin also by indicating that the morning is going to be painless, Judge—or maybe the most painful part of the whole process because you are going to hear from all of the committee who have an opening statement, and then a half a dozen Senators who are going to introduce you. So you will hear from about 20 Senators before you get to speak. It could be the most painful part of the process.

But let me begin today, Judge, on a slightly more serious note. This committee begins its sixth set of Supreme Court confirmation hearings held in the last 5 years, a rate of change that is unequaled in recent times. If you are confirmed, Judge Thomas, you will come to the Supreme Court in the midst of this vast change.

In 4 years, Justices Powell, Brennan, and Marshall will have been replaced by Justices Kennedy, Souter, and Thomas. Because of these changes, many of the most basic principles of constitutional interpretation of the meaning that the Supreme Court applies to the words of the Constitution are being debated in this country, in a way they haven't for a long time, in a manner unlike anything seen since the New Deal.

In this time of change, fundamental constitutional rights which have been protected by the Supreme Court for decades are being called into question. In this time of change, the Supreme Court's