

Cross where you graduated and also at Yale Law School, and that stood you well today.

The many difficult circumstances you have overcome in your life have given you common sense to go along with your formal education. As Chairman of the EEOC, you showed that you had the practical experience to handle a difficult position in an exemplary fashion. You did a fine job there in spite of some criticism that was unjustified. You did a good job, too, at the Civil Rights Education Department.

Your testimony has also shown that you have the appropriate judicial temperament and the sensitivity to do well on the Supreme Court. I believe you will be fair and open-minded and will understand the vast impact your judicial decisions will have on the people affected by them.

While you have discussed natural law, you have made it clear that you will exercise judicial restraint, following the Constitution and relevant statutory intent. Your record on the D.C. Circuit I think shows that you have done just that.

Regarding crime, you have made it clear that you will be sensitive to the rights of victims who must have a say in our criminal justice system, and that is important, and that you will also be fair to defendants in hearing their cases.

In my opening statement, I stated certain characteristics I look for in a Supreme Court nominee. In my 37 years in the Senate here, I have had the pleasure of acting on hundreds and hundreds of judges. And these are the qualities that I think we have to consider: Integrity, courage, compassion, competence, judicial temperament, and an understanding of the majesty of our system of government, which a lot of people don't seem to understand.

Judge Thomas, I believe you have exhibited these qualities throughout your life and during your testimony this week. I am confident that you will make an excellent member of the Supreme Court of the United States, and I commend you for the fine job that you have done for this committee. Good luck and God bless you.

Judge THOMAS. Thank you, Senator.

The CHAIRMAN. Thank you very much, Senator.

Judge I have some additional questions on expressive conduct, but observing the expressive conduct of the people behind you, what I will do is I will submit those to you in writing in the interest of time and to accommodate the witnesses we have to come after. They will not take a great deal of your time. We will not be finished with the public witnesses until the end of this week, so there is plenty of time to answer the questions. There are only about three or four of them, and I do want to talk about the *Barnes* case and a few others that involve expressive conduct. I would appreciate your answering them for me.

Judge, I appreciate very much your willingness to accept the President's nomination, and I hope that as imperfect as the process is—and there is none that I know that is perfect—that you appreciate our responsibility. I thank you for the courtesy you have shown to this committee, and we will hear from public witnesses who are both for you, against you, and some who just want to come and express their concern.

It has been the history of this committee, at least of late, of the last several decades, to allow groups and individuals of standing to do just that, and we will finish this hearing, God willing and the creek not rising, sometime before this week is out. I have no intention of carrying it over into next week with the public witnesses.

Then within the next couple of weeks, we will as a committee act on your nomination, and it will then be sent to the floor of the Senate for the Senate as a whole to act on the nomination.

So I appreciate, again, your cooperation during this process. I thank Senator Danforth and I thank the White House, with whom you have been working for cooperating in the process. And I most importantly want to thank your wife, who has sat through all of this, and your sister, but even more importantly, Mom. It has been a long, long time to sit there, and this is—a lot of what we talked about, Mom, is boring, I know. But I appreciate your graciousness to the committee, and it is obvious your loyalty and devotion to your son is deep and is real. So I want to thank all of you.

Judge do you have any closing comment you wish to make to the committee or to the public or to anyone?

Judge THOMAS. Just a word or two, Mr. Chairman.

Mr. Chairman, Senator Thurmond, I would like to thank you for the courtesy and the fairness that you have shown me through this process. I am one of those who believes that this process is critical, and the longer I am a judge, the more important I think this process is.

I would like to thank my family for being so patient and so supportive, and Senator Danforth who said when I was nominated that we would spend a lot of time together and who has been so wonderful to me. And, of course, I would like to thank the President for nominating me.

I have been honored to participate in this process. It has been one of the high points—indeed, it is the high point from a lifetime of work, a lifetime of effort on behalf of so many people. This is the high point.

Whatever your determination is, I would like to reiterate that I have been treated fairly, that I have been honored, deeply honored to participate here. And I am reminded of my reaction in Kennebunkport when the President nominated me to the highest court in the land. It always gives me goose bumps to say “the highest court in the land.” Only in America could this have been possible. Thank you all so much for your courtesy.

The CHAIRMAN. Judge, let me close your participation by suggesting to you, some have asked why we have not asked certain questions. Any question that I have failed to ask is only because I believed it was not relevant to whether or not you could or should sit on the Supreme Court of the United States of America. And so I have asked you all that I think is relevant. And you have answered some, you have not answered some, and you have made your judgments about what you should answer. Again, I thank you for your cooperation.

What we will do now, because I know as soon as we break we are not going to have much order in this room for a moment, so if you will sit with me so I can announce who comes next so that everyone will know, we will move from here immediately upon a little

bit of order being restored to the caucus room, when it occurs that you leave, to the American Bar Association which has been traditional under Democratic and Republican leadership in the Senate. They are the first public witnesses we hear from.

Then we will hear from a panel of legal scholars who support your nomination, and we will see how far along we are this evening. But, again, it is my intention to finish the public witnesses by Friday. So I want everyone to know that.

Again, thank you all. Thank you and your family for your cooperation. We will recess for 5 minutes.

[Recess.]

The CHAIRMAN. The hearing will resume.

Our first panel is a panel of distinguished members of the American Bar Association, and I would like to welcome them all: Mr. Ronald Olson, Mr. Best, and Mr. Watkins, all of whom are here to do as the ABA has done in the past, I don't know for how many years, give us their best judgment as to the qualification of the nominee, as they have with all nominees, to the Supreme Court.

Mr. Olson, I understand you are speaking for the committee, and I would ask you to keep your statement to 10 minutes or less, and then the panel of Senators will have questions for you all.

Again, welcome and thank you for being here.

STATEMENT OF RONALD L. OLSON, CHAIR, STANDING COMMITTEE ON THE FEDERAL JUDICIARY, AMERICAN BAR ASSOCIATION, ACCOMPANIED BY JUDAH BEST, DISTRICT OF COLUMBIA CIRCUIT REPRESENTATIVE, AND ROBERT P. WATKINS, FEDERAL CIRCUIT REPRESENTATIVE

Mr. OLSON. Thank you, Mr. Chairman, Senator Thurmond, honorable members of the Judiciary Committee; I will meet that 10 minutes.

I would first like to elaborate a little bit on our introduction. My name is Ron Olson. I am a practicing lawyer in Los Angeles, CA, and since August of this year, I have been the chairman of the ABA's standing committee on the Federal judiciary.

I am accompanied today by two of my colleagues: Mr. Judah Best on my left, and Mr. Robert Watkins on my right. Both are practicing lawyers here in Washington, DC. Because of their location, they were the primary investigators on behalf of the committee insofar as the investigation of the Honorable Clarence Thomas is concerned.

The three of us are here in a representative capacity on behalf of the American Bar Association committee, and further our committee on behalf of the legal profession as a whole. I would like to say, Senator, at the outset that it is a high honor to be here and be able to participate in this proceeding, and we would like to express our appreciation for the work of this committee, not only with regard to this very important nomination, but every nomination to every Federal court in the land.

Second, I would like to say that it has been a distinct privilege for all of us on this committee to revisit the professional credentials of the Honorable Clarence Thomas. With regard to our investigation, we were requested by the Attorney General of the United