

judiciary would be compromised. We expect you to be a policeman for that integrity and independence, and I believe that you have been already.

Thank you.

The CHAIRMAN. Thank you very much, Senator.
Senator Heflin.

**OPENING STATEMENT OF HON. HOWELL HEFLIN, A U.S.
SENATOR FROM THE STATE OF ALABAMA**

Senator HEFLIN. Thank you, Mr. Chairman.

I would like to welcome you, Judge Thomas, to this historic confirmation hearing. Your nomination by the President is a continuation of a constitutional process begun over 200 years ago, and there are few duties that I take more seriously than the "advise and consent" function entrusted to the Members of the U.S. Senate.

As I have with every nomination hearing, I will use this occasion to listen and learn. Through the media, we have all seen and heard and read a great deal about your nomination and its uniqueness. But it is during these hearings where spontaneity and unpredictability are common so that those of us charged with the duty of advice and consent are able to make an informed decision.

I have often stated that the Supreme Court is really a people's court. But, while the Court deals with such abstract legal principles as justiciability, collateral estoppel, comity, due process, and so forth, the Court must ultimately deal with real people, their rights, duties, property, and most importantly, their liberty. The Justices of the Supreme Court are the final guarantors of the sacred text of the Constitution and its Bill of Rights and the liberties and freedoms which are enshrined therein and developed therefrom.

If confirmed, you will have vast power over the lives of Americans as to their rights of speech, religion, press, association, as well as their property rights. You will participate in decisions which will affect the rights of those accused of a crime, as well as the rights of a lawful society to be protected from the criminal element, and you will have an important say as to what degree of privacy the American people are entitled.

The list could go on, of course, but my point is that before we are called on to exercise our confirmation function, we in the Senate must explore what is in your heart and what is your basic judicial philosophy, because if you are confirmed you will serve a lifetime—for perhaps the next 30 years, thus well into the 21st century. We, on behalf of the American people, must investigate if you will zealously guard the freedoms and the liberties that provide a legacy and framework for generations to come.

In reviewing the qualifications of a nominee, I am of the opinion that an individual should possess at least the following three criteria: First, an understanding on the proper role of the judiciary under our Constitution; second, an abiding belief in an independent judiciary; and third, a deep commitment to equal justice under the law.

To some, you are the very embodiment of the American Dream—you have overcome the bonds of poverty and racial segregation and

deprivation and have risen to the top. To others, you have succeeded, but forgotten your past and turned your back on others now less fortunate than you.

I and my colleagues will attempt to look into your heart and mind. I will be looking to see if you intend to bring a rigidly ideological agenda to the Court. I will want to know if you respect the principles of stare decisis and judicial restraint, and, most importantly, if you intend to turn the clock back on almost 30 years of racial progress and harmony which have occurred, albeit imperfectly, in the diverse society known as America.

Under the "advise and consent" function it is our solemn duty to explore any doubts about you and your thinking.

The theme of this hearing could be entitled "Doubting Thomas." The term "Doubting Thomas" has been applied to individuals from biblical times, but it is applied today in a different context. You are not the doubter. It is we in the Senate who are the doubters. This hearing can remove, clarify, increase, or decrease the doubts and the doubters.

There are many who have expressed doubts that you are sensitive to equal rights and equal justice under the law for all Americans; doubts about your commitment to achieving the legitimate aspirations of all Americans from whatever walk of life and regardless of their political persuasions; doubts about your concept of natural law, its standards, restrictions, breadth and application; doubts as to whether your judicial thinking is within the mainstream of judicial thought; and many other doubts as well.

Judge Thomas, if the Senate is persuaded that you will pursue an ideological agenda, have a closed mind, and will be a judicial activist ignoring the will of elected bodies, then the doubts will become impediments to your confirmation. On the other hand, if your testimony persuades us that you will dispense justice fairly and impartially and that you will listen and be open-minded, then, in my judgment, doubts will be alleviated.

President George Washington told his first Attorney General, Edmund Randolph, "The administration of justice is the firmest pillar of government and if justice is the ultimate goal and indispensable for the survival of a free republic, we best ensure it by the people we select as its custodians." We will now have the opportunity to learn if you are worthy of that admonition, and I look forward to hearing from you.

Thank you.

The CHAIRMAN. Thank you very much.
Senator Specter.

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator SPECTER. Thank you very much.

Judge Thomas, I join my colleagues in welcoming you here this morning. I have read extensively on your opinions and your speeches and your background, and I congratulate you on a very remarkable career.

As I have read about your roots and about the instructions and guidance which you got from your grandfather, I could not help