

The CHAIRMAN. If this were the first time a person was put on the Bench, if he or she is the first ideologue of a Republican President leaning to the right, I think that is fine. I say fine, there should be people on the Bench who share that view, even if it is further right than I would agree to.

The second one, I say it is less fine. When it gets to the point where it looks like the attempt for the entire Court, all nine members to be that, then the standard will and, I will argue, intellectually must change, must change, not will, but must. One is fine, two is okay, three is okay. Four, five, six, seven, eight nine—it gets to the point where you are talking about 40 years of Supreme Court Justices, and that does make us all think. And I am sure, because you are a man of great intellectual honesty and integrity, you are sitting there saying I hope to God I am right about this guy.

Mr. CALABRESI. Of course I am.

The CHAIRMAN. We share the same concern. I wasn't being solicitous. Yours, to me, because of where I am on this nominee, is probably the most compelling testimony that I have heard in the entire—

Mr. CALABRESI. It may come to the point, Senator, that it came with President Hoover when, I am told, that Senator Borah went to President Hoover and said, "There is one person whom this committee will confirm, and that is Benjamin Cardozo." It may come to the point where the committee will have to take a leadership role in suggesting names rather than simply listening if the administration does not do its part. But that is different from what one can do when a name has been sent.

The CHAIRMAN. I agree, and we may be approaching that point. I yield to my colleague from South Carolina.

Senator THURMOND. Thank you very much, Mr. Chairman.

Mr. Calabresi, I want to welcome you here. Wasn't there a Governor of Ohio by the name of Celebrezze?

Mr. CALABRESI. He spelled his name differently and was not related to me. His name was—

Senator THURMOND. He wasn't related to you?

Mr. CALABRESI. No. He arrived in the United States, or his family did, long before I did. I arrived 52 years ago yesterday.

Senator THURMOND. It is almost the same name, isn't it?

Mr. CALABRESI. Almost the same name. Almost the same.

Senator THURMOND. I think he was a Cabinet member down here at one time, too.

Mr. CALABRESI. He was a Cabinet member (HEW) in President Johnson's administration.

Senator THURMOND. He had two S's in his name?

Mr. CALABRESI. He had several Z's in it, I think.

Senator THURMOND. Well, how long have you been dean at the law school?

Mr. CALABRESI. This is my seventh year, and I am surprised to have survived that long—Dean Griswold, of course, being dean at Harvard, was able to survive much longer.

Senator THURMOND. How long did you teach there before you became dean?

Mr. CALABRESI. I have been teaching at Yale Law School since 1959, Senator.

Senator THURMOND. 1959?

Mr. CALABRESI. Yes, sir.

Senator THURMOND. Did you teach my good friend from Missouri, Senator Danforth?

Mr. CALABRESI. I did, indeed. He was one of my best students.

Senator THURMOND. Or was he in school with you?

Mr. CALABRESI. No, no. He was one of my students. [Laughter.] He is much younger. He tries to look older, and has for many years, but he was in fact much younger.

Senator THURMOND. How about the distinguished Senator from Pennsylvania? Did you teach him?

Mr. CALABRESI. No, I did not. He is older. He looks younger. Unlike Senator Danforth. [Laughter.]

Senator THURMOND. He was in school with you, I guess.

Mr. CALABRESI. No. He could have taught me, but he graduated before I went to law school.

Senator THURMOND. Well, everybody knows those two gentlemen have a high regard for Yale Law School. I have to say that.

Now, we had a professor here from Yale earlier today. Did you hear him testify?

Mr. CALABRESI. Yes, I did. He was also my student.

Senator THURMOND. He is a member of your faculty?

Mr. CALABRESI. Yes, he is.

Senator THURMOND. He testified against this nominee. Now, I am glad to see the head man testify for Judge Thomas.

Mr. CALABRESI. I think that most members of my faculty would deny that a dean was the head man. They would allow that somebody has to raise money for them, but they would not give me much more primacy than that.

Senator THURMOND. I am very pleased to see the dean, the top man in the law school, come here and testify on behalf of Clarence Thomas.

Mr. CALABRESI. Well, I am delighted to do that.

Senator THURMOND. I don't believe we have had any other dean testifying against him.

Mr. CALABRESI. You had Dean Griswold of the Harvard Law School testify against him.

Senator THURMOND. Well, he retired many years ago. [Laughter.]

You are the only dean that has testified for Clarence Thomas, I believe, and I want to congratulate you. A person of that stature's opinion always carries great weight.

I am just going to ask you two questions. Again, I appreciate your appearing here today and taking the time and lending your talent to this hearing.

Is it your opinion—as I understand, you taught Clarence Thomas in law school, did you?

Mr. CALABRESI. I did not actually teach him, but I knew him well at the law school.

Senator THURMOND. I see. Well, from your knowledge of him—and that is what really counts—your knowledge of him—is it your opinion that Judge Thomas is highly qualified and possesses the necessary integrity, professional competence, and judicial temperament to be an Associate Justice of the U.S. Supreme Court?

Mr. CALABRESI. Yes, I do. I believe that he has the integrity and the knowledge and the ability to be a very good Justice of the Supreme Court. I think he is fully as qualified as the people who have been appointed and confirmed to the Supreme Court over many, many years.

Senator THURMOND. Do you know of any reason why Clarence Thomas should not be made a member of the Supreme Court?

Mr. CALABRESI. No; I do not know any reason why he should not. Incidentally, Senator, my colleague, Drew Days, who testified against, when asked by this committee if Judge Thomas was qualified to be on the Court, quite candidly gave the same answer I did, that he was. But he testified against for other reasons. But in terms of qualification, he agreed that he was qualified.

Senator THURMOND. That is all the questions I have. I think your answer covered everything.

Mr. CALABRESI. Thank you.

Senator THURMOND. I think your answers are clear, direct, to the point, and you are for Clarence Thomas being on the Supreme Court.

Mr. CALABRESI. I am here testifying in favor of him.

Senator THURMOND. That is all I have to say. Thank you very much.

Mr. CALABRESI. Thank you.

The CHAIRMAN. Senator Specter.

Senator SPECTER. Thank you, Mr. Chairman.

At the outset, I want to express regret that I was not here to hear the testimony of Dean Griswold and William Brown, representing the Lawyers Committee for Civil Rights Under Law. But we have a heavy schedule today with the Philadelphia Navy Yard, which took a little precedence for the past 45 minutes. So I have to absent myself, and I was especially sorry to miss the testimony of Bill Brown, who was a deputy district attorney when I was in office. I will peruse their report with care.

Dean Calabresi, it has been a good week for the Yale Law School, a good week and a couple of days, lots of good comments. When Senator Thurmond commented about you were the only dean and we found out there was one other dean, I think there was an alternative holding that Senator Thurmond might have used aside from the fact that he was a retired dean. It was only the Harvard Law School that he was dean of—

Senator THURMOND. Excuse me, what was that?

Senator SPECTER. The other dean was only from Harvard, Strom. This man is from Yale.

The CHAIRMAN. You think as little of Harvard, Strom, as he does, I know. [Laughter.]

Senator THURMOND. Who was the other dean?

The CHAIRMAN. Dean Griswold, former Dean Griswold from Harvard.

Senator THURMOND. Well, as the dean stated earlier, he is retired. He is no longer active.

The CHAIRMAN. The point the Senator was making was that even if he weren't retired, it wouldn't count for much because he is from Harvard. That was his point.

Mr. CALABRESI. You have not heard me say that.

Senator THURMOND. Well, I imagine that the chairman is right.
Senator SPECTER. Thank you, Senator Thurmond.

First, Dean Calabresi, I thank you for your letter to me of September 6, 1991 in response to my inquiry about Judge Thomas in terms of the preferential program at Yale. I would ask, Mr. Chairman, that Dean Calabresi's letter be made a part of the record as if read in full.

The CHAIRMAN. Without objection, it will be.
[The letter of Dean Calabresi follows:]