

Senator DECONCINI. I agree.

Mr. CHAMBERS. We have to make a decision whether he is qualified for the position.

Senator DECONCINI. That is a fair point, in my judgment.

Thank you, Mr. Chairman. I am sorry to take as long as I did.

The CHAIRMAN. Thank you. With the permission of my colleagues, I would like to just follow up.

Mr. RAUH, you said earlier that, something to the effect that there should be balance on the Court, and you pointed to the Roosevelt era and you mentioned Hoover, pre-Roosevelt, you mentioned and Calvin Coolidge and who they appointed.

Do you think you would be here if the Court had six liberals and the President nominated Judge Scalia, knowing what Judge Scalia thinks and how he views the world? Would you be here supporting or opposing Judge Scalia?

I have never heard anybody talk about Judge Scalia's qualifications. I have incredible difficulty with Judge Scalia's methodology, personally. But I never heard anybody talk about his qualifications as being in jeopardy.

Would you be here opposing Judge Scalia? It is a tough hypothetical, but.

Mr. RAUH. I don't think the exact case has ever come up, but it may have. The reason I say I don't think that the exact case has ever come up, it hasn't come up for liberals. I think it came up for the Republicans in the Senate in 1932. The conservative Republicans in the Senate, I think they had that, because you had a conservative Court in 1932 and you had a liberal appointed, which is the exact opposite of the case you gave me.

The CHAIRMAN. Yes. That is why I asked the question.

Mr. RAUH. And I think the Republicans in that instance acted with great dignity. Indeed, Senator Watson of Indiana—am I right?

The CHAIRMAN. I don't know.

Mr. RAUH. I think he was the majority leader. And he said to Hoover, "The best appointment politically is the best man," and, in fact, a liberal was confirmed there.

I can't—I want to give you an honest answer about Scalia there. I think I would feel that that was a pretty bad appointment. But I really think if there were six liberals this panel wouldn't be here.

The CHAIRMAN. I appreciate that.

I am sorry. The Senator from Pennsylvania, I believe, is next.

Senator SPECTER. Thank you, Mr. Chairman.

Within a short round, it is hard to cover much ground that this very distinguished panel has articulated in both the written statements and their oral testimony. Let me start with the qualification and background issue that Mr. Chambers writes about. And he lists a litany, one of which is the ability to grasp the intricate relationships and ramifications of a decision that is an integral part of the mosaic of Federal law, one among many qualifications. And he compared Judge Thomas to 48 Supreme Court Justices appointed in the 20th century and find him coming out lacking.

And, I wonder as I go through it if any really measure up except for the two that Joe Rauh talks about having clerked for—Benjamin Cardozo and Felix Frankfurter. And I think back on the testimony given here, Chief Judge John Gibbons from the Third Cir-