

Court, we are hopeful, will, in fact, restore to some extent, the rightful place of the first amendment's free exercise protections.

The CHAIRMAN. I asked him that question, and he refused to tell me whether he agreed with O'Connor or Scalia, when everybody else we have asked that question to had no trouble answering the question.

I just thought you might want to know that.

Mr. ZWIEBEL. I understand that, and I am aware of that, but, again, what I would suggest is that this particular aspect of his record suggests to us, despite his consistent performance at these hearings of not answering all of those questions quite as openly as we had hoped he might—it suggests to us at least that the man is sensitive to religious liberty issues and the rights of religious minorities.

And when you look for clues in a record of that sort, when he has not issued any judicial rulings on the subject, where he has not answered the specific question put to him during the hearings, and you look for clues in the record, I think this is very telling.

And the second, more general, point that I draw from this particular episode, or series of episodes, is that he is not an ivory tower jurist. He is not somebody who does not understand the impact—the broad impact—that Supreme Court rulings can have on Americans all across the country, in the everyday lives of Americans, even in contexts in which the Court has never issued the ruling, such as in the *Goldman* case, and indeed, also with respect to the *Caldor* case.

And I think that that is a quality that is of extraordinary importance in a jurist, and particularly a jurist who is sitting on the highest court of the land.

Let me just conclude by stating that our review of the record persuades us at Agudath Israel of America that Judge Thomas is highly qualified to sit on the highest court of this land, and we believe he deserves confirmation.

Thank you.

[The prepared statement of Mr. Zwiebel follows:]