

political appointment, he did not have any hidden agenda; he tried to carry out the duties of that job consistent with the mandate of that agency. And when in fact he had personal and professional disagreements with the administration that appointed him, he voiced those disagreements. He was critical of the Reagan administration's stand with respect to Bob Jones University. This is a man with integrity. This is a man who takes his job seriously, and he has done so at every job he has had, and he is certainly going to do so as a justice on the United States Supreme Court.

Senator KOHL. All right.

Ms. BRACHER. I just want to say I think that—I don't want to put words into Judge Thomas' mouth—but I think one's views as an advocate or as an educator or as a policymaker are very different from when one puts on the robes and joins the judicial branch. And I think Judge Thomas was trying to explain his recognition of the way you approach the law when you are judging the law as opposed to being an advocate or as opposed to being an educator or a policymaker within the executive branch.

Mr. KERN. I would just add that Judge Thomas has been on the bench for more than one year. Every opinion that he has made has been reduced to writing and published. In effect he has put his way of thinking and his views on the record day in and day out in the work as an appellate judge. And I have read some of those opinions, and I think they reflect a measured view, a fair statement of the contentions on both sides, a concise statement of what the issues are, a statement of the relevant facts and a persuasive conclusion. So you are not buying someone who has never done any kind of judicial work but in fact has been a judge and has articulated his decisions with an explanation, plus the fact that I think you realize that a judge doesn't have very much except his own integrity. Until you all raised salaries, there certainly weren't much material benefits out of serving on the court. And I think that when you are doing appellate judging, you've got to put your views on the line in public every time you make a decision, and nothing is more important than to be fair. You can't shade; you can't leave out a couple of facts in order to reach the conclusion that you want because the parties of both sides know those major facts. So you are called upon to tell it like it is within the framework of what are the precise contentions.

There is a lot of difference between being a lawyer before you go on the bench or being an administrator of a judicial education project and expressing viewpoints off the top of your head and making a decision on a precise question of law with contentions from both sides, and both sides looking at what you decide and how you decide it.

Senator KOHL. Thank you.

Senator THURMOND.

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

I want to take this opportunity to welcome this panel here today. I think each of you have brought out points that are very important. You know Judge Thomas, and you know of his activities, and you have firm convictions as to whether he'd make a Supreme Court Justice.