

or, particularly those who are watching, are still showing tremendous support for Judge Thomas.

My questioning has been a little bit touched upon by my colleague from South Carolina, Senator Thurmond, but I would like to proceed with those who have read the opinions. A couple of you referred to the fact you had read these opinions, and I want to say thank you for doing that because I think that brings a lot of knowledge to this committee, although we and our staff have had an opportunity to look at these opinions as well. It makes me feel good for those of you who have read the opinions that you have based your judgment and support of him to a considerable extent on what he has written.

The reason why I am glad for this is we did have some law professors here within the last few days who said Judge Thomas was not in the mainstream, and I asked them if that was based upon their reading of his opinions. Quite frankly, I was astonished that they had not read his opinions at all and they still had this judgment of him.

Ms. Norton and Ms. Bracher, is there any question, after reading these views of Clarence Thomas expressed through his opinions, that he is a mainstream jurist who is going to look at the written law and precedent to construe that law and who is going to look at the Constitution, the Framers' intent, and the precedent set by previous Supreme Courts in the interpretation of that Constitution? Ms. Norton?

Ms. NORTON. There seems to be a great concern that he will start bringing policy views unrelated to the Constitution into his judicial decision-making. I found absolutely no evidence of that in reviewing his decisions. His decisions were very carefully written, very carefully relied on precedent, on the exact language of statutes, on the proper role of an appellate court as compared to a trial court, and on the proper role of an appellate court compared to the U.S. Supreme Court. And I found his opinions to be just exceptional in the extent to which they were very carefully confined within the appropriate role of a judge.

Ms. BRACHER. I would also like to add I agree with Ms. Norton, but he has written opinions and they are joined by the judges on the D.C. Circuit considered to be on both sides of the political spectrum. And I would go one step further. Upon a reading of his opinions, I believe that every Senator could take comfort that Judge Thomas is a judge who will rule according to the law. His policy views and the policy positions that he has taken have not come into play when he has written his judicial opinions. He construes statutes as they are written with the intent of Congress, and he has ruled very narrowly on the precedent of the Court.

He even has gone so far as when precedents in other circuits have been to the contrary, he will review those precedents. He will distinguish them and explain where his rulings are coming from, and they are coming from the law.

Senator GRASSLEY. For those of you who would want to express a view, for those of you who support Judge Thomas—and all of you do—I am interested in whether viewing him not just as a jurist but as a whole person, do you think that he brings any special qualities to the Court that may not be there in some other Justices? Or do

you think that he is probably a duplicate in the sense of some other qualities that are on the Court already?

Mr. KERN. I would answer that by saying that I recall when his nomination was announced and his mother was interviewed on television, and she said, "He knows where he comes from, and he is never going to forget that."

When I would face the Supreme Court in the role of an advocate, I would see people from a variety of backgrounds and people with a variety of experiences, including an all-American football player and a Harvard Law Review member and a Chicago Law School professor.

It seems to me that Clarence Thomas, with his background and his life experiences that have been immeasurably different from, let's say, the last nominee—that is not to say that one has been better than the other, but they have been vastly different—I think he would bring a quality to the Court, a facet to the Court that is not now presently represented.

Senator GRASSLEY. And you are expressing that as a positive thing, that that ought to be present, a quality that ought to be present on the Court?

Mr. KERN. Absolutely. I would feel more comfortable as an advocate with that kind of component added to a multi-judge Court.

Mr. THOMPSON. Senator, I would add to what Judge Kern said, and that is, in addition to his background, arising from his background as a black American who grew up in the 1960's and has moved on, I think he would bring to the Court a demonstrated independence of thought, and the fact that he has valuable hands-on experience in the public policy arena as heading a major public agency such as the Equal Employment Opportunity Commission. I think those two ingredients, in addition to what Judge Kern said, his independence of thought and his public policy experience would be valuable additions to the Court, not only being on the Court but inside the deliberations of the Court. I think that would be a very positive factor.

Ms. HOLMES. Senator, I sat here thinking about what can he bring. To me the most important thing is you have to know who you are and where you have come from, and he certainly knows that, as it has been demonstrated over the past few days.

Judge Thomas, with his integrity, his sensitivity, his compassion, even though others on the Court have that, he still is going to bring a different dimension to the Court.

Ms. BRACHER. I would just like to add that beyond his experience and keen intellect, the experience that he has from serving on the D.C. Circuit, from serving in the executive branch, I find Judge Thomas to be inspirational, that someone with his background has done what he has done, and it proves to me that with hard work I can do anything I want to do. And I think that he represents what is best in all of America. And I think he brings that to the Court along with his background.

Senator GRASSLEY. Mr. Chairman, I have no further questions. Thank you all very much.

Senator KOHL. Thank you very much, Senator Grassley.

Senator SPECTER. Thank you, Mr. Chairman—