

tion is is this Senate ready to turn down a Thomas and someone of that ilk. I think the third time would be the charm, as it was in the Blackmun case.

Mr. BUCHANAN. Mr. Chairman, can I respond? You know, members of this committee have repeatedly expressed something of a redemption theory in terms of Clarence Thomas, notwithstanding his writings, because of his origins, because of what he said about a different attitude if he reached the Court, that he would be different.

And I want to express a redemption theory so far as the President is concerned. I think many of us who are concerned about such things believe that the Federal judiciary over the last 10 years has been filled with ideological conservatives to an extent that Franklin Delano Roosevelt never dreamed of, on the other side.

I think—I can't prove it sitting here, Mr. Chairman, but I think there is significant evidence that that process has taken place in the Court itself, and its sea change in 1989 would reflect that change.

The President is replacing the towering figure of Thurgood Marshall, truly an exclamation point. He appears to have done so with someone who is a long series of question marks. He could decide to attempt to replace a Thurgood Marshall with a towering figure. The Court already has a strong conservative leaning. But think of the strength he could give the Court, and think of what it would mean to the President in terms of statesmanship in terms of history if he were to decide, wait 1 minute. Maybe we have done enough of this. Maybe it is time to truly look through that large pool of, yes, black Americans who might be persons of more clearer stature, longer experience, clear track record, and decide to make an appointment that is truly statesmanlike.

Senator DeCONCINI. You have a lot more faith in President Bush than I do, Mr. Buchanan, I must say.

Mr. BUCHANAN. Well, it is the redemption theory, Senator.

Mr. CHAMBERS. May I briefly respond to that too? And first going to the question by Senator DeConcini about the similarities between Judge Thomas and Judge Bork.

I think, as Mr. Rauh mentioned, they may differ in some areas or in some degrees, but I think the adamancy and the position that they are advancing and the unwillingness to look at approaches that are necessary in order to provide some meaningful relief, as in the race area, they are pretty much together.

And I think it is pretty clear from Judge Thomas' writings, speeches and action that he would come out in a sitting with the Court that would be at odds with many of the precedents that the Court has adopted.

But finally in that connection, on the equal protection clause that you are talking about, one also has to remember that there are three tiers, and one of those tiers provide very limited relief. And, in the alien situation there is a real problem in terms of the kind of protection that is there.

And finally, I think when we look at a candidate like this we make a decision on the basis of the qualifications of the candidate. Regardless of what the President may do tomorrow, we are faced now with a candidate.