

Senator KOHL. Thank you, Ms. Norton.

Mr. Thompson, I hope you will respect the 5-minute limitation.

STATEMENT OF LARRY THOMPSON

Mr. THOMPSON. Thank you, Mr. Chairman and members of the committee.

I am pleased to appear before you today in support of the nomination of Judge Clarence Thomas to the U.S. Supreme Court.

I practiced law with Judge Thomas some 14 years ago in Monsanto Co., in St. Louis, MO. I knew Judge Thomas then as a bright young lawyer who was highly respected by his peers and superiors in a demanding corporate law environment. I know Judge Thomas today as a legal scholar, with valuable hands-on experience in the public policy arena. He now serves as a distinguished lecturer at the Emory University Law School in Atlanta.

Now, while Judge Thomas could have become quite comfortable financially by entering the private practice of law or continuing in a corporate law department, he chose not to do so. His entire career since leaving St. Louis to work with Senator Danforth, your colleague, has been dedicated to public service. As Chairman of the Equal Employment Opportunity Commission, he led the agency in removing a backlog of discrimination cases that served unfairly to deny relief to individuals who suffered employment discrimination.

Now, I have talked with several career EEOC professionals in Atlanta and from other parts of the country. These individuals praise and respect Judge Thomas for the job he did at the EEOC. They will tell you that the EEOC is in much better shape now, because of Judge Thomas, than it was when Judge Thomas took over.

One such person in Atlanta told me this past weekend that if Judge Thomas' critics do not want to change their views of him, then they should avoid getting to know him, and I agree. While some may disagree with Judge Thomas' views on several issues, I do not believe that many who may differ with him on these issues, but who have had an opportunity to know him will oppose his nomination to the United States Supreme Court.

Now, while Judge Thomas sharpened the focus of the EEOC in protecting individual victims of employment discrimination, he did not arbitrarily ignore larger class cases. In fact, the former General Counsel of the EEOC has noted that Judge Thomas himself initiated a race discrimination class complaint against a large foreign-based automobile manufacturer, which eventually led to a multi-million-dollar settlement.

As a black American, I am somewhat puzzled by the opposition to Judge Thomas' nomination from some of the organizations dedicated to the interest of black Americans. As a former U.S. Attorney in Atlanta, I believe that Judge Thomas' values and views on a number of subjects, including education, the need for self-esteem and a strong work ethic and the influence of a stable family and the church are not out of step with those of most black Americans who are, in fact, hard-working and law-abiding people.

Much of the good-faith and nonpartisan opposition to Judge Thomas from some of these organizations appears to center on his views on affirmative action. But Judge Thomas has stated that,

with the exception of quotas, he supports many affirmative action remedies, because these remedies are truly necessary and fair.

Both Judge Thomas and I have seen the pernicious effects of quotas. We both know many outstanding, highly trained and capable black American professionals and business people who are frustrated, because they are viewed only as members of a group who got their positions through quotas, rather than because of their qualifications as individuals. Their true achievements are being devalued and obscured.

Like the leaders of the organizations who oppose him, Judge Thomas understands that, unfortunately, many black Americans still suffer race discrimination and other forms of basic unfairness, but he differs with these leaders only as to how to attack the problems that face black Americans. But this difference, I submit, should not affect this body's decision as to whether to confirm Judge Thomas' nomination to the U.S. Supreme Court.

Black Americans need not and should not all think alike, and this diversity of opinion within the black community on how black Americans should advance is deeply rooted in our history and has served black Americans and this Nation well over the years.

Any distinguished American lawyer, with solid public policy experience, especially one like Judge Thomas, with his background, his intellect, his character, and his integrity, is needed not only on the United States Supreme Court, but inside the Court in its deliberations on a variety of issues, and not just on affirmative action.

For these reasons, I respectfully urge you to confirm the nomination of Judge Thomas to the United States Supreme Court.

Thank you.

Senator KOHL. Thank you very much, Mr. Thompson.

Mr. Kern.

STATEMENT OF JOHN W. KERN III

Mr. KERN. Mr. Chairman, I am pleased to be here this morning to testify on behalf of myself and not the Judiciary Leadership Development Council, which I serve as President. I am here to attest to Judge Thomas' combination of open-mindedness and an inner strength and a compassion which I have found in working with him in connection with the continuing judicial education efforts of the Judiciary Leadership Development Council.

President Lyndon Johnson appointed me to the District of Columbia Court of Appeals in 1968. In 1984, I took senior status and became the Dean of the National Judicial College, in Reno, NV, and I know a number of Wisconsin judges who came to our college in seeking continual judicial education. I came to have a great interest in the concept of judges continuing to keep open minds and express a willingness to learn new ideas and to pursue continuing judicial education.

I returned to Washington, DC, and I perform judicial services part-time for my court, but I also direct the Judiciary Leadership Development Council in providing continuing education of judges.

Judge Thomas is one of a number of judges, judicial educators, and State court administrators that are on our advisory committee. I have had a number of conversations with him and I have been