

Senator KENNEDY. But with regards to the other features of the article?

Judge THOMAS. I don't know all the other features of the article. My interest was a very single-minded interest, Senator, and that was in trying to convince a conservative audience in the Lew Lehrman Auditorium of the Heritage Foundation, with a concept that Lew Lehrman adopted, to make my point, and it was an important point to me.

I did not endorse, nor do I now endorse other portions of his article.

Senator KENNEDY. Did you mention in that speech, did you say anything else about Lew Lehrman, I mean he is a trustee of the Heritage Foundation, or the work that he has done? Did you say anything else, other than endorsing this—like most of us in these kinds of circumstances, you know, perhaps looking about gilding the lily or so, but there are different ways of doing it, and I am just asking whether you talked about his work as a trustee of the Heritage Foundation or other work that he has done, or was the only reference to Mr. Lehrman about this article?

Judge THOMAS. His use of natural law was the only reference. Again, Senator, this has not been something that has come up in a way that required explication. The important point for me was a very simple point, and that was that I was attempting to convince conservatives, individuals whom I thought would be skeptical about the notion of natural law and skeptical about aggressive enforcement of civil rights the way that I believe that civil rights should be endorsed, that here was a basis on which they could be aggressive, and I think it was an important speech, and I saw it, the manner in which it was quoted prior to my nomination to this Court was one in which I was criticizing the administration and criticizing conservatives.

Senator KENNEDY. Well, I did not find any reference to civil rights in the Lehrman article.

Judge THOMAS. But throughout my speech there is reference.

Senator KENNEDY. I have read that. Finally, did you agree with any parts of the article, the Lehrman article?

Judge THOMAS. My only interest, again, was in the notion that he used natural law. I do not think that natural law can be used to adjudicate the issue that he adjudicated.

Senator KENNEDY. My time is up, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Senator Hatch, and then we will end today's hearing.

Senator HATCH. Thank you, Mr. Chairman.

In all due respect, let me just start with the Chairman's excerpt that he cited to you earlier. That excerpt from the Pacific Research Institute speech is, in my view, completely out of context, and let me just read it to you, starting on page 16 of the speech:

"I find attractive the arguments of scholars such as Stephen Macedo, who defend an activist Supreme Court which would strike down laws restricting property rights." You immediately take on that statement. "But the libertarian argument overlooks the place of the Supreme Court in the scheme of separation of powers. One does not strengthen self-government and the rule of law by having the nondemocratic branch of the government make policy."

Now, in all honesty, I would ask that the entire speech be placed in the record, and I would——

The CHAIRMAN. Without objection, it will be placed in the record.
[The article referred to follows:]