

Madison, that the Supreme Court has the last word, no doubt in your mind about that.

Judge THOMAS. No doubt, Senator.

Senator SPECTER. You are not going to revisit that question.

The other one which I consider to be very important is the issue of court stripping. During my tenure in the U.S. Senate, there have been efforts to take away the jurisdiction of the Federal court on constitutional issues, and I just want to be sure that, if confirmed, you would not countenance that kind of a major change in our constitutional government.

Judge THOMAS. I think we discussed that the last time, and I think that my position is the same, that I would not.

Senator SPECTER. Thank you very much, Judge Thomas. I think about these hearings and the kinds of questioning, I think about the old case of *Ashcraft v. Tennessee*, which ruled unconstitutional relay questioning. You certainly had to do a lot of that here today, and I commend you for your stamina and I thank you for your answers.

Judge THOMAS. Thank you, Senator.

The CHAIRMAN. Does anyone on this side of the aisle have any further questions at all for the judge?

[No response.]

The CHAIRMAN. I am sure the judge appreciates that.

I yield to my colleague from South Carolina, Senator Thurmond.

Senator THURMOND. Judge, I just want to ask you one question. There has been a lot of talk here about making policy. Under the Constitution, the Congress makes the law. The executive branch, headed by the President, administers the law, and executes the law. The judicial branch interprets the law. This should not be a question of courts making laws. Courts have done that, but they should not have done it. This should not be a question of making policy. A judge's job is to construe and to interpret the law. Judge Thomas, is that the way you see your responsibility?

Judge THOMAS. That is the way I see it, Senator.

Senator THURMOND. That is a good answer, and that is the correct answer. [Laughter.]

Now, Judge, we are about through here. We are going to wind up.

Mr. Chairman, yesterday the Washington Post ran an editorial which I ask unanimous consent be placed in the record. Briefly, I would like to quote from it. It states: "[Judge Thomas] will have a clearer sense of discrimination and its remedies than any other member of the Court * * * on the strength of the hearings so far, we think he should be confirmed."

The CHAIRMAN. Without objection, it will be placed in the record.

[The article follows:]