

Mr. ALLEN. Senator, he is an advocate of all those personalities. The speech that you made reference to historically was one where Booker T. said that, in all matters, we can be separate as fingers, but be as mutual as the hand, and he talked about us working together. I think he understood that everyone was not meant to study Plato and Socrates, and while there are some people who have the arts in mind and literature, as DuBois mentioned, as a talented tenth theory, he also mentioned that Garvey and Washington believed everyone was not equipped to be the scientist, the connoisseur of literature, and there was a place for that person, too, so I see Clarence as a conglomerate of all those philosophies to what can make things work for the downtrodden, because there was no exclusive way.

Senator SIMON. If I may, on the first question, direct it to all three of you—

Mr. BELL. If I might speak to the first question, I am testifying for Judge Thomas, because I think he is his own man. I did not come here to testify because I thought he was like Justice Thurgood Marshall. They are different. Each one as an American citizen has a right to stand on their own feet.

I do not know anything about Judge Thomas that would cause him to be tested by the standard of Thurgood Marshall. That has been a problem ever since he was nominated. People said, oh, we don't want him, because he is not the same as Thurgood Marshall. Well, that is not the test in this country. He has a right to be considered on his own merit, and on that merit I support him.

Senator SIMON. Judge Tanner.

Judge TANNER. I agree with Judge Bell that it is very difficult to compare Thurgood Marshall and Clarence Thomas. It is like comparing Joe Louis or Jack Dempsey with Mohammed Ali or Jackie Robinson with all the other black ballplayers that came along after him. It is a very difficult thing.

But I, Senator, happen to be at the time, I was on the board of directors of the NAACP, I happened to be there when Thurgood Marshall was the general counsel of the NAACP, I happened to be there when he was director of the ink fund. I do not think at any time did I ever agree with Thurgood Marshall, except on *Brown v. Board of Education*, so there are differences of opinion among black lawyers, among black judges, among black people in the United States, so I think it is unfair to say it, but you must remember, the Yale graduate, and I assume Yale Law School is one of those recognized law schools, even though people from other law schools might disagree, has a much better education than Thurgood Marshall and myself, because he comes along at a time in our history that everything has changed. It was not like it was before *Brown v. Board of Education*.

Senator SIMON. Ms. Wilson.

Ms. WILSON. I thought we had resolved the dichotomy between DuBois and Booker T. Washington. We need them both.

But I think what I really want to emphasize here is that the careers of these two men are quite different. Thurgood Marshall's entire life was devoted to the civil rights movement on the advocacy side and the framework of the NAACP. Clarence Thomas has chosen the harder route, to move into the system and work within

the system to make it change, and I think it is a much more difficult job. And I think the fact that he has reached this point is kind of a star in his crown, because it is not easy, when you are inside the system, to change it.

Senator SIMON. Senator Thurmond.

Senator THURMOND. Thank you very much, Mr. Chairman.

First, I want to welcome you all here today. I want to thank you for coming. This is a very distinguished panel and I doubt if we have any panel that will excel this one, a distinguished State senator of Georgia, the State of the nominee, a distinguished circuit judge, Griffin Bell, who made such a fine record as Attorney General, a distinguished retired Federal judge here, and an outstanding lady distinguished in her own right, Ms. Wilson. We are just delighted to have all of you here.

I just have two questions you can answer in one word. I will start with you, senator. Is it your opinion that Judge Thomas is highly qualified and possesses the necessary integrity, professional competence, and judicial temperament to be an Associate Justice of the U.S. Supreme Court?

Mr. ALLEN. Yes, Senator.

Senator THURMOND. Judge Bell?

Mr. BELL. Yes.

Senator THURMOND. Judge Tanner?

Judge TANNER. Senator Thurmond, I am not a retired judge, I am a senior U.S. district court judge on active duty. The answer to your question is amen.

Senator THURMOND. I correct myself in saying you were retired. I had understood you were retired. I thought you looked pretty young. [Laughter.]

Ms. Wilson.

Ms. WILSON. Senator Thurmond, yes, with great enthusiasm.

Senator THURMOND. The second question: Do you know of any reason why he should not be made a member of the Supreme Court, Senator Allen?

Mr. ALLEN. No, Senator.

Senator THURMOND. Judge Bell?

Mr. BELL. Absolutely no.

Senator THURMOND. Judge Tanner?

Judge TANNER. No, Senator.

Senator THURMOND. Ms. Wilson?

Ms. WILSON. Absolutely not.

Senator THURMOND. That is all. As far as I am concerned, you can go home, and if you rush, you might catch that plane.

Senator SIMON. We had better let Senator Specter get a question in here now. Senator Specter.

Senator SPECTER. Mr. Chairman, very briefly, because I know you have a plane to catch. I join my colleagues in thanking you for staying so late.

Judge Bell, would you classify Judge Thomas as well qualified for the Supreme Court, after having heard the ABA's recommendation of qualified?

Mr. BELL. I would classify him as well qualified, yes.

Senator SPECTER. Senator Allen, you are a member of the bar yourself, I understand?