

OPENING STATEMENT OF SENATOR BROWN

Thank you, Mr. Chairman. Judge Thomas, I am pleased to join with my colleagues in welcoming you and your family here today.

Four times before you have successfully appeared before the Senate for confirmation for increasingly important positions of trust within our government. I hope this week will end with you feeling that you have had a full and fair opportunity to address the questions asked of you.

Mr. Chairman, today we consider Judge Thomas' qualifications to become the 106th Justice of the United States Supreme Court. In so doing, we fulfill our constitutional duties. Over the course of the next several weeks, the American people will witness the three branches of government meeting within the corners of the constitution to chart the future of our country.

We gather here not only in judgment of the nominee, but in judgment of ourselves as guardians of the constitutional process.

As a people we are unique in history in protecting the rights of the individual. The very foundation of our social compact - the Constitution and its Amendments - focus as much on preserving individual freedom from government as it does in establishing the framework for that government.

It is appropriate for us to inquire into the judicial philosophy of a nominee, but to demand rulings on cases yet to be heard would be a disservice to the American people. How would any of us feel about going before a judge who had prejudged the issues in their case?

We should seek a court committed to constitutional principle. Our Justices must be guardians of the rights of individuals whether they agree with their cause or not. Finally, Supreme Court Judges must understand that amending the Constitution and legislating are not the province of the Court. Over the course of this hearing I hope to learn more about Judge Thomas' judicial philosophy and his approach toward interpreting the Constitution.

This committee has approved several other judicial conservatives in the past decade who have advocated judicial restraint. In those cases, the nominees were given a fair and just opportunity to express their opinions and ideals.

I am concerned that, unlike Justice David Souter's nomination, several special interest groups announced their opposition to Judge Thomas before the Senate and the country could assemble a record upon which to fairly assess his qualifications. This despite pledges from these groups to conduct their reviews in the same manner as others had been evaluated.

Is Judge Thomas being held to a different standard than that of Justice Souter, Justice Kennedy, Justice Scalia and Justice O'Connor? I hope not!

This Committee should not prejudge Clarence Thomas, as some have done.

Dr. Martin Luther King stated on the steps of the Lincoln Memorial, on a hot summer Washington day in August 1963, "I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character."

Mr. Chairman, I am impressed with the background and character of Judge Thomas. He knows what it's like to work for a living. He understands what it's like to truly help others. Throughout his life he has rolled up his own sleeves to help those in need. Whether serving breakfast to disadvantaged children youth or tutoring school children, Clarence Thomas has been there.

He understands our legal system from a wide variety of experiences: from working in a legal aid clinic to practicing corporate law -- from drafting legislation for the U.S. Senate to hearing cases on the District of Columbia Circuit Court of Appeals.

Clarence Thomas brings to the court an understanding of segregation as one who has experienced its oppression. He brings to the Court an understanding of poverty as one who has experienced it first hand. And he brings to the Court an understanding of the American dream as one who has lived it.

Thank you, Mr. Chairman.