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## The Second Annual William French Smith Memorial Lecture: A Conversation with Justice Clarence Thomas

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# The Second Annual William French Smith Memorial Lecture: A Conversation with Justice Clarence Thomas'

Panelists: The Honorable Clarence Thomas,\* Dean Kenneth W. Starr,\*\*  
Professor Shelley Saxer,\*\*\* Professor Douglas W. Kmiec,\*\*\*\*  
Mr. Charles R. Eskridge.\*\*\*\*\*

PROFESSOR KMIEC: Good afternoon. It is my pleasure to give a welcome to our honored guest before Dean Starr gives a reflection about the lecture series for which this is named: William French Smith, the person who has been such a large part of American legal history and whose friends have endowed this lecture series in his memory. I have long admired our honored guest, and counted him a friend. There is much to admire: his jurisprudence reflects deep study and intelligence. Justice Thomas once likened judicial opinions to a train with a hundred cars, with the cars being the previous cases dealing with issues from the commerce clause to the First Amendment. Often, he said, what our decisions do is just tack on a new caboose to the train, and that's it. But Justice Thomas said:

This is what I like to do. I like to walk through those hundred cars, and see what's going on up front. I like to go back to the Constitution, looking at the history and the tradition, along the way, because what if there's a flashing light on the dashboard up there that says 'wrong direction'? What if we're headed the wrong way?<sup>2</sup>

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1. This conversation took place on at Pepperdine School of law on September 5, 2008. A video of the conversation is available at <http://law.pepperdine.edu/news-events/featured-stories/2009/03/supreme-legacy.htm>.

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2. Interview by Kaitlyn Buss, Daniel Burfiend, and Jillian Melchior with Justice Thomas, in

Over his near seventeen year tenure on the Court, Justice Thomas has suggested that he and his fellow judicial conductors reexamine the original track map on a number of occasions, with regard to the scope of the affirmative commerce power, with regard to the existence of the dormant commerce power, and the proper meaning of the export-import clause, the meaning of the establishment clause, the meaning of privileges and immunity, and the meaning of the necessary and proper clause. In each of these cases, Conductor Thomas has thoughtfully suggested that the Court may have veered a bit off track, and invited his fellow Justices to stop and reconsider. Yet as important as this body of judicial opinion writing is, there is even more reason to admire Justice Thomas. Prior to his appointment on the High Court on the twenty-third of October, 1991, and since, he has been the only member of the Court to take seriously the insight of Abraham Lincoln that recalls that old spiritual proverb, that “a word fitly spoken is like an apple of gold in a frame of silver.”<sup>3</sup> Lincoln used the proverb to make an analogy between the Declaration of Independence and the Constitution of the United States. Said Lincoln: “The Declaration is the apple of gold; the Constitution is the frame of silver. The Constitutional frame is made to fit the apple, not the other way around.”<sup>4</sup> And by this, of course, Lincoln meant that Natural Law principles underlying the Constitution’s structure must never be invisible to the mind of man, for when they become invisible, as they did in *Dred Scott*, the Constitution can no longer be said to secure our rights, but to subvert them. And when the law presumes to make what reason discloses to be the truth of the human person into something less, the law has failed us.

Now, I began by expressing not only admiration but also friendship, a friendship that dates back to a shared and busy time in the Reagan Administration, to the enjoyment of mutual friends like Janice Rogers Brown,<sup>5</sup> and to a personal gratitude that is heartfelt and at this moment difficult to fully express. Of course, I am forever thankful for the hours he spent with my students at the Court during my deanship at Catholic and with our students today. But it is more than that—it is a gratitude owed to a man who has not kept the lessons of his sometimes difficult life to himself, but in love of neighbor, offered their wisdom to us all. Yes, our honored guest has lived life in a world that has irrationally sought, from time to time, to diminish him, either by imposed disadvantage or patronizing preference, but

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Washington, D.C. (Sept. 19, 2007), available at <https://www.hillsdale.edu/news/imprimis/archive/issue.asp?year=2007&month=10> (last accessed 2 November 2009).

3. *Proverbs* 25:11.

4. Douglas Kmiec, *Human Nature of Freedom and Identity—We Hold More than Random Thoughts*, 29 HARV. J.L. & PUB. POL’Y 33, 49 (2005).

5. Circuit Judge, United States Court of Appeals for the District of Columbia Circuit.

he has not yielded. He has not succumbed to the false message of either. No, far from it. And in this life lesson, Clarence Thomas has transcended those who would limit him by race or ideology, and he has been the best of friends to thousands whose name he will never know. It is not merely a personal memoir that Clarence Thomas has penned in his extraordinary book, *My Grandfather's Son*, but a deeply Catholic and Christian one.<sup>6</sup> For the lesson that he so plainly and honestly gives is the powerful instruction that, whenever we wrongfully presume to see another person as less than ourselves, whether because of the color of his skin or because of his political party or his conservative or liberal ideology, or maybe even because he was once a community organizer—just making sure you were awake—we unfairly put labels on people, file them away in a mental box and dehumanize them. And the offense given is as wrongful and as hurtful whether it is uttered sarcastically by a newly minted national figure or cleverly at the invitation of a bestselling pastor in Orange County, or by Justice Thomas' long ago seminary classmate who, upon learning of the shooting of Martin Luther King, wished his death. The ill consequence of cultivating culture war and division can be great and insidious for even the most free and beloved nation on earth. It is the gift of Clarence Thomas, the man whose Catholic faith was tested and, sadly, even for a time lost, that, with the passing of time and the inspiration of the holy spirit joyously restoring his faith, Clarence Thomas fulfilled a promise, a very important promise, a promise he made to himself that he would honestly share with others the singular insight in life that makes all the difference. And what is that insight? Just this: we are created equal in the image and likeness of God, and there is no partisan or power or prelate or even thoughtless classmate on earth in the position to deny it.

Ladies and gentlemen, this is a special man, this is a special man. Welcome him with all of your heart; welcome him with your attention. He is a jurist worthy of the highest admiration. He is a friend to faith, to freedom, to Pepperdine, and, I am privileged to say, to me. Ladies and gentlemen, Clarence Thomas, the Associate Justice of the United States, in conversation with our colleagues here at Pepperdine. Welcome.

JUSTICE THOMAS: That was really beautiful, thank God! Thank you buddy, that was wonderful. Wow.

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6. CLARENCE THOMAS, *MY GRANDFATHERS' SON: A MEMOIR* (2007).

PROFESSOR KMIEC: And now, in part two, please welcome the Dean of our Law School, Kenneth Starr.

DEAN STARR: Thank you so much, Doug, for that incredibly inspiring introduction.

We gather on this very special occasion to welcome Justice Thomas back to our campus. He was here some years ago—it's been too long—but we also gather in a very special venue or forum. Here in the Caruso Auditorium, we are in the shadow of a great lawyer who served as the Attorney General of the United States, William French Smith. And both Justice Thomas and I knew Bill Smith well. I was privileged to serve at the Justice Department, and Justice Thomas then held two very important positions in the Executive Branch during the first Reagan term. And what I wanted to do before we begin the conversation with the Justice—with my colleagues, Academic Dean Shelley Saxer and our distinguished Alumnus, Charles Esthridge, thank you so much for being here—I wanted to draw from Bill's book, his memoir.<sup>7</sup> This is actually a forward by Ronald Reagan, one of the last things that President Reagan wrote:

For more than two decades, Nancy and my life was enriched—yes, blessed—by the friendship of William French Smith. It was the mid-1960's when I first met Bill. I was immediately impressed by his intelligence, his grace, and his wisdom. When [Bill] spoke, he made sense; and when he spoke, I listened. He had a gift for clear [reasoned] thinking, and I came to rely on his advice more and more. I always knew I could count on Bill for wise counsel, and he never let me down.

And he never let his country down—even though it meant leaving family and friends behind. Bill and his wife, Jean, came to Washington in 1981 so that he could serve as our nation's [A]ttorney [G]eneral.

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Bill was a magnificent head of the Justice Department. He was always honest, always fair, always careful, and always motivated by a desire to do what was indisputably the right thing. He served his country with dedication and distinction.<sup>8</sup>

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7. WILLIAM FRENCH SMITH, *LAW & JUSTICE IN THE REAGAN ADMINISTRATION: THE MEMOIRS OF AN ATTORNEY GENERAL* (1991).

8. *Id.* at vii.

Ladies and gentlemen, would you join me in paying tribute to the late William French Smith, a member of the Board of Visitors and Governors of the Pepperdine University School of Law, and a great lawyer.

JUSTICE THOMAS: That's great—a lot of people wouldn't do that. That's great.

DEAN STARR: We now turn to the conversation. I have here a book called *My Grandfather's Son*, and in this book—

JUSTICE THOMAS: —written by Justice Scalia—

DEAN STARR: We're off to a rip-roaring start! Written by Justice Scalia . . . well, now we know! Let's see, did you pay tribute to—I don't think you did! In the paperback we will learn something.

Justice Thomas, you write of your grandfather, who you called—what did you call your grandfather?

JUSTICE THOMAS: We called him Daddy, and I think that was because my mother called him Daddy. We called my Grandmother Aunt Tina. Now how is that—your grandfather's your daddy and your grandmother's your aunt.

DEAN STARR: I'm confused already.

JUSTICE THOMAS: Yeah.

DEAN STARR: Well, you write of your grandfather, Daddy: "In every way that counts, I am my grandfather's son."<sup>9</sup> Could you tell us about Daddy?

JUSTICE THOMAS: Well, you know, in thinking about and writing a book—which is more difficult than I thought it would be—I did get advice from a few friends who had written books. And one of the things they said was, choose your own title, or the publisher will misname your book. So, I was probably eighty-percent done with the original manuscript and, not being one to sleep a whole lot, I was lying awake at night thinking about titles. I remember it occurred to me that, you know, I've written this much,

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9. THOMAS, *supra* note 6, at 2.

and one of the things that I've concluded from it is that I'm my grandfather's son. So I ran downstairs—actually, I didn't run, I sort of stumbled downstairs at about two in the morning—and I wrote that down, because of course, you have those senior moments, you don't want to let that one go. If you say, I'll do it in the morning, you forget—you say, now, whose son am I? But, I went down and I wrote it, and what it meant is this: the first line in that book is, "I was nine years old when I met my father." And the point being was that there was no father, except biologically. The person who fulfilled that role would come into our lives—my brother's life and my life—when I was seven and my brother was soon to be six. In every way that you think of a father, what a father gives you, the way a father requires you to do things, everyone here whose had a strong father or an uncle or a coach, there are certain things that they leave you. And my grandfather provided those things.

When we went to live with him, for example, we'd just moved in from what was the squalor of urban poverty, this awful place, you know, raw sewage in the backyard, that sort of thing, and when moved into his house, which was fairly nice, the best place we'd ever seen, he said to us—two little guys, my brother and me—he said, "the damn vacation is over!"<sup>10</sup> You know, you can't dispute him in any way, but you wonder, what vacation? But it's just that, things that fathers do, and he was the father; he gave guidance, he was strict, he gave advice, he required things of you—he required the best of you. He would not allow you to get away with things—he was your father. And he said that. The final thing I'll say about him is that he said, when we moved in, that "I will not tell you to do as I say, I will tell you to do as I do." I think that that is probably as good as it gets, when someone says to two little kids, "Watch me, and you'll see how to do it." That's quite a burden to put on yourself—that you have to conduct yourself as an example. So, that was sort of the beginning of it and, of course, as I go through the book, very briefly early on, you see even more the flavor of the man.

DEAN STARR: You first lived in Pinpoint, Georgia, and you write, "Life in Pinpoint was uncomplicated and unforgiving, but to me, it was idyllic."<sup>11</sup> And then, at the age of seven, the move. But first, you were in this urban squalor, which you describe, and it's very moving. You write this, "When I was a boy, Savannah was hell. Overnight I moved from the comparative safety and cleanliness of rural poverty to the foulest kind of urban squalor."<sup>12</sup> This of course was the time of segregation. Jim Crow,

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10. *Id.* at 12.

11. *Id.* at 5.

12. *Id.* at 6.

segregated schools. Share with us experiences of growing up in the segregated South.

JUSTICE THOMAS: Well, it's probably not what you want to hear. I, actually—when we went to live with my grandparents, life was idyllic, except that he made us work all the time. One of the chapters is entitled “Sun to Sun,” because he believed very strongly that because of our fallen nature, we had to work from sun to sun.<sup>13</sup> So, that was the tough part of it. But as far as safety and living your life on a daily basis, we walked to school every day. We went to parochial school, we played on—Sunday was really the Lord's Day, in those days—you couldn't go to stores or anything, they were all closed, so you got to ride your bike all day, and you got to play, and it was a very safe neighborhood. So in a sense, it was idyllic to live there, in the South. People think that there was always, on a daily basis, racial conflict, but you're a kid, you know. We weren't carrying the burden of all these things, we're just little kids. This was our street, our block.

Now, you return to that neighborhood today, and it's like any other neighborhood in these urban areas across the country: it's a little depressing. There are crack addicts, there are no industry or business anymore—those are all done. As I described the street, there were little businesses: Mr. Wise's Confectionary, there was Mr. Lee's Corner Store, there was Mr. Goodman's store, there was Reverend Bailey, there was Jim's Fish Market. These were all people on our walk to school each day. Today, you couldn't make it five blocks on that walk, because the environment is just so different. There are no kids playing, there's no sound of a living neighborhood—we had all of that. So, that's probably not what you would think people would think. Well, you thought of discrimination—of course we couldn't go to the public library, it was segregated; of course we couldn't go in certain parks—they were segregated. And that's not right. But I will add this final point on that: I was treated in that environment a lot better than I would be treated in New England and certainly in Washington D.C. by many of the elites. The worst I have been treated was in Washington D.C., not in Savannah, Georgia.

DEAN STARR: We want [the audience] to join in the conversation as well. There will be cards in—as we say in Washington, D.C.—National Press Club style, so if you have a question, if you'll write it on the cards, and

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13. *Id.* at 1.



as the conversation unfolds there will be student-volunteers who will be picking up the cards and bringing them forward. Dean Saxer?

DEAN SAXER: Justice Thomas, your memoir identifies the important role that private Catholic education had in your educational and your social development. How did this experience influence your concurrence in the *Zelman* case, which is the Ohio school voucher case that upheld that program against an establishment clause challenge?<sup>14</sup>

JUSTICE THOMAS: Well, substantively, I don't think it influenced it at all. But it certainly the way that I was educated helped me in so many other ways, as far as thinking things through, and working through problems in a disciplined way. I'm from the era, of course, when we still diagrammed sentences, and we still had rote learning and you still—if you did not do what you were supposed to do you could be whacked a little bit. I tell people, I deserved every whack I got, believe me! As far as I'm concerned, I got away with a lot of things.

But in the *Zelman* case, the point was simply that we were using the Fourteenth Amendment which—we know why we have the Fourteenth Amendment, we know what it meant, what it was intended to do with respect to the slaves, and to help the slaves become full citizens. There's dual citizenship, there's due process, there's equal protection. And suddenly we're using it in this sort of—I wouldn't say dubious doctrine—but certainly one that was controversial when I was in law school: the doctrine of incorporation. We use it to incorporate the establishment clause against a state, and then use that to keep these black kids from having options in these inner city environments, of educational approaches, the same things that we have: if you have more income, you have more choices. You can go to public school, private school, Christian school, secular school—you've got lots of choices. For years, we had thought that to help kids—there's that wonderful movie, *Sugarcane Alley*, it's a French movie with English subtitles. It talks about education as a second door to freedom. And so you think of it as a second door to freedom. And so the idea of using the doctrine of incorporation to close that door made no sense to me. And so the point that I was simply trying to make is that we would use it later on to have racial preferences, but we use it to close the door that could preclude the need for those preferences by giving kids choices in the early part of their lives. So it was just a point of an inconsistency that I saw, in sort of taking something that was central, and using it to undo that, with this curious doctrine of incorporation, which I'm not against, it was just simply one of the effects.

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14. *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002).

DEAN SAXER: Well, continuing on with the influence of the Catholic faith throughout your life, your grandfather certainly encouraged you to attend church—

JUSTICE THOMAS: —Oh yes—

DEAN SAXER: —and you attended Catholic schools throughout a large part of your life, even considering the seminary and studying there. But your memoir reveals that you really turned to your faith much more ardently during the confirmation process and after. So, can you talk to us about that faith journey?

JUSTICE THOMAS: Oh I think that there are certain times in all of our lives—I mean, I don't think there's a person in this room who, when they were challenged, didn't find themselves . . . what did Paul say: we're strongest when we're at our weakest.<sup>15</sup> And it just seems to me that there are moments in our lives when the only, the last thing that you have, the one thing that you have left is your faith—as though the whole world is against you. My wife and I—it was us, just the two of us, we're sitting there and we're being pounded—and you ask yourself, you look at all these forces arrayed against you, and where else do you go? That's where we went—we went to God—and we're not ashamed of it. I'm very public about it; that's where we went. I always thought it was ironic, I found it years ago very interesting that guys were ashamed of saying to their wives in public “I love you;” they would whisper it: “I love you.” Well, I'm not ashamed of it; I love my wife, she's my best friend. Similarly, we turn to God in difficult moments privately, and then we're ashamed publicly to say that we have faith in God and that we believe that he will help us in our moments of trial. So, no, in the difficult moments I think it sharpens your faith, simply because for whatever reasons, there are no other alternatives, but it helped us, and it's only by the grace of God that we're here and we're sane.

DEAN STARR: Charles?

MR. ESKRIDGE: Turning from your confirmation to the institution of the Supreme Court itself, we hear a lot about the collegiality of the Justices on the one hand, but year after year we see and read quite fractured opinions,

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15. See 2 Corinthians 12:10.

with sometimes sharp language in concurrences and dissents. When you're working through a case for a decision, how do you decide whether or not it's going to be worthy of concurrence or dissent, and, in doing so, does the tone of the opinions impact or reflect in any way the personal working relationship of the Justices?

JUSTICE THOMAS: Well, as to choosing whether or not to write a dissent or concurrence, I assess whether or not it will annoy my colleagues. No, I don't do that. Some do annoy them, but I don't do that. I think it's an individual thing. I don't write dissents or separately just to be writing them; I don't believe in that. I don't like that attitude where, that "me, me, me, everybody look at me" attitude. I write them when I have something to say that I think must be said.

The only regrets I've ever had in that area, early on, is that there were a few cases I should have written in, that if I had to do over, which I won't go into, but I've never regretted having written. As far as the showing a splintering of the Court by the number, the five-fours or the six-threes: these are tough issues now. The country's divided. We take cases on some of these things—we take cases because there are splits among the circuits. There's a disagreement in many instances. And suddenly we're not going to turn water to wine by taking the case, and suddenly all is well in Gotham. That's not the way it works. We simply sit and try to work it out. And it reflects the different approaches to law that the members of the Court have.

Now, there are some five-fours where people are upset with each other, and they might write something that has a little bit more pepper in it than I would put in it. I do think that when you—again, my personal approach—when you take after someone, and you say things about them in opinions, in a harsh way, I think it does cause difficulty in relationships. It's hard to absorb insults and not have hard feelings. It doesn't bother me, but of course, I don't absorb any insults. I mean, nobody insults *me* on the Court. If you look at my dissents, for example, each one says, "I respectfully dissent." Just think about what we're doing in law schools, for example: you're trying to get people to understand that just because you think you're right, you don't have to have bad manners, or be arrogant, or be pushy, or think that you have the gospel. It's an opinion. What I'm expressing is an opinion, not a gospel. And you don't beat people about it; you try to explain it, and you hope that one day they'll be able to see your point of view. And you do it in a way that respects the fact that they may have a different opinion. That's why you say I respectfully—respecting your right to disagree—disagree with you. So I don't think the numbers reflect divisiveness. It's just differences in approach, and perhaps, the fact that these cases are so close, and so hard, that you can expect these differences of views on the Court.

MR. ESKRIDGE: Shifting to a more substantive area about the work of the Court, and considering the role of Congress . . . the Supreme Court has held that members of Congress, as a general matter, don't have standing to come in and contest or sue in federal court. They may disagree with the law, they may think that the way it's being interpreted or implied is incorrect, they may think that a law is unconstitutional, but the Court won't listen to a lawsuit by members of Congress challenging a law. Why? Why not allow Congressmen and women to come in and challenge a law?

JUSTICE THOMAS: Well, I mean, we did years ago, what was it—like forty years ago—we took the Adam Clayton Powell case, but he actually was injured, in his way.<sup>16</sup> I think the last one was that Franklin Raines case some years ago, where we simply went through our normal standing analysis, you know: we looked at the injury; we looked at whether it was particularized, redressability and those sorts of things.<sup>17</sup> I think the Chief wrote that opinion. And in applying it, he just simply did not, as I remember it, think that we had Article III standing, or that they had Article III standing. But I don't remember us saying that as a general matter, ever, no member of Congress will ever have standing to bring a suit. Maybe the opinion is written in a way to suggest that, but as far as I remember, that's the last one, a decade ago. But I'm not suggesting that they should keep bringing suits, but I think there may be a case that would certainly meet our normal standing—

MR. ESKRIDGE: —and just look at the normal standing requirements?

JUSTICE THOMAS: That's what we applied in that case. I mean, you were at the Court; did you see it differently?

MR. ESKRIDGE: I think you've put it quite well.

DEAN STARR: I think Charles is deferring to you.

JUSTICE THOMAS: Well, he says that publicly, but he has another approach.

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16. *Powell v. McCormack*, 395 U.S. 486 (1969).

17. *Raines v. Byrd*, 521 U.S. 811 (1997).

DEAN STARR: Justice Thomas, let me ask about accountability. The Supreme Court decides, as these questions have already indicated, and as everyone in the audience knows, enormously important issues. The recent Second Amendment case, *Heller*, the right to bear arms.<sup>18</sup> *Bush versus Gore*.<sup>19</sup> These are very important questions. The *Zelman* case—school choice.<sup>20</sup> Religion in public life. And yet, there's no accountability to the American people. We live in a representative democracy, here: the Court, all federal judges, but especially five members of the Supreme Court have enormous power, but without being accountable in a direct way, once confirmed, to the people, say, for impeachment. They serve, in effect, for life, or during good behavior. Is that a good system? Should we change that system? If we could change it, should there be term limits? Should there be term limits for the Chief Justice? You may answer anything that you want to answer. I object to the question as compound, but not very complex.

JUSTICE THOMAS: No, that's one of those "I'm heading for the exit," kind of questions. Oh, man, Ken. There are term limits in various places on judges. Has it worked better, say at the state level? There's accountability with elected judges—has that worked better? I don't know. I mean, the states where you have elected judges are now moving toward a Missouri type system to get a little bit more stability in their judiciary, and a bit more independence. So I think with any of the systems you have some problems. But let's get back to the federal system. The whole idea, as we all know, is to create an independent judiciary, so that people didn't have to worry about their appointment; if you decide a case this way, suddenly you're gone. And the other thing that we had to assure that was irreducible salary, although time is reducing that: inflation, cost of living. The fact was that you served for life. But there was a structure that all of this is in—you've got an independent judiciary for a reason. But it requires or it assumes that we will all work within the structure: you'd have the three branches of government, and that these branches will not go beyond their assigned roles.

You've talked often of structure. And I have often thought that, whether it's federalism or separation of powers, it's so important that we realize that our great protection is that everyone stays within their assigned roles. Sometimes, the problems that you're alluding to result from the fact that you think we're drifting beyond our assigned roles. It is assumed that we would stay within those. And you talk about, you would say, "Well, here's a lifetime federal judge who is legislating from bench." I don't know what that really means, but that means you're not doing your job: that's a

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18. *Dist. of Columbia v. Heller*, 544 U.S. \_\_\_, 128 S. Ct. 2783, 171 L. Ed. 2d. 637 (2008).

19. *Bush v. Gore*, 531 U.S. 98 (2000).

20. *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002).

criticism. But now, you're insulated or protected by the fact that you don't have to stand for election and hence you're not accountable. So that protection of the independence of the judiciary now is an insulation from the accountability of someone who's done what he or she shouldn't be doing. So I can't tell you beyond that.

I think that in my seventeen years or so on the Court, I have looked my clerks in the eye at the end of the term, and the question is, have we ever, ever stepped beyond, one time, during the term, beyond our assigned roles? Have we ever? And the way that I do it is with the oath. That you took an oath not to go beyond that role. And you look these kids in the eye, much the same way that my grandfather would look at my brother and me: was there one time that we shied away from doing our job? Was there one time that we did anything improper with the authority that we have from the Constitution of the United States? Once? And I can sit here and I can say to you that in my tenure, we have never gone beyond our role, and we have never, ever shied from the duties that are required of us under this Constitution. So, I can't give you a better structure. I can only tell you that I've tried to live up to what's required of me in this structure.

DEAN STARR: Thank you.

DEAN SAXER: Justice Thomas, the American Constitution is very brief. You can hold it very easily. And it sets forth a structure of government. How do you as a Justice go about interpreting this document that's well over two centuries old, yet has modern amendments? What are your sources or clues for interpreting the text of the Constitution?

JUSTICE THOMAS: I think, first of all, let's just take a step back—one of the things I wished had happened to me when I went to law school was that we'd had a course that preceded constitutional law that was entitled something like, "The Formation of our Constitution," so that we could see where this document came from, its source, the framers. We would learn more about Madison and what he did, we'd learn more about Jefferson and what he thought when he wrote the Declaration, we'd know more about what happened in Philadelphia. We'd know more about what was going on contemporaneously with the founding of our country, and the revolution, and then the Constitutional Convention. And with that underpinning, then we could get a sense of what went on afterwards, with *Marbury* versus

Madison, with the debates over the National Bank, and things like that.<sup>21</sup> It gives us a context.

But we move right into constitutional law, and we think that constitutional law is synonymous with that document, with the Constitution. What I try to do is—let’s start with what I don’t want to do. I don’t want my personal opinions, on your Constitution. And so, now I try to find methodologies that will discipline me to not do that. I need some that’s firm. Years ago, when I was preparing to go on the D.C. Circuit, the Solicitor General of the United States and some of his colleagues from the Justice Department, including our present Chief Justice, were kind enough to spend time with me in my preparation process.<sup>22</sup> And there was something at the time that Dean Starr emphasized. He said, “think about the history and tradition, the society that was contemporaneous with the framing, the laws, whether it’s Blackstone or others, who understand what the framers were thinking, to put it in context.” So that walk that Doug Kmiec, in his eloquent introduction of me, and very generous introduction of me, that walk to the front of the train, is precisely that walk. What was going on then, and what happened afterwards? Now you could say, we all could say, that’s flawed. It is. Some of it’s—having been written about a lot—some of it’s probably inaccurate. But it’s the best we have. And from the standpoint of a judge, it’s not my personal opinion. It’s what I’m trying to find from the people who were there, or who were close to that. So you do go back, and you read a lot, you know. You try to read about—try to follow the Civil War, because that was such a pivotal time. You read about Reconstruction. You know, you read—and I hate to say—this is probably not a good one, but you read the John Adams. And of course, my wife and I, we watched that wonderful series on John Adams, and it makes you almost want to be there, because it was just so poignant. And that’s what you go back to. Not to understand, to say, “I want to impose my view on the Constitution,” but I want to make sure I get theirs. Is it perfect? No it’s not. And some people like to call it originalism. But it keeps me from putting my personal views on it. So that’s my start. And of course you’d start with the text, you’d go to history, you’d go to tradition, you’d go back to the earlier precedents, you’d work your way through it as systematically as you can.

MR. ESKRIDGE: In your memoir, you reflect upon closed mindedness, and you once said that “Some have got to have their way or they’ll kill you. Not physically, necessarily, but certainly with calumnies. There are people today who seem unable to transcend their interests to the point necessary to

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21. *Marbury v. Madison*, 5 U.S. 137 (1803).

22. The Solicitor General at that time was Kenneth Starr, and the “present Chief Justice” is John G. Roberts, Jr.

have a civil discourse.”<sup>23</sup> Do you think this affliction cuts across ideologies, and how do you or how should people guard against that?

JUSTICE THOMAS: Oh, I can’t speak for all ideologies in that sense, but I can say that the most—to be candid and honest with you—that the most vicious treatment, for me, across those lines, came from the left. I have had disagreements with people who were on the right, but they were too polite. You know, they actually believed that it was wrong to hurt people, and that the end didn’t justify the means. So, I just can’t equate the two, and I’m not willing to say it’s that all the ideologies are the same. From my standpoint, as a recipient of that sort of thing—that’s what I was referring to in my book—most of that was from the left.

DEAN STARR: The audience’s questions are numerous and they are thoughtful. We’ll continue going around, but let me go around and introduce others to our conversation here: “Justice Thomas, why are you quiet on the bench when you have so much to say?”

JUSTICE THOMAS: I think the question is: my colleagues, why are they so talkative on the bench? You know, it’s hard for everybody to talk at the same time. Somebody should listen. There was this wonderful little girl, wonderful young student who visited me recently, just the kindest little kid. This was a kid who was studying by candlelight in high school, and didn’t even have running water, and she managed to go off to college on scholarship. And she was sitting in a row—I was addressing the group—and she didn’t ask any questions. I said, “Why are you so quiet?” And she said, “Well, wisdom listens and knowledge speaks.” And I said, “Whoa, that’s pretty good.” And so I scooted out and checked it out on the internet, and found out it was Jimi Hendrix! At least that’s all I could find.

DEAN STARR: On that same light note: “Justice Thomas, what are your favorite movies, and why do you have your law clerks watch two movies as they begin their service with you?”

JUSTICE THOMAS: Well, it used to be one, but actually I stopped making them watch. I had for years, even when I was at E.E.O.C., made my staff and many of my friends—I burden them with these things—watch *Fountainhead*, not so much to push objectivism or anything like that, but

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23. Interview, *supra* note 2.



just sort of an attitude, that just because the whole world's against you, it doesn't mean you're wrong. They could be wrong. And, it's a fun movie. Well, some people don't think it's a fun movie. I like it, and they work for me so they have to watch it too.

And then there are other movies I really like. I have watched *300*, *Gettysburg*, *Gods and Generals*, I might make them this year watch *Saving Private Ryan*, *Band of Brothers*, things that show that a lot of people have sacrificed a lot for us. As Lincoln says, they basically have given it all for us to be able to sit here in peace, and to be able to disagree, and to be a country where you do have liberties, flawed but free. And I want them to, as the captain asks Private Ryan, at the end of that movie, after they've saved him, after all those men have died to save him, he said, "Earn this, earn it." And that's what I think about when I do my job, and that is that here we are.

I tried to point out in the book, in my book, what other country could that have occurred in? Where could you go from that sad beginning to be a member of the Court? And what have I done, or what do I do on a daily basis, to earn the right to have been given that chance? And what I want the clerks to understand is that this isn't about *ids.* and *ibids.* This isn't about whether or not your constitutional methodology is better than mine, or whether or not you know more about statutory interpretation than I do. This is about something much larger, something that underpins all of it, and I want them to understand that we have to earn that right by doing our jobs properly. So, I make them watch these movies with me, and those movies reinforce that.

DEAN STARR: Let me ask one more from the audience before going another round. You mentioned "flawed." One question is: "How should we best combat racism in our society, and does the Court play a tangible role in that ongoing struggle?"

JUSTICE THOMAS: You know, I'd love to say I know. I have never understood the notion that we could continue to focus on race in order to get over race. I've never understood that—that we have to continue to identify us, to be race conscious, in order not to be race conscious. I think that's attributed something from Justice Blackman, and I just don't . . . I was in the seminary, as I note in my memoirs, I was the only black kid in my seminary in Savannah in 1965 to 1967, and one of two in 1964 to 1965, so you can see the world hadn't changed in Savannah at that time. And what I found in getting along with the white classmates is to look at them not as white kids or as different, but as kids, to look at people as human beings, to treat them as human beings. There are good ones and bad ones, there are tall and short, there are some who are flawed, some less flawed, I don't know. But in the end they're all human beings, and that's the lesson I learned. To be treated as a human being you have to treat others that way. And one thing that sort

of interfered with that was the constant effort of putting each other into boxes, that I can look at you and I can put you in a box, and now I can figure out everything I need to know about you: You're white, therefore. You're female, therefore. You're black, therefore. That's kind of a lazy way to do things, it probably saves a lot of time. But I found that people are people, and you've got to give them the same break that you want as an individual, that you allow them to define themselves in certain ways. Let them show you that they're good people.

So, I would say, look on a higher level: we're all human beings, we're citizens of this country, and we—I know I'm black. But I knew that a long time ago. I don't have to keep telling people that I'm black, and I don't have to limit myself by saying, look, they say that because I'm black, I'm this or I'm that. I'm Clarence. And I'm a citizen, I'm a human being. And you're Ken—actually, you're Dean Starr.

DEAN STARR: Thank you. Shelley?

DEAN SAXER: You spoke earlier about drifting beyond assigned roles, and, in one case that involved Congress' efforts to control guns in and around schools you set forth a view that for half a century the Supreme Court had interpreted the Constitution really to allow Congress to go beyond their assigned role.<sup>24</sup> You disagreed with an entire body of jurisprudence that had built up over a long time. Why not defer to others who had gone before, since the law as to Congress' power seemed to be, for better or worse, already settled?

JUSTICE THOMAS: That would have been an easy way to go, and that was in the *Lopez* case—it involved our commerce clause. Yeah, that would have been an easier way to go—made for a shorter day. I could just simply say, hey, that's done, I'm out of here. I don't do windows. But your point is a valid point, a very valid point. But you know, sometimes, when I think that through, I think about the fact that *Plessy* was settled law.<sup>25</sup> For sixty-plus years. So, do we say, look, that's settled law, we know that it's wrong to segregate the schools but that's settled law? Or suppose we had *Dred Scott* on the books.<sup>26</sup> And you say, well, *Dred Scott's* there. That's settled law. It's really old, and we don't want to go back and dust that off. I think

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24. *United States v. Lopez*, 514 U.S. 549 (1995).

25. *Plessy v. Ferguson*, 163 U.S. 537 (1896).

26. *Dred Scott v. Sandford*, 60 U.S. 393 (1857).

that if I were a Court of Appeals judge, and I was, for a minute, that I would definitely follow that, because that's Supreme Court precedent, and we are obligated to apply the precedent, and I would do that—I did that, when I was on the Court of Appeals.

But on the Supreme Court, I think we have a much broader responsibility, just as the Court had it in *Brown*,<sup>27</sup> and will have it in other cases. And I go back—I took my walk down that train, and I read all the cases, and talked about it and thought about it and agonized over it, and I tried to set out to the Court, look, here's where we were with the Commerce Clause. How did we get all the way over here? And shouldn't it give us pause? I didn't say overrule all the cases. But shouldn't it give us pause how far we've gone? Shouldn't it at least be a drag on us? Shouldn't it say to us slow down, stop? For example, if you started heading north, and you're going to San Diego, I mean, you know, you're two hundred miles from San Diego, next sign you're five hundred miles, wouldn't you stop, and say, you know, I'm really driving effectively, but I started out this way six hours ago, I've got to turn around! You would turn around and you'd at least stop and get directions, and not keep driving north, and getting farther away.

DEAN SAXER: So you want to be the signpost.

JUSTICE THOMAS: Actually, I think the signposts are there. I think what I want to be is to say, let's just slow down. We may be going the wrong direction, and more importantly, that structure that we talked about, that structure that is there to protect our liberties, the structure of separation of powers, of enumerated rights or enumerated powers, those are to protect us, our liberties. You can't just cavalierly say: "Look, we've already done that; let's keep going." That's what I'm saying—this is really important, let's stop and think about it. Really, if that's all you get out of it—particularly in the early cases, whether it's in *Camps Newfound*, or with the dormant commerce clause, or commercial speech cases, etc, 44 *Liquormart*—all I'm saying is stop a minute and think about it, and let's not just automatically, routinely follow the precedents.<sup>28</sup>

MR. ESKRIDGE: I wanted to talk with you for just a second about your law clerks.

JUSTICE THOMAS: Are they in trouble again?

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27. *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).

28. *Camps Newfound/Owatonna Inc. v. Harrison*, 520 U.S. 564 (1997); 44 *Liquormart Inc. v. Rhode Island*, 517 U.S. 484 (1996).

MR. ESKRIDGE: That's part of the question. Obviously, with the burdens of the Court, you have law clerks that help you work each term and, for the law clerks, that can include helping with cert petitions, helping draft opinions or working on bench memos to get you ready for argument; also, assisting on death penalty cases and other habeas cases that come up for review. Can you talk about your relationship with your law clerks over the years, and what you think the highest and best use for your law clerks is?

JUSTICE THOMAS: Well, first of all, my law clerks are my kids. I absolutely love my law clerks. They're just really, really good kids. And I hire them knowing that I want them to be a part of my family, that they are a family. Even to this day I have a monthly meeting luncheon with my former law clerks.

MR. ESKRIDGE: Every month?

JUSTICE THOMAS: Well, not during the summers. But we try to do it throughout the term. We have a monthly luncheon that they have to pay for, for me. It's gotten to be a really nice lunch, too. It is a wonderful, wonderful experience, and they truly are, sort of, my family, and my wife Virginia has organized the effort to get the spouses together, and to have sort of a routine contact list. So they're our extended family. They're wonderful kids.

Now, with respect to the work, the law clerks are there to help me live up to my oath. That is the job description. You are here to help me live up to this oath. I took an oath to God to do this job in a certain way, and you're here to help me do that. The way I select them, you know the routine—I mean, you clerked for Justice White—so we have a very structured approach to things. It is very consistent over the years. They take the lead; we work as a team. I don't work one-on-one with law clerks. I work with all four of my law clerks on everything. They edit everything together, draft everything together, we discuss every case, the cases are prepared, we have clerk conferences to discuss everything, but equally important to me is how we select and who we select.

My clerks this year—what happens at the Court all too often is that the clerks come from the Ivy Leagues, and that's something I'm not—well, I guess I did go to the Ivy Leagues. I've denied going to Yale so much I'm beginning to think I didn't go. But at any rate, my clerks this year, suffice it to say, and you can follow up if I haven't answered your questions, are from

Rutgers Law School, Creighton Law School, George Mason Law School, and George Washington Law School.

DEAN STARR: There's one name missing in that—

JUSTICE THOMAS: Well, hey, you need a more effective Dean!

DEAN STARR: I want to thank the Justice for that very endearing comment, and for the warm applause. Moving to the next question, and it's a very poignant question, just as your last comment was. Did your grandfather live to see you become a Justice on the Supreme Court?

JUSTICE THOMAS: No.

DEAN STARR: How is the Clarence Thomas—obviously, these are from the audience—how is the Clarence Thomas of today different from the Clarence Thomas who took the oath of office in 1991?

JUSTICE THOMAS: I have less hair. And what I have is grey, I tell you.

You know, our goal is to gracefully and with the benefit of experience to live our lives and make decisions in a more measured, a more complete and thoughtful way than we would have with less experience. There is not a person here who would say that when they were thirty-five years old and they looked back in hindsight at some of those decisions, that they would make every one the same way. Nor would they do it if they were beyond forty-three, which is where I was when I went on the Court. I just think that, having been there now for seventeen terms, and being now sixty, and not forty-three, that I have a more informed view and deeper understanding of the importance of the work that we do, of the importance of living up to that oath, the importance of that great document that is so small, the importance of preserving the liberties that we have in this country, the importance of making sure that the rest of the country, that the citizens understand what we do, and how great a document that is. And I do think that their knowledge of what we do and what that document provides for us is the greatest defense against those who would assault it.

DEAN STARR: We have, speaking of the interpretation of the document, several questions having to do with the use of foreign legal materials in interpreting the Constitution, and whether it's appropriate for you to express a view with respect to this issue, the use of foreign legal materials in interpreting the United States Constitution.

JUSTICE THOMAS: You know, I've written on this, of course, and I don't really understand that approach. Of course, in the founding we have to rely on people like Blackstone; we have to rely on the countries and the legal systems that underpin ours. But, as I said in one dissent or one separate writing, I didn't understand relying on the laws of Zimbabwe—what did that have to do with our legal system? But at the time, it suited a purpose.

Let's assume, for the sake of discussion, that it is okay to rely on laws from other countries. Which country do you pick? Which legal system? On the death penalty, do you pick China, or France? Now, what informs your choice? That poor guy who contaminated the dog food was investigated and then executed. That's their view of the death penalty. China's a very populist country with a long history. So do we follow China? Or do we follow France? The tendency there, going back to constitutional analysis, whether it's in the areas of substantive due process or some of these broad areas, when you broaden it like that, endeavor like that, you allow opportunities to impose your personal view. So, if your view is that the death penalty is bad, which do you pick? You pick a country whose views are consistent with that predisposition. And that is the problem with other methodologies also. So, I do not subscribe to that. I think that it is fraught with all sorts of occasions of improper use of interpretive methodologies, and too broad, too imprecise, and would occasion the use of your own—imposing your own personal views on that great document.

DEAN STARR: A number of the questions are very personal, and they're deeply respectful. Here's an example: "If you could choose a moment that defined your career, what would it be?" And then in brackets: "Thank you for coming to speak to use today."

JUSTICE THOMAS: Oh, man. I think the moment that defined my career is the moment Jack Danforth hired me in 1974.<sup>29</sup>

DEAN STARR: Do you want to share that? Who was Senator Danforth?

JUSTICE THOMAS: Senator Danforth was, at the time, Attorney General Danforth, in Missouri. I had tried in vain, during my third year at Yale Law School, to get a job in my home state of Georgia at one of the big law firms. And people would think, well, it's Yale, so you can automatically

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29. See THOMAS, *supra* note 6, at 87–89.

get a job. For reasons that I try to set out in my book, that didn't work out. So I was basically unemployed and married with a little kid, and student loans. That's not a good position to be in.

Along comes this Attorney General, a young guy. He says, "Clarence, plenty of room at the top. Plenty of room." I said, "That's easy for you to say, you're heir to the Ralston-Purina fortune and I'm trying to repay my student loans!" I said that under my breath, by the way. Then he said, "I promise you more work for less money than anybody in the country." Well, that sounded like a real deal! It was the best decision career-wise, in my life. I tell my clerks today to work for the person, not the job. I worked for a great man. He has become better over time. It was not something he gave me, other than himself. He was fair, kind, he was a good example, he was enthusiastic—he was just a good man. So, if I had to take a moment and say which job, at what point my career was defined, it was the day he offered me a job. And he delivered on that job, for \$11,000 a year in Jefferson City, Missouri.

DEAN STARR: Dean Saxer?

DEAN SAXER: I've been working for the person, as well, not the position. And I'm trying to help out Dean Starr with getting more students into clerkships.

DEAN STARR: Thank you for taking the blame!

DEAN SAXER: So when I've been talking to these students, and trying to encourage them to apply for clerkships, one of the things I say to them is: they don't ever want to, in the future, regret not having done something. And I don't think they'll ever regret having clerked, but they might regret having not clerked. I assume that you didn't pursue a clerkship after graduation from Yale, but a lot of your classmates probably did apply for those positions. It obviously didn't keep you from doing well in the legal field, and I'm just wondering: do you have any regrets about that decision, not to clerk?

JUSTICE THOMAS: I really don't. Any regrets I have—

DEAN SAXER: That doesn't help me!

JUSTICE THOMAS: The only real regret I have is that I didn't meet my wife earlier, and my grandparents, some things there. Of course there are little things along the way in your life that you would like to have different.

Back to the clerkship thing. I never knew about clerkships until I was about to graduate from Yale. Those were those little private club type things. I wasn't in the right circles. And no one sort of came to me and said, "these opportunities are there." I heard about it my third year, sometime, that there were these things called clerkships.

But I got the best job I could get out of law school, in retrospect. I had the best deal. The best job I ever had was in the Attorney General's office in Jefferson City, Missouri. And one little anecdote about that, real quick: when I got there, I got sworn in as a member of the Missouri Bar, on September 14, 1974. On September 17, I was arguing my first case before the Supreme Court of Missouri. And that was sort of an indication of how it would be from then on, that you had to—you were on a very, very fast track. Do you remember that skit with Lucille Ball and Ethyl—they were at the candy factory, and they were doing pretty well when the conveyer belt was going, and then all of a sudden it was going really fast? That's sort of the way you did your job there. You really were on a treadmill, and it kept speeding up all the time, so it was a wonderful, wonderful job.

Now, with respect to the kids clerking now, I think for those who are so inclined, it is a wonderful job. At least, in my chambers, for me, it's a wonderful job for them! I love having them around. And if they're so inclined, I think they should try. I really don't think that you say to yourself, on anything, I really want to do this, but I'm not going to do it . . . assuming its positive, etcetera. I think it's worth a shot, to try. It is a wonderful—I mean, what was your experience when you clerked?

MR. ESKRIDGE: Oh, it was fantastic. I've often looked at it in terms of, would I rather have spent the first two years doing that, or doing some interrogatories or document productions?

JUSTICE THOMAS: Oh God, that's an easy question: document production!

MR. ESKRIDGE: No, I think you're right though. It depends a lot on the judge, and I was very blessed with both of the judges that I worked for. It was just fantastic.

JUSTICE THOMAS: Well just so you know, you clerked for Justice White, and I admire him. He was a good man, and a towering intellect, and just a decency that's unmatched. Where I'm housed now—I'm in his chambers, as I told you, where you probably clerked, and you have these



opportunities to move, based on seniority, but I am there, and there I will stay. I cannot think of better chambers to be in than his.

DEAN STARR: Reminiscing and several questions go to colleagues past and present. Could you reminisce about Chief Justice Rehnquist?

JUSTICE THOMAS: Oh I think he's wonderful. He will be, as long as I'm there, the Chief Justice, in that sense of the first one. I was fairly young, and he was young when he came on the Court, and he treated me very well. He would—he's not known as this warm and fuzzy guy, but I will just sort of say that whenever he and I chatted, he would always put his arm around me, in a very fatherly if not brotherly way, and he treated me fairly. He was very respectful and kind, and he expected you to get your work done. He was a—as the years went on, my wife kind of criticized; she would call me—not criticized, teased me—and said that I was the Junior Chief Justice.

Anyway, the Chief. If you didn't get your work done, he was not Mr. Nice Guy in conference, which is private. He would be a little gruff with people who did not get their assignments done or circulate their opinions. And sometimes his volume and his voice would go up. I wouldn't call it a yell, but it didn't sound real good. After he would do that to some of the other colleagues he'd look over to me and [wink] and I'd wonder, why is he winking at me? But I'd rather the wink than the yell!

DEAN STARR: Shelley?

DEAN SAXER: In some of his speeches, Barack Obama has been critical of the African-American community in terms of the need to take more responsibility for raising children. In a 2006 speech he gave at a Chicago church after a pair of shootings in a black neighborhood, and before his presidential candidacy he said, "There's a reason they shoot each other. Because they don't love themselves, and the reason they don't love themselves is we are not loving them, we're not paying attention to them, we're not guiding them, we're not disciplining them. We've got work to do."

Now, Bill Cosby has been delivering this same message; it's been controversial. You also have been vocal in this regard, and you talk about it in your book, with your grandfather—the importance of your grandfather's discipline. Do you think that this message is becoming less controversial, more acceptable, and if so, why?

JUSTICE THOMAS: I don't understand why it was ever controversial. That's the message that I got throughout my youth. In my youth, in my early adult years, when great people, whether it was Tom Sowell, or Walter Williams, or others, who made this point, that seems like a common sense

point, that kids need parents. You know, I think you can talk in vague terms about, we need to love them. Well, parents love their kids. Those of us who had fathers who weren't there understood that probably more personally than others. So that when people, such as Tom Sowell—I'm just a tagalong, I just read and thought about it myself. You saw the out of wedlock birth rate, and things like the intra-racial crime statistics and said: "Wait a minute! We've got a big problem here, and we need to do something." This goes back into the late sixties, early seventies, and Tom Sowell—even before then. For that, he was rewarded with criticism and calumnies, and all of us got that.

I've never understood that. Is the message right? Absolutely—it's common sense. But to most of them, I simply say: What took you so long? A lot of damage has been done since then. Neighborhoods, for example, my neighborhood now, my old neighborhood, it's just crack. Crack and drugs and killings—the streets are dead. You can't walk down the streets. And there are many communities like that. Savannah wasn't like that when I was a kid. You had real neighborhoods. You had people—maybe surrogate parents, but they were parents. There was a positive environment. And why it was controversial to say that that was necessary, to look at—you could say that about a white family, that of course you'd need parents there, you'd need a nice neighborhood, you'd need crime to be controlled, you'd need decent schools and decent housing, and you'd need people to be trained, etcetera—you can say all those things, and certainly, my grandfather said them. He raised us that way, but he also raised us to be honest about things. And the honest part is that I went back, in doing my book, and I found a speech that I gave at Father's Day, 1978, the first written speech I have, that makes all those points. What is different between 1978 and today except for the damage that's already been done? So, I think it's a valid point and I just wonder why it took so long to see it.

DEAN STARR: Our time is expiring, the red light is about to go on, I want to apologize to the many thoughtful members of the audience who are very eager to have a very, shall I say, political question asked to the Justice. I hope that you will blame me for not posing a number of questions that are political in nature, including who he's going to vote for. I don't think I should ask that question.

JUSTICE THOMAS: I'm going to vote for you.

DEAN STARR: You'll be alone.

JUSTICE THOMAS: Hey, I don't mind being alone.

DEAN STARR: Would you join me in welcoming Mrs. Virginia "Ginni" Thomas. Our very special guest, Justice Thomas, is a great football fan. He loves college athletics. Would you join me in welcoming the president of our student body, who was a member of a national championship football team. I can't tell you which one because it was not USC or UCLA. Jerren Wright!

MR. WRIGHT: Good evening. What a beautiful day, what an intriguing conversation, and an amazing outpour of wisdom, and comedic genius, apparently. Our entire community is deeply honored by Justice Thomas' visit. We are equally honored to welcome Mrs. Thomas as well. Thank you so much for making the trek across the country to come visit with us. It's been an honor.

On behalf of our entire student body, let me express our gratitude to each of you for coming, and attending the special event in the life of our law school. I'm so honored to serve as student body president to such a vibrant and talented group of students. As many of you are aware, the students here at Pepperdine are engaged in impactful projects internationally as well as right here in L.A. and Malibu. We definitely are preparing ourselves for lives of service, purpose, and leadership. At Pepperdine, we pride ourselves on hospitality, as you can tell. This is such a welcoming and synergistic place, and so on behalf of the entire Pepperdine community, it is my privilege to invite you to join us in the atrium for a very special reception in honor of Justice and Mrs. Thomas.

We are also pleased that the Justice's magnificent autobiography, *My Grandfather's Son*, will be available for purchase through Barnes and Noble right here in the atrium as well, and he's also graciously signed and autographed personally the copies of the book, making this event more special for all of us. And so with renewed thanks to Justice Thomas and Mrs. Thomas, I'd like to adjourn each and every one of you to the atrium, and may God bless you. Thank you.