

ANNOUNCEMENT

JUSTICE CLARENCE THOMAS: TWENTY-FIVE YEARS ON THE SUPREME COURT

NEW YORK, NY, October 23, 2016 – October 23, 2016 is the twenty-fifth **anniversary of Justice Clarence Thomas’s tenure on the Supreme Court.** Justice Thomas sat down with Bill Kristol to share his personal reflections on the Court, his jurisprudence, and the people, ideas, institutions, and experiences that have influenced him. Justice Thomas also reflects on his late colleague and friend Justice Antonin Scalia. This is a must-see *Conversation* for anyone interested in American government, law, and history.

Below are excerpts from the *Conversation*:

[On the need to study the Constitution] THOMAS: [At Yale Law School], we did not study the Constitution, we studied Constitutional Law. And there is a **difference...I’m probably the way I am because I went to Yale Law** School and that was unsatisfying when I studied Constitutional Law. They were good people. They **were smart, if not brilliant, people, but we didn’t study the Constitution. In fact, if you** go back you see that the Constitution was in the back of the case book. We rarely referred to it. It would seem to me you would do it the other way. Hillsdale [College] **has a Constitution reader. That’s what I would start with today if I were teaching. You’d want to start with the Founding documents.**

[On his openness to examining precedent] THOMAS: The analogy I use is this: imagine that the law is a very long train—those long trains that block us at railroad **crossings when we’re in a hurry. Let’s say there are hundreds of cars: like Supreme** Court cases. Every new case is adding one more car to a very long train. Now, I think before you do that, you have an obligation to take your time, walk through all **the cars, see what’s in the engine of the train, see who is driving: it may be an** orangutan for all we know, it may be going over a cliff for all we know, it may be running headlong into a station for all we know. Then why are we adding another **car? I think we’re obligated to at least know to** *what* train and *why*, and where is that

train heading, before we add another car. People say: “you don’t believe in stare decisis,” I say: you’re just going through the train to make sure it’s headed in the right direction and there’s a basis for it in the Constitution, in the Founding documents, in our history, in our tradition, and not something that’s made up in the mind of a law professor or a very crafty lawyer.

[On our obligation not to despair] THOMAS: I think we are required to swim upstream no matter what...we are required to do what is right despite how bad things look...Now about our country: yes things may not look good but we are obligated not to despair. Do I know what the outcome is going to be? No. Do I know that we’re going to be vindicated? No. But that’s not why you do it. You don’t do it to persuade, to feel that you’re going to persuade other people, you do it because it’s right. I think we are obligated to do that. Do I hope that at some point [my jurisprudence] becomes the prevailing view? Yes. But I have no guarantee and I don’t do it on the condition that I win.

[On Justice Scalia] THOMAS: There was a respect even when we didn’t agree on things, it was done in such a fun way. In one of his dissents in his last term, he referred to one of my opinions involving the Fourth Amendment where I said it was an anonymous tip about a drunk driver that turned out to be guys hauling drugs and he dissented. I thought it didn’t violate the Fourth Amendment—unreasonable searches and seizure—and he thought it did. He dissented and said that my opinion was a “liberty destroying cocktail.” I just thought that was hilarious. I understood his point, but he would say things like that. People would portray that as caustic; he thought it was really good use of language. That was a lot of fun. I truly will miss him. He was a wonderful friend, and somebody I trusted implicitly.

Watch the *Conversation* here:

<http://conversationswithbillkristol.org/video/clarence-thomas>

About *Conversations with Bill Kristol*. *Conversations with Bill Kristol* is an online interview program hosted by *Weekly Standard* editor Bill Kristol and produced by [The Foundation for Constitutional Government](#). A forum for substantive, thought-provoking dialogue on pressing issues in the news and American politics, *Conversations* segments feature informal discussions between Kristol and guests on a diverse array of issues of public concern—from the American presidency and the Middle East peace process to the ideas that have shaped Western civilization. Recent guests include syndicated columnist [Charles Krauthammer](#), former Vice President [Dick Cheney](#), former Speaker of the House [Newt Gingrich](#), business founder [Peter Thiel](#), best-selling author [Charles Murray](#), former commander in Iraq and Afghanistan [General David Petraeus](#), former U.S. Army Vice Chief of

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