

OCTOBER 13, 2011.

Hon. ORRIN G. HATCH,
U.S. Senate, Hart Office Building, Washington,
DC.

DEAR SENATOR HATCH: Thank you for honoring Justice Thomas on the twentieth anniversary of his confirmation to the Supreme Court of the United States. Thank you also for inviting me to offer my own thoughts on this important anniversary.

In their letters, many of my fellow law clerks to Justice Thomas describe his contributions to the development of the law. As they observe, he has articulated a clear, consistent approach to judging that focuses on the text and history of the Constitution and federal statutes. It would be a mistake then to pigeonhole the Justice's views as either results-oriented or outdated. On the one hand, it would not explain many of his opinions—for instance, his view that the Eighth Amendment does not place limits on the amount of punitive damages that plaintiffs may recover against defendants, or his view that the Sixth Amendment places limits on the government's ability to introduce evidence from absent witnesses at criminal trials. On the other hand, it would not explain the areas in which Justice Thomas's attention to history has foreshadowed the later direction of the Court—for instance, his discussion of the Second Amendment in *Printz v. United States*, eleven years before the Court recognized an individual right to bear arms in *District of Columbia v. Heller*. Justice Thomas's contributions to the law have been principled and important, and their influence over the past two decades merits serious consideration.

I would like to focus, though, on something that receives less public attention: his decency, both as a judge and as a human being. Because Justice Thomas seldom asks questions at oral argument, it would be easy to assume that he is a quiet, reserved individual, detached from the life of the Court and the lives of those around him. Nothing could be further from the truth. Before the Supreme Court hears cases, it is common for the Justices to discuss those cases with their law clerks. I still remember the first of those conferences when I clerked for Justice Thomas: it lasted nearly two days. He discussed our views on the cases for hours—challenging us to clarify our thoughts, defend our positions, and explain our differences. In the end, of course, the Justice reached his own views, but no litigant should ever walk away from the Court thinking that his arguments fell on deaf ears. Indeed, Justice Thomas's reluctance to participate in oral argument is driven in large part by his desire to hear from the advocates. Many of them have worked for years to bring the country's most important cases before its highest Court, and he believes that they should have the opportunity to be heard. Whatever one thinks of that approach, it is born of a respect for other people and what matters to them.

Our conferences and conversations with the Justice also ranged far beyond the law. He wanted to get to know us as people—to understand where we grew up, what we enjoy, and what we hope for our futures. It is not an exaggeration to say that Justice Thomas treats his clerks, his staff, and his colleagues like a family. And like any family, he takes on our cares and concerns, our highs and lows. Several years ago, a member of my family was having an issue with her health, and I happened to mention it in passing to the Justice as something that had been weighing on my mind. The next day, without any indication to me, the Justice contacted her to see whether there was anything that he could do. Perhaps the most remarkable thing is, that story will not sur-

prise anyone who knows him: all of us can recall a time when he reached out to offer encouragement in an hour of need. He does not provide that support publicly, where he could receive recognition, which reminds me of Matthew's admonition to give alms in private and not for the glory of others. I suspect that if Justice Thomas ever reads this letter, he will be upset with me for bringing his humanity into the spotlight.

Several years ago, Justice Thomas gave a talk to students at the University of Alabama Law School. During the flight, he struck up conversation with a lawyer returning home to Birmingham. They talked about legal practice, their families, and Alabama football—all without the attorney's having any idea that he was conversing with a Supreme Court Justice. At the law school, Justice Thomas spoke before a packed house of hundreds of students, and afterward he stood for hours, meeting and taking pictures with every last student who had waited in line. At a similar visit to the University of Tennessee, he literally closed down the law school, waiting until everyone had left and then thanking the janitorial staff who were cleaning up from the event. From a lawyer in Birmingham, to students in Tuscaloosa, to employees in Knoxville, there are countless people across America who can testify to Justice Thomas's warmth and his deep, booming laugh. Wherever he goes, he connects with strangers from all walks of life, because he is sincerely interested in their backgrounds and genuinely grateful for their contributions. He reminds all of us that we are never too busy or important to be considerate to others, and he deserves the highest of compliments that I can pay to a fellow Georgian: he has never forgotten who he is or where he came from.

Finally, any recognition of Justice Thomas's time on the Court would be incomplete without also recognizing his wife, Mrs. Ginni Thomas. She has been there every step of the way, sharing in the substantial burdens that serving as a Justice can impose. Justice Thomas often says that he could not do his job without her support, and I am sure that he would want any commemoration of his service to extend to her as well. Thank you for recognizing them on the twentieth anniversary of Justice Thomas's confirmation to the Supreme Court.

Sincerely,

JEFFREY B. WALL,
Law Clerk to Justice Thomas, 2004–2005.

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Law Clerk to Justice Thomas, 2004–2005.

WASHINGTON, DC,

October 17, 2011.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH, Thank you so much for inviting me to participate in your tribute to Justice Thomas on his twentieth anniversary on the Supreme Court.

Justice Thomas didn't want to be Justice Thomas. I know this for a fact, because I was with him on June 27, 1991, when he received word that Justice Thurgood Marshall had announced his retirement and that the White House was calling for an interview. Time stood still for a moment as then-Judge Thomas absorbed this information and its obvious implications. It wasn't a moment of excitement or exhilaration; rather, he accepted a stack of pink phone slips as if each one were an iron weight. He had just turned forty-three, and had been a judge on the D.C. Circuit for little over a year.

Ironically, one of the best qualifications for serving on the Supreme Court may be the lack of a craving to do so. For Justice Thomas, service on the Court is a job, not a calling. He gets up in the morning, goes into the office, decides cases, and then goes home

again. He isn't impressed by important people, and doesn't try to impress anyone. He enjoys his job, but it doesn't define him.

The job may come easier to him than to others because of his firm views about the limited role of federal judges. He doesn't believe it's his business to make tough policy choices, but to enforce the policy choices made by others. He's often voted for results that I'm quite sure he would oppose as a legislator. His concern is deciding cases correctly, not garnering either votes or accolades.

I vividly recall a case argued during Justice Thomas' very first sitting on the Supreme Court in November 1991. The Justice returned to Chambers after Conference and sheepishly admitted that he'd switched his intended vote because every one of his colleagues had voted the other way. The next morning, however, he summoned his law clerks into his office to tell us that he'd had trouble sleeping because he still couldn't justify that vote, and had just informed the Chief Justice that he would try his hand at a dissent. That dissent ultimately picked up a number of other votes, and the result in the case nearly flipped. When a similar issue reached the Court a few years later, Justice Thomas wrote the majority opinion.

I don't think that Justice Thomas has spent many sleepless nights since then. He knows who he is as a person and a judge, and is comfortable on both scores. His judicial voice is confident, original, and compelling. There can be little doubt that he has brought true diversity to the Supreme Court.

Finally, no tribute to Justice Thomas would be complete without acknowledging his warm personality, perfectly captured by his booming laugh. From a parochial perspective, he takes a real interest in his law clerks, both before and after the clerkship. He enjoys having lunch on a regular basis with those of us who live in the Washington area, not only so that he can keep up with us, but also so that we can keep up with each other. And, through it all, he derives great strength and comfort from his wife Ginni. Without her, he never would have found his beloved Cornhuskers!

I appreciate the opportunity to share these thoughts.

Sincerely yours,

CHRISTOPHER LANDAU,
Law clerk to Judge
Thomas, D.C. Circuit,
1990,
Law clerk to Justice
Thomas, Supreme
Court, 1991–92.

REMEMBERING REVEREND FRED SHUTTLESWORTH

Mr. PORTMAN. Mr. President, I rise today to recognize the late civil rights leader, Reverend Fred Shuttlesworth, who passed away earlier this month. From his humble beginnings in Mount Meigs, AL, he grew to become one of the most influential leaders in the battle for civil rights. Reverend Shuttlesworth was best known as co-founder of the Southern Christian Leadership Conference, which was formed in response to the Montgomery bus boycott, and for the role he played in the sit-ins of lunch counters in 1960 and the Freedom Rides of 1961.

Dr. Martin Luther King, Jr. considered Reverend Shuttlesworth one of the Nation's most courageous freedom fighters. Reverend Shuttlesworth was beaten, assaulted, jailed, and had his

home bombed because of his outspoken views and his fight for racial equality.

In 1953, he became the presiding pastor of Bethel Baptist Church in Birmingham, AL. He continued his call to preach in Cincinnati, OH, from 1961–1966 where he pastored the Revelation Baptist Church. Reverend Shuttlesworth remained in Cincinnati during his latter years and returned to Birmingham after his retirement in 2007. During that time, he continued his fight for racial equality and became a strong advocate for the homeless.

Although Reverend Shuttlesworth is no longer with us, his contributions to our Nation will not be forgotten.

ADDITIONAL STATEMENTS

REMEMBERING SALOMON E. RAMIREZ

• Mr. BINGAMAN. Mr. President, Salomon E. Ramirez, New Mexico State executive director of USDA's Farm Service Agency, died October 22 at his family's ranch in Rociada, NM. He was 56 years old. Salomon came from a ranching family in San Miguel County and devoted his life to serving agriculture in New Mexico and the Nation.

He was born in Las Vegas, NM, attended Robertson High School, and graduated with a degree in agriculture from New Mexico State University. His passion for agriculture and a desire to help farmers and ranchers in New Mexico led him to a career at the U.S. Department of Agriculture, including positions at both the Farm Service Agency and the U.S. Forest Service. Because of his knowledge and experience, he spent time at USDA's headquarters in Washington helping to write a new farm bill and implement national farm policy.

Salomon Ramirez was a model public servant. He worked at USDA for over 30 years and was a tireless advocate for my State's farmers and ranchers. No one knew more about farm programs or understood how they could best be implemented to support the producers in my State. My staff and I frequently sought his counsel and valued his always astute advice. I was honored to recommend him to be the State executive director of the New Mexico Farm Service Agency and was pleased when President Obama appointed him to the position in 2009.

No State had a more capable or caring manager for its farm programs than New Mexico. He was a true friend of agriculture and everyone who depends on agriculture from producers to consumers—in fact, all of us. He will be greatly missed.●

ZERO LANDFILL WASTE CELEBRATION

• Mr. PRYOR. Mr. President, it is with the greatest pleasure that today I recognize the achievements of the McKee

Foods Corporation plant in Gentry, AR. This plant reached the milestone of having zero landfill waste, a first for a McKee Foods production facility.

In 1934, under the shadow of the Great Depression, the late O.D. and Ruth McKee converted a cookie shop into a 5-cent bakery in Chattanooga, TN. With O.D.'s aptitude for sales and Ruth's management abilities, the duo took their small mom-and-pop bakery and expanded into what is now known as McKee Foods Corporation. The expansion into Gentry came in 1982 when the company needed a larger facility to serve the western United States and Mexico. Among other things, the Gentry plant produces a variety of "Little Debbie" snack cakes, a favorite treat among my family and staff.

It was 2 years ago that the Gentry plant management team challenged themselves and the more than 1,500 Gentry employees to reach a goal of zero landfill waste. Although seen as challenging, the entire plant knew this was achievable. Many recycling efforts were already under way, and the plant partnered with several local recycling companies to put processes in place to bring their landfill waste down to zero. For the Gentry plant, there will be no going back to the landfill.

With responsibility as a guiding value, McKee Foods has been and will continue to be a strong advocate for environmentally conscious business practices. On average, McKee Foods recycles 3,750 tons of cardboard, 10,000 gallons of used petroleum oil, over 100,000 wooden pallets, and 200 tons of scrap steel and other metals. While the Gentry plant is setting the bar high for other McKee facilities, the entire McKee Foods Corporation is to be commended for its environmental stewardship.

I ask my colleagues to join me today in congratulating the McKee Foods Corporation's Gentry plant on attaining zero landfill waste. As the company motto adopted by O.D. McKee makes clear, McKee Foods is committed to "finding a better way" of doing business, and the Gentry plant is leading the way. I am proud of all they have accomplished and look forward to their future successes.●

TRIBUTE TO NEIL BOWES

• Mr. THUNE. Mr. President, today I recognize Neil Bowes for 50 outstanding years at WNAX Radio. When Mr. Bowes first arrived at WNAX Radio, he was a new graduate of the University of South Dakota. He began his career on the business side of WNAX operations in 1961 and remained there for seven years before he decided to venture into sales in 1968. Ever since this transition, businesses that advertise on WNAX have had the privilege of dealing with Neil. For many of those clients, besides being a trusted businessman, he is also a friend.

Neil's duties have allowed him to broadcast live from numerous State

fairs, Dakota Fests, parades, grand openings, and other events over the years. Through his work, he has been able to see many parts of our great State in an effort to, as he puts it, "give businesses the opportunity to share their good news with listeners of WNAX." Neil also enjoys exploring the never-ending, "out-of-the-way spots" in South Dakota when he takes the long way home.

Mr. Bowes lives with his wife Mary Ellen near the Missouri River just west of Yankton. They have raised four kids who have in turn blessed them with seven grandchildren. His family, at home and at WNAX, is grateful for his long commitment to radio and dedication to his work.●

TRIBUTE TO BRIGADIER GENERAL CHARLES YRIARTE

• Mr. WYDEN. Mr. President, on November 4, one of the Oregon National Guard's most remarkable military leaders will retire: BG Charles Yriarte.

General Yriarte has served the citizens of Oregon, and the United States, in the Oregon National Guard for over 40 years. He joined as a private and has held numerous positions, including troop commander, battalion commander, brigade commander, and is ending his service as an assistant adjutant general.

Oregonians hold the men and women of our National Guard in high regard, and General Yriarte is one example of why. While serving as a model citizen soldier, he has raised his children, maintained a civilian career as a U.S. Forest Service civil servant and also assisted his family with their cattle ranch in Burns, OR. His dedication to his family runs deep. When General Yriarte was promoted to the rank of Brigadier General, the ceremony was held at St. Charles Hospital in Bend, Oregon, so his father, who was undergoing treatment, could be present. But, when duty has called, General Yriarte has always answered, many times at great sacrifice to himself. Joining the Forest Service in 1974 was his dream job, but after the attacks of September 11, 2001, he took on a number of critical full-time assignments in the Oregon National Guard.

General Yriarte deployed to Iraq shortly after the war commenced and was placed in charge of Joint Base Ballad, in an extremely hazardous environment, with the duty of making the base functional for U.S. and allied soldiers. General Yriarte worked to improve relations with local leaders to lessen the daily mortar attacks and reduce the threat to his soldiers and the base in the early stages of the war. This outreach was a tremendous success and led to a strong relationship and enduring friendship with many of the local community leaders. His tireless effort to secure the base ensured the safety of several thousand servicemembers on base and reduced the attacks and violence outside the perimeter. General Yriarte accomplished this