

character and will of our forebears, whether our forebears be men who rode on horseback crying, "One if by land or two if by sea", or whether our forebears be slaves who sang songs like "Ain't gonna let nobody turn me around." What inspires us is their character and their will, and I believe that Judge Clarence Thomas is another link in this great train of freedom which represents the greatest social achievement in human history. Never before in the history of this planet has there been a social experiment like the one that you preside over. There has never been at any point in history a precedent set for how to take people who were characterized as "60 percent human" and matriculate them as full citizens into a society.

So yes, we need diverse opinions. We need to be able to admit when we have made mistakes. We have no society to which we can look at a model. We've got to work through this proposition all by ourselves.

So I support Judge Thomas because I believe that he is willing, as a post-World War II citizen to say that perhaps we need a new interpretation of what we mean when we say we are committed to justice and fairness and equality, and I think that new interpretation will be a ray of light and a ray of hope for our entire Nation.

Senator SIMON [presiding]. Thank you, Reverend Soires.

The puzzle, the dilemma that we face is in a sense illustrated by your presence. You mentioned the Reverend Jesse Jackson, who takes precisely the opposite position that you do on Judge Thomas. Congressman Payne from your State also is on the other side.

I agree with you that a judge should be impartial. But a judge does not come to the court with a blank slate. And here is the problem that I see that we face on this committee, and I would be interested in the comments of any one of the three of you.

If we were to judge Clarence Thomas by his record at the EEOC, at the Department of Education, by his written statements, if I were to judge by that alone, frankly, it would be a very easy negative vote for me because it is not a record that provides help on employment and the kinds of things that are very important to less fortunate Americans.

On the other hand, if I look at the student at Holy Cross, if I look at the record of growing up, and if you look at his testimony, it differs appreciably from his written record and his statements.

So I have two Clarence Thomases, and the question is which Clarence Thomas is the real Clarence Thomas. And it is very different from, if I may use the illustration, Thurgood Marshall. You could look at his record and what he had said, and you knew where Thurgood Marshall was going to go on the court. I don't see that same consistent pattern with Clarence Thomas.

Any comments from any one of you?

Reverend SOIRES. Yes, I'd like to respond, Senator. First, on the issue of the distribution of condoms in New York, for instance, if I were a Senator, I would on the one hand have wanted Judge Clarence Thomas to assure me that he would take a position that parents have a right to say something about their children receiving condoms. On the other hand, I appreciate and respect the fact that he is willing, by his own testimony under oath, to assure me that

he is willing to look at each case individually and to make a decision on that case based on the merits of that case.

When I looked at this record of Judge Thomas, quite frankly, I had the same questions as you; but then I began to interpolate the executive branch experience into a prospective Supreme Court position. And by that, I mean this. Judge Thomas was loyal to the execution of his executive responsibilities as he understood them. Therefore, I expect that same kind of loyalty to be consistently applied in the judiciary and that Judge Thomas will be as consistently loyal to the principles of the judiciary as he was consistently loyal to the responsibilities in the executive. And so I am quite comfortable.

Senator SIMON. I guess it is one thing to be loyal. I expect you to be loyal to your employer.

Reverend SOIRES. To principles, I said.

Senator SIMON. But I don't expect people to say things they don't believe in.

Reverend SOIRES. No; I said loyal to principles. I believe that Judge Thomas articulated and executed within the scope of what was possible—he wasn't the president; he was the chairman of an agency—to the extent that he felt he was properly interpreting statutes and laws.

I heard him described as being "lawless," and there is a difference between being called in by oversight committees, as I understand the process, and being charged with criminal offenses. If Judge Thomas were as "lawless" as he has been described, why has he not been charged with breaking the law?

So I don't think that Judge Thomas was unduly loyal to his job. I think Judge Thomas was appropriately loyal to the role that he played, and he was consistent in attempting to apply statutes as he understood them to be fair and to be honest.

No one in America, including those who disagree with us on the Thomas issue, would suggest that affirmative action, for instance, means that one group deserves to treat another group unfairly. No one argues that. But we have seen this concept of affirmative action—which, by the way, is not really an antidote to racism. To suggest that affirmative action is the antidote to racism I think is ludicrous and is not based in anything that is real. And also, by the way, to suggest that affirmative action and quotas are not the same I think is one of the difficulties we have with affirmative action because we heard in these chambers today the suggestion that if Judge Thomas is on the Supreme Court, then there will be no more black appointees for our lifetime, which suggests that there is a quota of one on the Supreme Court, and I have never seen that written anywhere.

So what I am suggesting, Senator, is that Thomas has had an opportunity to reflect on his role in the executive branch, and I think in all due fairness, out of great respect for the process, has pledged impartiality and has pledged loyalty to the ethics and the principles of the judiciary if confirmed as a Supreme Court Justice.

Senator SIMON. Mr. Jackson, Mr. Woodsen, and then I will yield to Senator Grassley.

Mr. JACKSON. I think my answer, probably having known Clarence longer than anyone sitting at the table, since we started out