

The CHAIRMAN. Now, because we went out of order to accommodate the schedules of our colleagues on the House side, we are now going to hear from two distinguished panels, both panels supporting, and strongly supporting, Judge Thomas' nomination to the bench.

The first panel is made up of three very distinguished persons: Alphonso Jackson, the director of the Dallas Housing Authority, an authority that is probably as big as some States in the Nation; the Reverend Buster Soires, pastor of the First Baptist Church—it just says First Baptist Church, New Jersey. What city?

Reverend SOIRES. Somerset, NJ.

The CHAIRMAN. Somerset, NJ; and Mr. Robert Woodsen, president of the National Center for Neighborhood Enterprise. It is good to see you. You have been here many days during the hearing, and it is good to have you here, Mr. Woodsen.

Welcome to all of you. I thank you for coming to testify. Unless the panel has concluded otherwise, why don't we begin in the order that I have—well, you begin any way you all this. I can see they are pointing to you, Mr. Woodsen. Why don't you begin?

STATEMENTS OF A PANEL CONSISTING OF ROBERT WOODSEN, PRESIDENT, NATIONAL CENTER FOR NEIGHBORHOOD ENTERPRISE; ALPHONSO JACKSON, DIRECTOR, DALLAS HOUSING AUTHORITY; AND REV. BUSTER SOIRES, PASTOR, FIRST BAPTIST CHURCH, SOMERSET, NJ

Mr. WOODSEN. Thank you, Senator. We are truly delighted to have this opportunity for you to hear from the other side of black America.

As you indicated, 60 percent of black Americans were undecided when Judge Thomas' nomination was first introduced. In recent polls, one conducted by Jet magazine, a black publication, indicated that over 60 percent of black Americans now support him after having heard him present himself.

As a veteran of the struggle for civil rights and having led demonstrations in the 1960's in suburban Philadelphia, I witnessed first hand the sacrifices that were made to end this country's apartheid system. Following the death of Dr. King, I intervened in the confrontation between rioters to restore order and organized a nonviolent means to enable those who had no voice to redress decisionmaking.

Early in that movement, it became quite apparent to me that many of those who struggled most and suffered in the struggle for civil rights did not benefit from the change once the doors of opportunity were open. This was a fact, and the leadership of the civil rights movement, a lot has been made of the position of the leadership. To what extent does it reflect popular black opinion?

Well, let me say to you, as a veteran of the civil rights movement, I can recall when the students at Orangeburg first sat down and engaged in civil disobedience. This strategy was not embraced by the leadership. In fact, they were opposed to it. It was only after it became popular did the leadership embrace it. And when Dr. King entered into Birmingham, he was not embraced by the leadership. Again, when Dr. King wrote his letter from a Birmingham

jail, when he challenged the sincerity of white moderates, the leadership at that time said that Dr. King was in danger of alienating the white support.

Again, when Dr. King—I remember, as an official with the NAACP at the time, being on the dais with Roy Wilkins—

The CHAIRMAN. You were an official?

Mr. WOODSEN. I was an official with the NAACP at the time at the local level. I led demonstrations. And I remember being on the dais when Roy Wilkins was the speaker. That was the day that Dr. King announced when he was going to join the peace movement with the civil rights movement. He was characterized by Carl Rowan as a Communist. It was the civil rights leadership that castigated Dr. King because, they said, he would weaken the civil rights movement.

But Dr. King, being the leader that he was, did not just simply reflect popular opinion or the consensus of the majority. He knew that he had the majority of blacks behind him, and that consensus drove this movement.

Again, the civil rights leadership opposed Jesse Jackson's candidacy for the Presidency in 1984. They said it was ill-advised for him to run. Eighty percent of blacks who voted supported Jesse Jackson. It was hailed by the civil rights organization at that time, the next year, as the greatest thing that ever happened to black America.

They were out of touch on those circumstances in the past, and they are out of touch today with Judge Thomas. Clearly 60 percent of black Americans having heard Judge Thomas now support him. And the reason is that there has been—there is no single black America. We talk about blacks and minorities and poor as if they are synonymous. Judge Thomas understood what some of us in the movement understood; that it is important to understand that not all black Americans suffered equally even under discrimination; that some of us were better prepared to deal with the storm of racism and discrimination.

As a consequence, you see a bifurcation of the black community today. Black families with incomes in excess of \$50,000-plus have increased 350 percent over the last 20 years while black families with incomes below \$10,000 have also increased. If racial discrimination were the sole culprit, then why are not all blacks suffering equally since only one out of six whites with a college degree works for government and three out of six blacks with a college degree work for government?

You have a proprietary interest in the maintenance of race-specific solutions, and I have prepared and submit for the record an article written in 1965, October 29, that says, "Civil Rights Gains Bypassing Poor Negroes," written by Bill Raspberry who quotes the civil rights leadership in 1965. In this article, the civil rights leadership said, "Continued emphasis on race-specific solution will never address the problems of poor blacks, that we must mount an economic development program to address their needs."

The civil rights leadership, because many of their members benefited, continues to ignore this reality and press race-specific solutions to the detriment of poor blacks. And as a consequence, some of us—and Clarence Thomas certainly is numbered in that group—

began to understand that, yes, we affirm the progress of the civil rights movement, but the strategy is insufficient, that we must now define affirmative action differently so that it exempts the sons and daughters of the panelists here and people in my—my son—I have four children. My oldest boys have a better education than most whites. They went to Wilmington Friends School, Senator. Therefore, what we believe is that if affirmative action, as Clarence Thomas has said, should be redefined to apply to low-income people, white, black, Hispanic, whatever, since we only have a limited amount of resources, that we should concentrate those resources among the people who are in crisis.

And so Clarence Thomas, I think, brings that very important perspective to this issue, and therefore should be confirmed on the Court when the issue of the future of black colleges, public-supported black colleges are being destroyed in the name of integration, and they educate most black youngsters, not Harvard, Yale, or Stanford. Therefore, there are many issues that go beyond affirmative action that we think Judge Thomas is eminently qualified to sit in judgment.

The CHAIRMAN. Thank you very much, Mr. Woodsen.
Mr. Jackson.

STATEMENT OF ALPHONSO JACKSON

Mr. JACKSON. Thank you, Mr. Chairman.

I am Alphonso Jackson, the executive director of the housing authority for the city of Dallas, and a personal friend of Judge Clarence Thomas. I am here before you today to testify on his behalf.

I, too, like Judge Thomas, came from humble means, as the last of 12 children to Arthur and Henrietta Jackson. Although my mother was a high school graduate, my father was not, but he still managed to educate all 12 of his children. He taught us the value of giving back, not only to the society at large, but to the African-American community specifically.

In 1965, while a freshman in college, I left at the request of Rev. Bernard Lee, the top aide to the Rev. Dr. Martin Luther King, to go to Selma and be instrumental in the voter registration drive.

I also, as many others did, participated in the march from Selma to Montgomery. Furthermore, I spent the summer of 1976 working for the NAACP, at my own expense, at the request of Margaret Wilson, then chairperson, and the Rev. Ben Hooks, the executive director.

Upon graduation from law school at Washington University, in St. Louis, I then met Attorney General John Danforth, who introduced me to Judge Thomas. We have remained steadfast friends for the past 18 years, and I dare say that both of us were enriched by Senator Danforth's kindness and wisdom.

Judge Thomas is the every man we strive to be. He is intuitive, insightful and highly proficient in the law, with extremely valuable hands-on experience in public policy. He possesses keen intellect and strong values that would benefit the Supreme Court.

The Clarence Thomas I know is a self-made man, who has worked enormously hard to get where he is today. He will serve the Supreme Court well, not through quick and simplistic means,

but through his own strength of character, perseverance and strong belief in the American dream.

As a public official working with low-income families over the past 6 years, I have seen Federal programs go astray. Programs that initially had good intentions have turned out to have devastating effects on low-income families. The overly-subsidized existence has killed the spirit and, in many instances, left these families hopeless.

It is painful to see the hopelessness that exists in many low-income communities. But what is more disillusion is to see the acceptance of this hopelessness. I often reflect back on my idealistic days when I, too, felt the programs would change the world, but my liberal vision has faded. I firmly believe that self-help is the road to salvation for all low-income people, especially African-Americans.

Clarence Thomas' view of self-help is one that I fully support and a view that is supported by most and many African-Americans. His focus has always been on moving individuals towards self-sufficiency. He understands the need for economic empowerment of all minorities, and to expand the education and economic opportunities, while emphasizing the importance of self-direction.

Clarence Thomas' life story reveals a more complex human being than the conservative label might suggest. Clarence was taught to never ignore discrimination. In addition, he was taught the way to defeat it was through hard work and education. I can tell you, from my discussions with him, he remembers the pain and humiliation of discrimination, as I do, and he vowed never to forget those incidents that ultimately shaped his life and mine.

Judge Thomas' nomination should remind us all in this country that every person can rise as high as he or her ability will take them, regardless of color. He symbolizes our continued commitment toward making the American dream a reality for every American.

Despite the serious and sincere disagreement between Judge Thomas and others in the civil rights movement to reach this goal, I firmly believe that Judge Thomas will be capable of recognizing racism when it comes before him on the Supreme Court, competent to judge critical issues and compassionate to rule on each of them according to the facts, and not politics.

The question should not be whether Judge Thomas is a liberal or a conservative, but, rather, does he have the ability to interpret the law fairly and judge with compassion. There is no doubt in my mind that he will be fair and equitable Justice of the Supreme Court. My question to you, Senators: Isn't that simply what we want? We want a Justice that will be fair and equitable.

I am elated that President Bush made a bold and decisive act of nominating Clarence Thomas for the next Supreme Court Justice. I am proud of the confidence that the President has placed in a man he trusts will act in a just and fair manner, regardless of political pressures.

I have traveled Africa, Asia and Europe, and each time that I land back on our shores, I simply say God Bless America. Even though we are still faced with an enormous amount of racism, this country is mine, and I too agree with Judge Clarence Thomas,

when he stated during President Bush's announcement of his nomination, that this could have only happened in America. Only in America, gentlemen, can a citizen be recognized for his or her achievement, regardless of their background, race or religion. Only in America, gentlemen, can a role model like Clarence Thomas show our children that, if they work hard enough, there is a better tomorrow and there is a pot of gold at the rainbow.

Finally, only in America, gentlemen, can an African-American such as myself have the honor of sitting before you today testifying on behalf of not only my good friend, but an individual whose credentials are above reproach and whose experience uniquely qualifies him to serve on the Supreme Court.

Lastly, I think it is important to say, when we get to the question, that I am truly, without a doubt, within the 1960 group that benefited from affirmative action programs, and I accept that fully. But I will say to you today that I practice affirmative action for my children by paying for their education.

I have a daughter that is an honor student at the University of Texas, who got there on her merits, who graduated third in her class, from one of the best prep girls schools in this country, and that is affirmative action, to me. I have a daughter who is in the top of her class at one of the leading prep schools in the country, and that is affirmative action.

I truly believe that we must practice affirmative action, but it must be for those who are most in need, not my children. Therefore, I say to you that I fully ascribe to Clarence Thomas' belief that affirmative action is important, but those of us who have made it must stop relying on excuses and begin to produce.

I close lastly by saying simply this: I am happy to be here. Last year, African-Americans in this country consumed \$380 billion. Anglo-Americans did not tell us how to spend one penny of that. I am saying to you today, some responsibilities we must take for ourselves.

Thank you.

The CHAIRMAN. Thank you.

There are about 7 minutes left to vote. Rather than interrupt your testimony in the middle, because I am going to have to go vote, Reverend, I think maybe it would be wise for us to recess and come back.

Let me ask you, because we may start before I get back, because whoever comes back first will start, let me ask you a question, Mr. Jackson. I am a little confused by your testimony. You talk about the fact that there is this cycle of despair and expectation of the Government to help, that is, in the African-American community, that has been spawned by affirmative action programs and those kinds of programs. Then you say those of you who made it should stop relying on affirmative action. I don't imagine that is where the despair is, is it, among those of you who have made it?

Mr. JACKSON. Sure, I think the despair is between those of us who have made it, who consistently create excuses for others not making it. My position is simply this, that I practice affirmative action by making sure that my two daughters are educated well. There are others that are not in the position that either one of us at this table are in. Those persons clearly must receive affirmative

action, whether they be Anglo, Hispanic, African-Americans. There are a lot of poor people in the world, and when we discuss the largest—

The CHAIRMAN. Well, if they have affirmative action based on that basis—you said you are a beneficiary of affirmative action. I don't know in what circumstance, whether it was law school or college.

Mr. JACKSON. Law school, specifically.

The CHAIRMAN. Law school. You wouldn't have gotten into law school, even on affirmative action back in those days, if it had been a pool, not of merely black Americans and Hispanic Americans, but if it had been a pool of all Americans in need, because I expect my financial circumstance wasn't any better than your financial circumstance—I don't know that to be true. My father made \$12,000 a year, so I don't know what that was, with four children.

Mr. JACKSON. That is about what mine made.

The CHAIRMAN. So, I imagine we would have been competing with one another for affirmative action, along for every one of you, there were 15 of me or 10 of me, because there are ten times as many white folks as there are black folks, 10 times as many poor white folks as there are poor black folks. So, how would you have gotten into school?

Mr. JACKSON. I think at the time that affirmative action was being practiced, it is clear that there were very few African-Americans in this country that could afford the kind of education that exists today. That is not the case. I think that Mr. Woodson made it clear that our income has gone up over 300 percent.

The CHAIRMAN. I am not talking about that. I am talking about the black folks and minorities who can't afford it.

Mr. JACKSON. And I am saying that those are the people that we are speaking in reference to which should be given the opportunities, without a doubt.

The CHAIRMAN. But it should be in a pool—

Mr. JACKSON. That has not been the case, though.

The CHAIRMAN. But it should be in a pool of all Americans, not just black Americans.

Mr. JACKSON. All low-income Americans.

The CHAIRMAN. All low-income Americans. Well, you all know, in low-income Americans, you are outnumbered in a big way, don't you?

Mr. JACKSON. No, Senator, the very fact—

The CHAIRMAN. You are.

Mr. JACKSON. We are disproportionately represented there. Therefore, we will be disproportionately beneficiaries of whatever is done to that group of people.

The CHAIRMAN. As you know, that is not true, if you are talking about absolute numbers. If there are 100 spots open and, for the sake of argument, let's assume 80 percent of class A is disadvantaged and only 10 percent of class B is disadvantaged. If class B is 20 times as big as class A, you are still going to find yourself out of those 10 slots, most of them going to the folks in class B. That is the only point I am making.

I just think we should kind of get our facts straight. You all are the businessmen and I am just the politician. Let me stop here and you all think about that for a minute until I come back.

Senator Simon is here, let's continue. Reverend, why don't we begin with your testimony, and then I will come back and we will continue questioning for the whole panel.

Thank you.

STATEMENT OF REV. BUSTER SOIRES

Reverend SOIRES. Thank you very much for having us.

I am the Pastor of First Baptist Church in Somerset, NJ. We have a membership of approximately 3,000 congregants, and I have been there for 10 months. Prior to accepting this call to this church, I spent 5½ years traveling throughout this Nation, speaking primarily to high school students, warning them about the dangers of drugs and immoral behavior and activities which would preclude successful futures.

Prior to that, I served as the national director of Operation PUSH. I reported directly to Reverend Jesse Jackson, who gave me unusual exposure and invaluable training in my efforts to become an advocate for people. In 1988, I ran as a delegate to represent Reverend Jackson at the Democratic National Convention.

I have come here, in light of my experience and exposure, to support the nomination of Clarence Thomas to the Supreme Court. I believe that Judge Thomas has a knowledge of the Constitution, which qualifies him for membership on the Supreme Court. I believe that his personal integrity and demeanor bring to bear wonderful implications for mediation between the two branches of Government, the executive branch and the legislative branch.

Moreover, I believe that, as a pastor, that Judge Thomas reflects more character and personal integrity that display values rooted deep in the American tradition and in the black tradition. I have watched with great interest and listened with great intrigue to the discussion around Judge Thomas, and I would like to focus on the enigma factor.

I think, Senator, one of the important discussions that we should have is why this enigma factor, which I think you yourself have pointed to, seems to be so prominent.

I think, first, we should see the enigma that surrounds Judge Thomas within the context of the overall enigma in which we all live, the enigma of having voting rights, yet the majority of the Americans do not vote, the enigma of having civil rights, yet we have a disproportionate number of people who did not have civil rights still living in poverty.

Even beyond that, the legal enigma today—I listened with great interest to the prior panel, the Congressman from Houston, I am certain, will attest to the fact that in his city today, the No. 1 issue among the mayoral candidates is the issue of crime, and 25 percent of the cases that go before the Supreme Court have less to do with abortion or affirmative action than they do crime.

Crime has become such an enigma, that black people and black neighborhoods are afraid of black children. The root cause goes back for centuries, but the reality is this, that that is an enigma. It

is an enigma today that, in New York City, the greatest concern among the people that I speak to is the fact that the Board of Education has decided to distribute condoms to teenage children, without their parents permission. That is an enigma. It is an enigma, because, on the one hand, we have the question of individual rights, and, on the other hand, we have the issue of the integrity of the family. It is an enigma which may end up in the Supreme Court.

In the city of Detroit, I went to speak at a public high school, where we had another enigma. The enigma was that parents were pressing the school to install metal detectors, because children were bringing weapons to school. Civil libertarians and some advocates of civil rights opposed the parents, who were attempting to protect their children, in the name of individual rights.

The point is we have such a complex situation today that is much larger than the black/white situation or the civil rights situation, that Clarence Thomas' appearing to be an enigma may not be as enigmatic as we think he is, if we look at the overall enigma of our social condition.

If one is pro-life today, that person, if he is in public life, is characterized as being anti-woman. If he is pro-choice, then he is accused of killing babies. If a person changes his views, we say he can't be trusted. If a person is rigid, we say he is narrow-minded. If a person works inside the system, we say he has turned his back on his people. If a person attacks the system, we say he has got a chip on his shoulder. If a person advocates government help, then we suggest he has a welfare mentality. If a person proposes self-help, then we say he blames the victim. If a person is a flaming liberal, then we say he's not practical. If a person is a conservative, we call him an opportunist.

The problem, Senator, is that the labels that have traditionally described people are no longer applicable, given the enigmatic climate in which we live.

So I support Judge Thomas, not because I agree with everything he has said—I don't agree with everything I have said. [Laughter.]

I support Judge Thomas because I believe he possesses the personal qualities that include recognizing the flaws in our society. When I look at Judge Thomas, I see a man who sees a need to reflect on his own thoughts. I would not want a Senator, a Supreme Court Justice or a President who cannot admit that there is a need to reflect on things he has said and things he has done.

I support him because I believe he respects the integrity of the judiciary, and he is willing to rise above personal preconceptions and pledge impartiality on difficult cases.

I am not frustrated by the fact that Judge Thomas insists on being loyal to the judicial code that requires impartiality and giving each case due consideration on its own merits.

I see a man who personifies the tension of moving up and reaching back. Each of us who lived in middle class or upper class neighborhoods has this tension of how do we in fact reach back and support people who have not been as successful as we. And while we may differ in style, all of us should be consistent in substance.

I think what inspires us today as a free society, and as we consider even intervention in foreign lands, what inspires all of us is the

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

together in St. Louis with one of the persons who testified this morning, Larry Thompson—we are all very close friends—I think how I would answer that is evolution. And let me give you an example, if I might, of evolution. And I'd like to use you, Senator Simon.

I have long followed you from the time of your newspaper days in Illinois to Representative Simon to Senator Simon. I lived in St. Louis for 17 years of my life. It is clear to me that during the Presidential campaign of 1988, some of the views you had espoused early in your career were quite different at the end during the campaign. I don't think in any way you were untrue. I think what had occurred is that you had evolved; you had become wiser, you had looked at the issues more in-depth, you had decided that the approach that you had taken very early in your life was not the approach that you would take—not that it was incorrect, but you have taken another approach.

I think what we see in Judge Thomas is evolution. I don't see enigma. I don't see two Judge Thomases. I have had tremendous debates with him, tremendous disagreements, but in the final analysis, the Judge Thomas that I know is a person of integrity, competence and compassion who deeply feels for what is happening to African-Americans in this country, who will be an excellent jurist. And I think what you have seen with Judge Thomas in these hearings and through his life is evolution. And I think you and I both know that we will continue to evolve until the Almighty decides that we are no more.

So I am saying in making that analogy, just as I have seen you evolve, just as I have seen you take different stands on issues from the time I can remember you being in St. Louis, and then so you'll know who met you six or seven times with one of your personal friends, Jack Kirkland, at his home; I have seen the evolution.

So I am saying give Clarence Thomas the same due deference that others have given you and others have given others. I think what we see is an evolution, and I think he will be an excellent jurist.

Senator SIMON. Mr. Woodsen.

Mr. WOODSEN. Just a footnote to that. I think he has been certainly in this regard falsely accused of being in opposition to affirmative action. It was Ben Hooks, president of the NAACP, who said on issues of individual discrimination, Judge Clarence Thomas will nail a person or an institution to the wall on cases of individual discrimination. He differs on the application of it when it comes to group remedies. So that point.

The other thing, as a footnote to Mr. Jackson's point, yes, people are evolving. If you maintain the same views over time, you are called rigid or an ideologue. And I think that Judge Thomas' views are evolving.

I remember the Congressional Black Caucus when they were freshmen Congressmen, they were unalterably opposed to the seniority system until they were in positions of seniority. Now they are steadfast supporters of it. Were they hypocrites then, or did their strategic circumstance change and therefore their views on things change?

I think it is in this regard that we ought to view Judge Thomas. I find his record, I find his positions on principle totally consistent, and I think that for that reason that some of the charges against him are just not true.

Mr. JACKSON. And may I make one comment? I think, too, what you have seen, which deeply bothers me, is that we have right now in America a tremendous debate about how we should get where we should be. Should we continue to rely on Government as the only source for us to make it, or can we somehow begin to take some of the responsibility and say we can do some of the things on our own?

Senator Simon, it is important to me to understand that pre-1960, we had more banks that were owned by African-Americans in this country than we did after the Sixties. We owned our own hotels. We owned our own restaurants. We owned our own hotels. I think that the Great Society when it started, started out well, but I think it took our independence away and created dependency, and I see it every day, as I said in my speech, hopelessness.

So when you get a voice who says, look, some things we must take responsibility for ourselves, even though we understand that racism still runs rampant in this country, there is no question. But some things, as I said to your earlier about your evolution, the evolution of African-Americans in this country to what we perceive as the conservative lean, scares many of the liberals who have bought into the doctrine that Government owes us something and should repay us.

Well, let me say this to you. I might be labelled after this as a conservative, but I think my mother and father were conservatives because they taught us to go to church, they taught us the value of family. My father never made more than \$12,000 and educated all 12 of us, and he brought us up with the fear of God. If that's conservatism, I am happy, because that is the way that I want to bring my kids up and I'm trying to bring them up.

So that what you have is a dichotomy. We have been told by people in this country that you owe something—it's clear racism was devastating on us, and it is still devastating. But let me say this to you, as my father said, who did not have a high school education, the way that you fight racism is to educate yourself. We did. Affirmative action was very helpful to me. My way of dealing with affirmative action is that I educate my kids very well. Therefore, when my daughter left her high school she was third in her class, and she is doing work on her own. I think that is important. And I think when that is said, that scares a lot of people, when we start saying we're not going to hold every Anglo person in American responsible for what has happened.

Senator SIMON. Thank you very much.

Senator THURMOND.

Senator THURMOND. Thank you very much.

Mr. Jackson and Reverend Soires and Mr. Woodsen, we want to welcome you here. I admire you for coming here and taking the stand that you are. You are taking just the opposite view from what the Black Caucus did. That took courage. It took endurance. It took character, integrity.

I appreciate your coming here and expressing your views in spite of some of the positions some of the black leaders have taken.

I just have two questions, the same questions I have asked these others who have come and testified here on behalf of Judge Thomas. You can answer it first and then right down the line.

Is it your opinion that Judge Thomas is highly qualified and possesses the necessary integrity, professional competence, and judicial temperament to be an Associate Justice of the United States Supreme Court?

Mr. JACKSON. Unequivocally, yes.

Senator THURMOND. I didn't hear you.

Mr. JACKSON. Yes.

Senator THURMOND. The answer is yes. Reverend Soires.

Reverend SOIRES. Based upon everything I have read and heard and seen from him, the answer is yes.

Senator THURMOND. The answer is yes.

Mr. WOODSEN. Yes.

Senator THURMOND. Mr. Woodsen's answer is yes.

The second question: Do you know of any reason why he should not be made a member of the Supreme Court of the United States?

Mr. JACKSON. I will answer it this way: The Sunday or the Monday before President Bush nominated Judge Thomas for the Supreme Court, that Friday we had breakfast, and I said to him that, in my mind, the best thing that could happen is that the President nominate you to the Supreme Court because I think you will bring to the Supreme Court some values, some ideas, and a perspective that is not there that is badly needed. So my answer to you is absolutely I think that Clarence will be a tremendous addition to the Supreme Court.

Senator THURMOND. Do you know of any reason why he should not be made a member then?

Mr. JACKSON. Absolutely not.

Senator THURMOND. The answer is no.

Reverend Soires.

Reverend SOIRES. No, Senator.

Senator THURMOND. The answer is no.

Mr. Woodsen?

Mr. WOODSEN. No.

Senator THURMOND. That is all the questions I have. Thank you very much for your appearance. I think you made a fine impression.

Senator SIMON. Senator Hatch.

Senator HATCH. Thank you, Mr. Chairman.

I want to welcome each of you to the committee. Frankly, we are very proud to have you here before the committee.

When Judge Thomas was testifying, I asked him about affirmative action. And as I interpreted his answers, he is for every aspect of affirmative action except for preferences. Do you know of any difference from that statement?

Mr. JACKSON. No.

Mr. WOODSEN. No, I don't, sir. I think he said it should apply to people because of economic circumstances, and he would have qualified under those guidelines.

Senator HATCH. Well, I remember when he was being criticized by some. They indicated he was against affirmative action.

Mr. WOODSEN. That is not true.

Senator HATCH. It is just not true.

Reverend SOIRES. Senator, before you came in, we talked about the enigma of our current social situation. One of the enigmas is that today complex issues have been reduced to sound bites and slogans. When I was coming up, equal educational opportunity was an issue. It was reduced to the word busing. And we became characterized as either being for equal educational opportunity or against equal educational opportunity based on our response to the issue of busing.

The same thing has happened with the terminology affirmative action. Affirmative action for me and for those persons with whom I grew up meant this: that there was an inside crowd and an outside crowd. The inside crowd had been protected by laws and by traditions which virtually excluded the outside crowd irrespective of qualifications. Affirmative action meant that the inside crowd would use creative ideas and meaningful efforts to include the outside crowd based on the fact they had been excluded without regard to qualifications.

And so affirmative action meant that the Government would protect the outsiders from being excluded simply by virtue of the color of their skin. Government intervention has never been the question that we debate. When land-grant colleges were created, that was a wonderful initiative. When the Veterans' Administration gave veterans vouchers to buy homes and go to schools anywhere in the country, everybody applauded that. We are not against Government intervention or affirmative action. We are against using affirmative action as a means of denying other people opportunities in the name of helping the outsiders so that the outsiders are now discriminating against the insiders and then become victims themselves.

Last Sunday in the New York Times, the New York Times described the affirmative action generation, my crowd, people who have benefited substantially from affirmative action. And there was one aspect of that article that troubled me, and that was that the white peers of blacks in many major corporations perceived their black peers as having been inferior simply by virtue of the assumption that they were there due to affirmative action. We have got to figure out a more creative way and a fair system to ameliorate the injustices without creating more injustices.

Senator HATCH. Mr. Woodsen.

Mr. WOODSEN. Senator, let me just give you two examples. I think what we are engaged in here—and I mentioned earlier in my testimony that there is a bifurcation in the black community. In the last 20 years, black families with incomes of \$50,000 have soared 350 percent to the point where they are at 93 percent of parity with whites, while those families representing one-third, their incomes are getting worse. So obviously race alone is not the sole culprit. There are other factors at work here.

But what we do is engage in a kind of bait and switch game where the conditions of all blacks are used to justify affirmative

action remedies that only help blacks who are highly unionized or those who are highly professional. And we see examples——

Senator HATCH. Or those who can make it on their own, is what you are simply saying.

Mr. WOODSEN. Those that can make it. And so we think it ought to be defined in terms of economic conditions.

But two quick examples. Last year, a former black mayor of a Southern city, who was an architect, well educated, purchased a license for a television station that was set aside to get blacks into the television ownership industry. He purchased this for a nominal amount of money and turned around in two weeks and sold it to a white company for millions of dollars, realizing a windfall and, when challenged on this, said, "I did nothing illegal."

Now, blacks are still not in television in that city, but here was a windfall going to a single individual who, because he was identified as black, was identified as being disadvantaged. And so the public feels and believes that now we have served the interest of blacks. We are saying that this is immoral, it is wrong, and that these specific remedies need to be challenged to determine under what circumstance are certain kinds of affirmative action good or bad public policy.

Mr. JACKSON. I think also, if I might answer, we must make a distinction between affirmative action and race-based remedies. There is clearly a distinction. And I think we must make a distinction between affirmative action as it has been applied as of today with how I perceive it should be applied.

I too, like Judge Thomas, do not believe that race-based remedies are the best that we can do, because when you do that, clearly you alienate others. And that is not to say that as an African-American we have not been discriminated against—truly we have, and I want to make that clear—in this country and continue today. But I do think that there is a large enough class of us, and clearly we can make a distinction.

Second, I have to give you a story. I was talking to my daughter, and both of my daughters and I are extremely close. She said to me the other day, she said,

Dad, I was in the dormitory. We were talking. And we had some kids who were beating the system. Their fathers were doctors, lawyers, principals. But through a system of saying that I am independent and I don't have an income, they could clearly fall under the area where they could receive aid.

In my mind, that is absolutely wrong when you have so many African-Americans whose fathers or mothers are not doctors, lawyers, et cetera.

I said to her, "Don't declare independence," and I am not wealthy, as I sit before you all today. But I feel that economically I am in the position to pay for her education or their education and I should. And I think clearly when we start talking about affirmative action, we are talking about affirmative action to benefit those who are most in need.

And let me assure you, I run one of the largest public housing agencies in this country, and I see kids every day that are bright and intelligent. But because of a lack of money, they can't go to college. And I have spent an inordinate amount of time getting

them money to go to college. They are the people in my mind who should be the recipients of affirmative action.

Senator HATCH. You seem to be saying, Mr. Woodsen, and all of you, that the system ought to be based upon disadvantage regardless of race.

Mr. WOODSEN. Absolutely.

Senator HATCH. Or any other factor. But if you do that, then it seems to me that there might not be as much help go to black people or black kids as goes today. Do you agree with that?

Mr. WOODSEN. No, I don't. I think if you did it based upon proportionality of those in poverty, you will find that since we are 30 percent of those in poverty, that 30 percent of the money should go to—

Senator HATCH. So you wouldn't do it on the basis of proportionality but across the board regardless of race.

Reverend SOIRES. Senator, two other points. One, if we are talking within the context of having to choose between groups, then we will always have a problem. When we have a domestic policy that addresses the needs of all America, then we don't have to worry about which groups gets in and which group gets left out.

Senator HATCH. So we will have less discrimination because the system—

Reverend SOIRES. That is right. That is No. 1.

Second, I don't think we should focus on affirmative action as if the resolution of that debate concludes the problem. In Trenton, NJ, where I live, the dropout rate at the public high school is 53 percent. It would not matter what kind of affirmative action program the bank downtown had; 53 percent of our children won't be qualified to work there if there was a set-aside program to guarantee them all the jobs.

The deeper problem is to get at those systemic issues that sustain poverty and hopelessness and illiteracy, because affirmative action becomes almost moot in the face of a generation that can dance but can't read. And that is not a black problem.

Senator HATCH. I have appreciated the testimony. I have just one last thought. All three of you know Judge Thomas?

Mr. JACKSON. Yes.

Reverend SOIRES. I don't know him personally.

Senator HATCH. You don't know him personally.

Mr. JACKSON. I have known him for 18 years.

Senator HATCH. But all three of you are for him for this position?

Mr. JACKSON. Absolutely.

Reverend SOIRES. Yes.

Mr. WOODSEN. Yes.

Senator HATCH. Well, I am, too. I think it is a great opportunity to have a person go on the Court as young as he is, with his background, and with perhaps new ideas that may be very beneficial to everybody. So I want to thank you for your testimony. It has been very persuasive and I think very good. So we appreciate having you all here today.

Mr. JACKSON. Thank you.

Mr. WOODSEN. Thank you.

Reverend SOIRES. Thank you.

Senator SIMON. Senator Grassley.

Senator GRASSLEY. Do any of you have any questions or doubts in your mind about Clarence Thomas' commitment to civil rights and equal opportunity?

Mr. JACKSON. Absolutely not.

Mr. WOODSEN. Absolutely not.

Reverend SOIRES. I don't, and I feel comfortable saying that because, while we may differ within the African-American community and within the religious community and the overall community about priorities and approaches, I think we all agree on goals. It does concern me that many of us are willing to place things as priorities that I don't think should be priorities. As I mentioned to Senator Hatch, if we have a 53-percent dropout rate out of the public high school in our community, I think our priority should be that issue and not whether or not the bank downtown hires our kids. I think we have to deal with the bank downtown, but we have got to start with first things first.

So I think what you will discover is that when you talk to all of us long enough, we will agree on the problems and we will agree on the goals. The question is: What are our priorities and approaches? Therefore, Judge Thomas is as committed as Jesse Jackson, as Bob Woodsen, as anyone else who is doing anything else relative to civil rights. But the priorities and the approaches may differ.

Mr. WOODSEN. I think what Judge Thomas is doing, Senator, in my relationship with him, is to probe different questions. We need different questions asked. One of the questions that he asks, and I do too, is: If race alone were the principal culprit, how is it that blacks control 8 of the 12 major cities, the school systems, the health systems, the housing systems, and yet poor blacks are no better off now than when they were controlled by whites, according to the numbers. The downtown is booming, even in the Reagan era. Eighty percent of the development dollars going to those cities went to reconstruct the downtown, not in the neighborhood. Those were local decisions.

And what Clarence Thomas and others of us are asking is how are those local decisions made to build a Hyatt Regency downtown instead of a business incubative facility with retail shops in low-income neighborhoods that could serve as an anchor for the restoration of those neighborhoods.

I think that these are the kinds of critical questions that the Thomas nomination is causing to be debated within the black community, and I think this is a healthy occurrence.

Mr. JACKSON. May I add something? And I will probably try to be a little more simplistic about it. In a speech that I was giving in Colorado about 2 months ago, I simply said, as Reverend Soires said—and which I think is so important—and this was an issue dealing with where are we going in the year 2000 and how effective affirmative action has been in the African-American community.

The question that I posed at that time—or the person posed, I should say, that I had to answer, they simply asked: Are African-Americans better off today than they were 20 years ago? And I will not call the person's name because they are a noted civil rights person, automatically said no. My answer at that point in time was to the moderator: Which group of African-Americans are you

speaking in reference to? If you are speaking in reference to me, yes; or the three members of this panel, yes; or the leadership of the NAACP, yes; or the leadership of the Urban League, yes. We are better off. If you are speaking about the public housing residents in Dallas, Texas, no. They are not better off.

So when you pose the question, you have to ask: Who is better off? There are a group of us that are, and we have benefited greatly from affirmative action. And we took advantage of it. But the question today, which I finally answered to the person, was simply this: Let us not use affirmative action as a facade, because that is what we are using it as in these hearings as I hear many of my African-American brothers and sisters, many of my Anglo brothers and sisters speak.

What we should be asking ourselves more crucially than anything else is: What do we do about the educational deficit that exists in our inner-city communities? If tomorrow we decided that affirmative action would be only for African-Americans and that we would push it as hard as we could, it would do no good at this point in time when my young brothers and sisters are leaving high school reading at a fifth-grade level, doing math at a third-grade level. It would not help us.

So I say to you today, when you listen to testimony that has come before you and will precede us, the question should be asked: Which group of African-Americans have benefited? And those who have not benefited will not be at this table. Those of us who have will be at this table.

Senator GRASSLEY. There have been several other panels in previous days of African-Americans who have spoken, like you have, of their strong feeling of Judge Thomas' commitment to civil rights and equal opportunities. I would like to have you help me understand and all of America understand. With Clarence Thomas' commitment to civil rights, documented by so many different groups here, why do you think the so-called leadership of black organizations like the NAACP and the Black Caucus are opposed to Judge Thomas?

Reverend SOIRES. Senator, I became the pastor of a very traditional African-American Baptist Church 10 months ago. I have had a wonderful experience there for the last 10 months, and one of the new ideas that I introduced was computerizing the church's operation.

Some of the opposition that came to that was simply that we have never done it that way before. And I have this need to balance the tradition which has brought the church this far, and now innovative ideas to take the church to the next generation.

We have had 300 to 400 years of a very consistent kind of resistance movement against the racism of America. It takes a while to develop a new strategy with a broad consensus that moves from civil rights to economic empowerment. There are many organizations who have dedicated their lives and people who have dedicated their lives to the protection of the rights that were won after years of battle. And that is a legitimate pursuit.

But that pursuit should not function in exclusivity. We also need efforts as momentous as the civil rights movement to convince children not to have children. We need efforts to convince families of

the root responsibilities of families. We need efforts to convince people that laws don't change people. People change laws. Laws can change people's behavior, but it takes a new value system to change people's hearts.

The point is we are in disagreement not necessarily with the facts but with the priorities. We feel that in 1991 the priorities should be economic and educational empowerment, not race-based solutions simply, but, rather, economic conditions, economic programs, and economic solutions.

Senator GRASSLEY. And their opposition is because Clarence Thomas challenges that traditional approach?

Reverend SOIRES. Clarence Thomas comes along as a post-World War II baby. Clarence Thomas is not really a veteran of the pre-World War II leadership. He is 43 years old. I am 40 years old. I was too young to march with Dr. King. I was too young to go to jail 40 times and have my head beaten, and often perceived as someone who perhaps is not loyal to that tradition. But there does come a time—just like we did in the Persian Gulf—there comes a time when after the war is over you look at what is the next step. That doesn't mean that the war against racism is over, but we have our civil rights, we have our public accommodation rights, we have our voter registration rights. There is no need for me to lead a march on city hall to get the right to vote. My task in my community is to convince people to register and to vote.

Now, we have to protect the voting rights on the one hand, but that should not function in the absence of people who do what I do, and that is motivate people to exercise their rights. We are in partnership, not in competition.

Mr. WOODSEN. I think that part of it is ideological, too. Clarence Thomas does not fall conveniently into liberal Democratic tradition that many members of the Black Caucus have defined black Americans. They have become in one sense the police of black thinking. And there has been a gag rule imposed on the black community over the past 20 years that unless you see life through the prism of a liberal Democrat, you will be suspicious, you will be castigated. And so I think Clarence Thomas, because he does not espouse that position, is castigated.

I think members of the caucus talk about they are suddenly going to judge him based upon the content of his record and not the color of his skin. And yet there have been several black officials, including some of their own members, that have been guilty of personal indiscretions and illegal acts, and one judge in New Orleans who was guilty of accepting a bribe while on the bench and found guilty by a court. And I remember being on *McLaughlin and Company* with a member of the Caucus when John McLaughlin asked both of us: What do you think about what this man did? Do you think, as some are saying, that he was targeted by whites? And this member said yes. Not judging him on the content of his record or his character but the color of his skin.

And all of a sudden, when Judge Thomas emerges on the scene, members of the Black Caucus suddenly became color blind and wanted to judge Clarence Thomas based upon the context of his record. I think that this moral inconsistency is not really being perceived well in black America, at least the people that I talk to.

Therefore, I think his membership in a different club, if you may, is a source of much of the consternation and resistance to Judge Thomas.

Mr. JACKSON. I guess to add to what Bob has said, what Reverend Soires has said, I will not cast any aspersions on the NAACP because I am a member and I have a great deal of respect for Reverend Hooks and his wife and consider them my friends. I have a number of friends that I consider my friends on the Black Caucus.

What I will say to you, Senator, in asking the question, is that we have been a proponent over the years to the victim theory. And somehow anyone who wishes to escape the victim theory based on doing some things for themselves is labeled either a Tom, an Oreo, someone that is bought off by the system.

But one thing that we must keep in mind and I remind us all the time: Those who are calling us those names are clearly benefiting from the system. They serve on the major boards of the corporations in this country. They fly around in Lear jets. They play at the best country clubs. But yet they are telling us to accept the victim.

I see myself as an African-American extremely fortunate, having served both public and private life, having made a great deal of money. In the process of doing that, you must give something back. And I think Clarence Thomas simply says: How can we best give something back?

The way we give something back in my mind is to give people hope and to work with those who are most in need. And that is our philosophical viewpoint, rather than, quote, unquote, telling them that they are a victim, that the system will ever keep them a victim, they can never hope to escape being a victim, so therefore the best avenue is to keep hollering that racism is the epitome of what is keeping us down. Yet those who tell them that will be with us at the Jockey Club tonight.

Senator GRASSLEY. Thank you.

Senator SIMON. Senator Specter.

Senator SPECTER. Thank you, Mr. Chairman.

Mr. Woodsen, let me direct my first question to you. I believe you were present when the five Congressmen testified, correct?

Mr. WOODSEN. Yes, I was.

Senator SPECTER. And the five Congressmen testified in opposition to Judge Thomas, on the basis that he was not a good role model, since he was the beneficiary of affirmative action and, once he had attained his status, he was turning his back on other African-Americans.

You have suggested that the opposition by that group was really directed in a political context, that they are the beneficiaries of having African-Americans to support the Democratic Party, as opposed to looking for a role model like Judge Thomas who, in his speeches, was very direct about wanting to bring more African-Americans to the conservative cause and more African-Americans to the Republican Party.

Are you saying that the opposition by the congressional panel was really based on Democratic/Republican politics?

Mr. WOODSEN. I think, in part, it was, Senator. It was based also, in part, as Mr. Jackson said, any black that does not characterize other blacks as being victims of white oppression and believes that

the mugger might have knocked him down, that is, racism, but it is the responsibility of the person mugged to get up, the victim's responsibility to get up, and I have debated most members over the years

To espouse this puts you at odds politically and ideologically with members of the caucus, and, yes, I think Clarence Thomas, because of his position on civil rights, challenging—again, Senator, I disagree with the characterization that Clarence Thomas is against affirmative action and civil rights. He is not. Even Ben Hooks affirms that, when he says, in cases of individual discrimination, Judge Thomas will nail you to the wall.

Where Judge Thomas disagrees or has some problems with it is when remedies are applied to groups, so I think that it is in that context where there is some debate, and I think what he is trying to do, and some of us are trying to find some middle ground to find out what do we do about the blacks who are locked out, because of race and economic and social circumstance, and I think Judge Thomas is grappling for alternative questions to be raised, and a lot of the members of the Caucus just simply do not want those questions raised.

Senator SPECTER. Mr. Woodsen, the Congressmen criticized Judge Thomas on the ground that he was a beneficiary of affirmative action. But he did not want to see it extended to others, and I do not know if you heard the testimony—

Mr. WOODSEN. I did.

Senator SPECTER [continuing]. But Judge Thomas did say that, when it came to employment, and there was considerable discussion about the very famous discrimination case in New York City on Local 28 of the building trades, which had been going on for more than 20 years, with a finding of egregious discrimination. Judge Thomas held back and said that he would grant a remedy for any specific individual who was discriminated against, but in terms of looking to the future, in a context where you knew with virtually certainly that the next group of African-American applicants would be discriminated against, and, as one of the Congressmen put it, you wanted to give some of the tail-wind to the head-wind which was going to face that African-American who was going to look for the job. Don't you think that, just as preference is desirable, as Judge Thomas said in the educational context, which he received, that there ought to be a preference for the next applicant, say, in the New York City context, where you have every reason to expect discrimination, as the prior applicants had been discriminated against?

Mr. WOODSEN. Senator, you have taken me into the details of that particular case that are beyond my knowledge, but I can say to you that the fact that when Secretary Donovan was facing trial, the trial judge, in ruling against or setting aside one of the charges against him of using a prominent black elected official as a dummy 8(a) firm, that the practice is so widespread that you could not hold Secretary Donovan culpable in that situation. I think that is the kind of situation, at least, that I think requires some review and some discussion and some debate as to who are the true beneficiaries of some of these group remedies. And I think all Judge Thomas was trying to do, as I and the rest of us are trying to do, is

to try to begin to raise a new set of questions, instead of just relying upon some of the same set-aside remedies.

I remember contracts that get set-aside contracts bid on a contract \$30 million, and because they are black, they get the contract, they take \$2 million and then subcontract with the white firm that came in second and that firm hires all-white employees, while this one black contractor has \$2 million.

Now, is this really what we intended through affirmative action, or did we really intend to improve, increase the number of workers and people participating? I think those are the situations, Senator, that we need to look into.

Senator SPECTER. Mr. Jackson, let me direct this question to you, where a major point was made by the Congressmen who testified, in response to my questions, if Judge Thomas is a good role model. They were highly critical of Judge Thomas, because of the statements he had made about his own sister, and were highly critical of him, because he was unwilling to see affirmative action benefit others as affirmative action had benefited him.

Do you consider those factors to be relevant in evaluating whether Judge Thomas would be a good role model for other young African-Americans in this country?

Mr. JACKSON. Senator, first, let me say this: Knowing Clarence as I do and his family, Clarence and his sister are extremely close. I think that was a philosophical difference at a point in time between the two and that has not in any way daunted their relationship. I think that probably every one of us has had some differences with our different brothers and sisters.

Second, Clarence Thomas has made it clear in the days of his testimony here that he supports affirmative action, so those who will basically tend to distort the reality of the situation is doing that basically to serve their own interests.

Lastly, I was very pained to listen to many of the members of the Black Caucus come out as they did sitting at this table today against a man that I know very well and have a great deal of affinity for and I think is an excellent human being, with a tremendous amount of compassion.

But I think a few minutes ago, I said, when Senator Hatch asked the question, that you must understand it in the overall context that we are still operating in a victimized situation, and when someone comes in and challenges the philosophical viewpoint that we are victims and we will remain victims and there is nothing that we can do, the only recourse that must occur is they cannot deal with them from an academic or philosophical viewpoint, so, therefore, it becomes very personal, and it saddens me to hear them say that they do not believe that Judge Thomas would be a role model.

I must tell you a story that they did on the Today Show not 2 weeks ago about a young African-American boy, in Savannah, GA, who had no hope. For 2 years, Judge Thomas has been writing him letters, sent him a set of encyclopedias, sending him a book every month. That young African-American's grades have gone up tremendously. He has set his sights on being a doctor. Had Clarence ignored his letter, he might have been doomed to defeat. To say that Clarence Thomas as a man is not a role model is to basically

say that young boy in Savannah, GA has no substance, and I think he has a great deal of substance.

Senator SPECTER. Mr. Jackson, you testified that Judge Thomas is in favor of affirmative action. I am not so sure you are right about that, but it may depend upon definitions and it may depend upon scope. There is a very limited preference that Judge Thomas testified to here during the course of the proceedings on disadvantage in an educational context. He testified very forcefully about being against discrimination, as you find the specific victims of discrimination. But if Judge Thomas was not in favor of affirmative action, would you still support his nomination for the Supreme Court?

Mr. JACKSON. If he was not in favor of affirmative action?

Senator SPECTER. Correct.

Mr. JACKSON. I have to tell you that I think that is a very hypothetical question, and my answer would be that I know he in favor of it, so, therefore, I would support him wholeheartedly.

Senator SPECTER. Well, OK, but I am not so sure he is in favor of affirmative action, so it leaves you, at least in my mind, in equipoise on the hypothetical. [Laughter.]

Mr. JACKSON. Let me say this, Senator: I am a firm believer in affirmative action. I have three degrees and I am convinced that affirmative action played a role in those degrees, but I also had to do a lot on my own to make sure that I got them.

Clarence Thomas is a beneficiary of affirmative action, I don't think he denies that, but he had to do a lot on his own. But I think today, Senator, for us to be misled and for us to consistently deal with one aspect of affirmative action, as many of the groups that have appeared before you and will appear after us want you to do, would be to overlook the real issue that is facing us today.

In 1976, we had almost 800,000 African-American males and females in college. In 1991, we have a little over 300,000 in college. In many cases, affirmative action has not stopped, but what has occurred is there has been a breakdown somewhere, in our school system, in the raising of our kids. So even tomorrow, as I said earlier, if you say we are going to practice affirmative action the best way that we know how, when you have African-American kids leaving school, reading at a fifth grade level and doing math at a third or fourth grade level, affirmative action, in my mind, becomes a moot question, until we do something about making sure that we benefit those kids who are suffering greatly in our communities and in the cities.

I see those kids every day, as an executive director of the public housing agency, and I am saying to you that what we need to do is begin to raise those persons up, and I can tell you, if we do that, affirmative action will not be a necessary issue, the issue will be how can we stop African-Americans from ascending to the highest ranks in this country.

I think, lastly, I would say this to you: There have been so many excuses made. I always use the analogy that 20 years ago, at the end of the Vietnam War, we had refugees coming from all over Southeast Asia, they could not speak English. But because there was a system in place where the family was strong, where we did not have people making excuses for them, in those same inner-city

schools that African-Americans and Hispanics are suffering in, the Asians are topping out of the class.

So, I am saying to you that some responsibility must lie with what we are doing, especially us at this table who have been beneficiaries of affirmative action. We must do our job and that is not in any way to dismiss or deny that racism exists and that affirmative action has played a role.

Senator SPECTER. Thank you very much, gentlemen, and thank you, Mr. Chairman.

Senator SIMON. We want to thank all three of you for your testimony. Let me just add, if I may have the attention of Senator Thurmond here, we have averaged 37 minutes a witness. We have 27 witnesses to go. If we keep up the current pace, we will be here until about 9 tomorrow morning.

Until Senator Biden gets back, I wonder if we could agree to just have 5 minutes for members' questions rather than the current 10 minutes.

Senator THURMOND. I certainly think it ought to be restricted as much as possible.

Senator SIMON. OK, so there is no objection. At least until Senator Biden gets back, we will limit it to 5 minutes per member.

We thank the three of you. Our next panel is a panel supporting Judge Thomas: Pamela Talkin, a member of the Federal Labor Relations Authority and former chief of staff for Judge Thomas while he chaired the EEOC; Ms. Willie King from the Equal Employment Opportunity Commission. Ms. King was director of the Financial Management Division of the EEOC during then Chairman Thomas' tenure. James Clyburn, Commissioner of the South Carolina Human Affairs Commission, who is here on behalf of the International Association of Official Human Rights Agencies, which is the Association of State Fair Employment Agencies; and Dr. Talbert Shaw, the president of Shaw University.

We are happy to have all of four of you here. Ms. Talkin, we will start with you, if we may, and we will enter your full statements in the record. We will limit the witnesses to five minutes.

Should we start with you, Ms. Talkin, or however you would prefer?

Ms. TALKIN. Dr. Shaw has to leave and catch a plane, and he has been moved on to this panel so—

Senator SIMON. Dr. Shaw, we will start with you, and I will during my temporary reign here as Chair be firm on the 5-minute rule.

Dr. Shaw.

STATEMENTS OF A PANEL CONSISTING OF TALBERT SHAW, PRESIDENT, SHAW UNIVERSITY; PAMELA TALKIN, FEDERAL LABOR RELATIONS AUTHORITY; WILLIE KING, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION; AND JAMES CLYBURN, COMMISSIONER, SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

Mr. SHAW. Mr. Chairman, distinguished members of this Judiciary Committee, I am Talbert Shaw, president of Shaw University in North Carolina, and I deeply appreciate this opportunity to testi-