

The CHAIRMAN. Thank you very much.

Senator THURMOND.

Senator THURMOND. Thank you, Mr. Chairman.

I have to leave for another appointment in just a minute. I first want to take this opportunity to welcome all of the witnesses here today. Sister Virgilius, Father John Brooks, Judge Gibbons, and Dr. Sudarkasa, we are honored to have you here.

Now, your statements carry great weight with me, because you know Clarence Thomas, you have known him for years. You know his character. You know his ability. You know his dedication. You know his temperament. I want to thank you for coming here today.

Now, I just have two questions I want to ask each one of you. There is no use taking a lot of time, because this is the essence of it, and I will start with you, Sister. 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 U.S. Supreme Court?

Sister VIRGILIUS. Most certainly.

Senator THURMOND. Your answer is yes?

Sister VIRGILIUS. Yes.

Senator THURMOND. Father Brooks.

Father BROOKS. The answer is yes.

Senator THURMOND. The answer is yes. Judge Gibbons.

Mr. GIBBONS. My answer is yes.

Senator THURMOND. The answer is yes. Dr. Sudarkasa.

Ms. SUDARKASA. Yes.

Senator THURMOND. The answer is yes.

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

Sister VIRGILIUS. No.

Senator THURMOND. The answer is no.

Mr. BROOKS. No.

Senator THURMOND. The answer is no.

Mr. GIBBONS. No.

Senator THURMOND. Judge Gibbons, the answer is no.

Dr. Sudarkasa.

Ms. SUDARKASA. No.

Senator THURMOND. The answer is no.

Thank you very much for your appearance. We appreciate you coming.

The CHAIRMAN. Thank you.

Father, let me ask you a question: What policy does Holy Cross have now for attracting blacks to Holy Cross?

Father BROOKS. We operate administratively under a mandate from the board of trustees to conduct an aggressive and vigorous recruitment of African-American students, in fact all minority students, so it is communicated, particularly to our admissions office and to other administration of the school, that they are to go out into the field, to exercise their judgment and to try to find as many African-American students as we possibly can who would be attracted to Holy Cross and about whom they make the judgment that they are capable of competing successfully at the college.

The CHAIRMAN. Assuming they find African-Americans who are capable of competing at Holy Cross College, does that mean they will be admitted?

Father BROOKS. If they meet the positive judgment of the admissions boards, they are certainly admitted.

The CHAIRMAN. Now, assuming you find white Americans who are qualified, does that mean they will be admitted?

Father BROOKS. No. Going back to what you were discussing earlier, the lawyers panel, there are a number of students who are applicants Holy Cross, certainly well qualified, and are denied admission.

The CHAIRMAN. Judge Gibbons, are you still on the board of Holy Cross?

Mr. GIBBONS. I was until September 6 last.

The CHAIRMAN. Did you support that policy when you were on the board, Judge?

Mr. GIBBONS. Yes, very positively.

Senator SIMON. Would you pull the microphone a little closer to you?

Mr. GIBBONS. Yes, I was a strong supporter of it.

The CHAIRMAN. Is it fair—

Mr. GIBBONS. So was Clarence Thomas.

The CHAIRMAN. Is it fair to refer to that as affirmative action? What would you call it, Judge, as a judge, knowing the law as you do and unwilling to slide out from under the question?

Mr. GIBBONS. It is affirmative action. We take affirmative steps to increase the percentage of minority enrollment in the school.

The CHAIRMAN. And it means that if there is a white student and a black student, equally qualified, and one place left in class, it goes to the black student, correct?

Mr. GIBBONS. Very likely.

The CHAIRMAN. I compliment you on the policy.

Mr. GIBBONS. Thank you.

The CHAIRMAN. I think it is a wise policy.

Mr. GIBBONS. Of course, it is a private institution.

The CHAIRMAN. I understand it is a private institution. I might say, my experience with Jesuit institutions is that this is uniformly the case; I have a son who goes to a sister institution that I am not allowed to mention here, but which happens to be in town.

Now, let me ask you, Judge, I have never heard anyone refer to Clarence Thomas as "a legal positivist."

Mr. GIBBONS. No, I referred to Robert Bork as a "legal positivist."

The CHAIRMAN. I see. OK. I thought you said—that clears it up. Thank you very much.

Sister, if Judge Thomas had a view of the Constitution you did not like, you would still be for him, wouldn't you?

Sister VIRGILIUS. I sure would.

The CHAIRMAN. That is right. God bless you. Thank God for loyalty. [Laughter.]

I yield to my friend from Utah.

Senator HATCH. I want to compliment each of you for what really were collectively eloquent statements for and on behalf of Clarence Thomas. I think he was very fortunate to have you, Sister