

because you have suffered a long day. It is, in fact, there is an interesting ceremony going on outside, and a number of Native Americans and Eskimos are putting on folk dances outside the door.

Mr. JENKINS. I understand.

The CHAIRMAN. Senator.

Senator SIMON. Yes. Dr. Jenkins, your school does not benefit directly from the Historically Black Colleges Act, I gather.

Mr. JENKINS. Well, we were talking about the United Negro College Fund.

Senator SIMON. I understand.

Mr. JENKINS. Right.

Senator SIMON. But I am talking about the title under the Higher Education Act.

Mr. JENKINS. Oh, definite. Yes, sir, we do.

Senator SIMON. You do?

Mr. JENKINS. Yes.

Senator SIMON. Now, what would your attitude be toward the nominee if you believed he would rule that unconstitutional?

Mr. JENKINS. Well, Senator, let me say that I have prefaced my statement, and indeed the motivation for my being here this evening was due to the fact that the cases that I cited, as an example the one with the General Motors settlement, as another case in point, the one in which he spoke about the worthwhileness of these institutions and why they should continue to be enhanced with funds, led me to believe that he would not take such a position.

Senator SIMON. I don't think there is any question that he believes these institutions do a good job.

Mr. JENKINS. And that they should also be enhanced with additional funds going to them for upgrading libraries and other facilities on the campuses.

Senator SIMON. OK. But the question is additional funds. And, if I may read from one of the things he has written.

"I firmly insist that the Constitution be interpreted in a color-blind fashion," and then he criticizes in this same writing "race conscious legal devices."

Now, it is pretty hard for me to read that and not come to the conclusion that he would have serious problems with something that is very vital to a great many institutions in this Nation that are performing a huge service to the African-American community as well as to the Nation.

I just mention that because it is pretty difficult to read this and not come to the conclusion that if there were a matter before the Court he would rule it unconstitutional.

Mr. JENKINS. I understand your statement, Senator. I would simply say to you that because of the business that I am in certainly I would not be amenable or acceptable in terms of looking at a person who may take a position different from the position that I take in terms of the fact that these institutions are treasures and deserve to be preserved, but not only that, to be enhanced, and I simply go by the statements that he has made in the past about these institutions. I look also at this own background, and I draw the assumption that given the opportunity to redress past discrimi-

nation as relates to these institutions that he would opt for the side of guaranteeing that these institutions would continue to survive.

Senator SIMON. Thank you very much. I hope you are right, and I thank you.

The CHAIRMAN. Thank you very much, Senator.

Thank you very much, Chancellor.

Mr. JENKINS. Thank you.

The CHAIRMAN. Again, congratulations on your 100th.

Mr. JENKINS. Thank you.

The CHAIRMAN. Do you play Delaware State?

Mr. JENKINS. No, I do not, Senator.

The CHAIRMAN. They are tough.

Now, our next panel, we have combined two panels of witnesses who are testifying in opposition to Judge Thomas' nomination, and these witnesses are:

Sharon McPahil, on behalf of the National Bar Association. Ms. McPahil is president of the Detroit, MI, Chapter of the National Bar Association. Welcome, Ms. McPahil.

Adjoa Aiyetoro, National Director, National Conference of Black Lawyers, welcome.

Ms. AIYETORO. Thank you.

The CHAIRMAN. Did I pronounce it correctly?

Ms. AIYETORO. Yes, you did. Thank you.

The CHAIRMAN. Mr. William Hou, Chair of the Legislative Committee for the National Asian Pacific American Bar Association. Welcome, Mr. Hou.

Mr. HOU. It is pronounced Hou.

The CHAIRMAN. Hou. You may call me Bidden, if you would like. [Laughter.]

Ms. Leslie Seymore, vice chairperson of the National Black Police Association. Welcome. Daniel Schulder, director of legislation for the National Council of Senior Citizens; Naida Axford, president of the National Employment Lawyers Association; Reverend Bernard Taylor, chairman of the Black Expo Chicago, which works with minority entrepreneurs. We have added Reverend Taylor to this panel to accommodate his travel schedule, but apparently we were not fully able to accommodate his travel schedule, because he is not here, so what we will do is enter his statement in the record.

Senator SIMON. Yes, I was going to say he was here earlier.

The CHAIRMAN. I know he was, and I wasn't being facetious when I said that. I am sorry we were unable to get him on in time.

Why don't we begin in the order you have been called on, unless you have worked out as a panel a different way to proceed.

Ms. McPahil, if you will begin first, please.