

The CHAIRMAN. Let me begin the questioning with you, Ms. Aiye-toro, if I may. How do you account for the fact that Judge Thomas in most of his writings and speeches fails to directly confront and say forthrightly what you think he believes, which is that he is opposed to choice, he—was supportive, or at least insensitive to the situation in South Africa, and so on? How do you account for that?

Ms. AIYETORO. I don't, Senator Biden. I am not sure why he doesn't say more specifically than he does in his speeches his position on the issue of choice for women and the issue of South Africa. I would assume that you would have to ask him about—

The CHAIRMAN. I did.

Ms. AIYETORO. I know. I guess one answer that I would have, which is an answer that someone gave you on an earlier panel, is that most of the times when he was making his speeches, the speeches that I am familiar with, he was speaking on a particular topic, and so many of these things were not specifically related to it.

I guess the other answer I would give you is that despite whether or not he has specifically said his position on South Africa or choice or other issues that I was always raised by the adage that by your deeds you will be known. And I think we have to look at not just the words and speeches but his conduct.

I believe that his conduct and things that he has adopted, in speeches as well as being on the advisory board of the Lincoln Review, those kinds of things indicate something about him that I think that we have to, you know, as lawyers, as human beings, we draw implications that are rebuttal presumptions, I would assume.

The CHAIRMAN. Thank you.

Ms. McPAHIL, are you at liberty to tell us not how who voted, but since your organization has such wide respect and it was such a close vote—it reminds me of that old joke, you know. The board of directors voted 5 to 4 to send you a get well card. You know, that kind of thing. I mean it was awfully close.

Was there any single defining issue that split the vote? I mean did it break down in any specific way? Were people saying, well, we will give him a chance, we will give him the benefit of the doubt, or we disagree with him because he believed one thing on affirmative action and another on something else? Do you understand what I am trying to get at? What did you all debate?

Ms. McPAHIL. Well, we debated primarily his views on affirmative action and his record at the EEOC. The vote, and I am at liberty to tell you—it is public knowledge, we announced it afterwards. So you have a full picture of it, our Judicial Selection Committee came in with a 6-to-5 vote against him. Our board voted 23 to 21 to reject the Judicial Selection Committee, which is essentially a vote for him. Our delegates on the floor then voted 124 to support him, 128 to oppose him, and 31 to take no position whatsoever.

The CHAIRMAN. My goodness.

Ms. McPAHIL. So there were four votes that opposed those between—you know, those who wanted to support him outright and those who wanted to oppose him outright.

The CHAIRMAN. Ms. Seymore, one of the startling figures—at least I find it startling—is that there are fewer police officers or