

But one must look to the person and what he or she has done with that experience, and to date he doesn't have a clean slate. He has been in positions of power. He has been in positions of authority. He has been in a position to influence policy in a way that it would impact other people similarly situated. And we have the record on what he has done in those instances.

Mr. LUCY. I would certainly have to, Senator, support what was just said. In his public record as a public official, as a policymaker or policy implementor, he has never shown the kinds of sensitivity that ought to flow out of that past experience.

One of the Senators earlier on mentioned the fact that the polls show his—not necessarily approval rating but openmindedness waiting to hear. By and large, minorities want to be fair. But when you look at the record, his record doesn't suggest that he understands that.

I think, as he indicated, he believes discrimination exists. I think he is honest about that. But I think he believes it exists as it impacts on individuals as opposed to on groups.

I would so eagerly want to say to him, Senator, that when the sign said "No Irish Need Apply," that didn't mean Mr. O'Reilly or Mr. O'Rourke. That meant all. And he doesn't seem to grasp that even coming out of his own background. His resistance to class action remedies for the purpose of changing behavior strongly suggests that he thinks it is an individual personal situation.

Senator KENNEDY. My time is up, and I promise I won't ask a question of the next panel if I can ask Mr. Lucy the last one. But he will, I imagine, point out that the Constitution protects individuals, not groups.

Mr. LUCY. Well, certainly you would think that he would be aware of that in his own role and would have made more effort in his policymaking role to really apply the class action pursuit that had been given to them under the authority of the EEOC.

I would only add, Senator, that on the trade union side we are representing those who theoretically come through as beneficiaries of this entire civil rights-equal opportunity set of laws.

Senator KENNEDY. Thank you very much.

The CHAIRMAN. Senator Simpson.

Senator SIMPSON. Thank you, Mr. Chairman.

Welcome to this panel. I know many of you and have worked with many of you. And I have disagreed with many of you. I have always enjoyed that, and I mean that. Antonia Hernandez, you and I worked long and hard with the immigration issues, and I think that we would both agree that we have been fair with each other and always direct. And I have great respect and rich regard for you.

And I have known John Buchanan for many years. I do not know the other folks as well, but I know, indeed, of your reputation as well and have had you testifying here, the chairman has.

So you speak powerfully in opposition to Clarence Thomas. I understand that. I guess I would ask a question of Ms. Hernandez because I know her well. We have worked together on serious issues with immigration reform, illegal immigration. We have often, as I say, disagreed, but we have done so in a very honest and candid