

Statement of GEORGIANA JUNGELS
on the Confirmation of Judge Clarence Thomas
to the U.S. Supreme Court

Senate Judiciary Committee
September 19, 1991

My name is Georgiana Jungels. I have worked for over 30 years as a teacher, and since 1974 I have been a professor at the State University of New York.

I am here to describe my experience with the EEOC under the "leadership" of Clarence Thomas and the personal toll it took on me. I'm a college professor. I've worked for a long time. I've learned how to combine a career and four children. I've learned a few things. But a person can't work 7 days a week. A person cannot and should not have to constantly monitor a public agency to make sure it does its job. When I filed my complaint with the EEOC, I believed that this agency would do what it is supposed to do -- help victims of employment discrimination. It did not. From the very beginning, my case was mishandled.

In February, 1985, I filed an age and sex discrimination claim against my employer with the EEOC. My employer had eliminated my position as director of a graduate studies program. However, four months later, this position was "recreated" and filled with a male. Later, it was filled with a younger woman. The very first letter I received from EEOC was addressed to "Miss Jordan." I don't know who that is, but clearly that is not me. I notified the Buffalo office of the error, and they sent me a corrected letter. In that letter, the EEOC stated that the initial investigation would be

done by the New York State Division of Human Rights, and that I would be hearing from this agency in the near future. Ten months went by and I did not hear a thing. So I called the regional director of the New York Division of Human Rights. He told me that what the EEOC had told me was totally incorrect. He told me that, in fact, EEOC had asked the Division of Human Rights to waive their right for initial investigation so that the EEOC could do it themselves.

At that point, I called the director of the EEOC local office in Buffalo. I asked him three very simple questions. One, what had been done to date; two, what was going to be done; and three, when would it be done? I was told that my case was "under investigation," and there was nothing further they could tell me. At the same time, I got correspondence from them with incorrect charge numbers. I wrote back with the correct information.

Every time I called, the EEOC Buffalo office told me that my case was under investigation. Each time, I asked for a clear plan of action. At the point when there was only four months remaining before the end of the statute of limitations, I asked what they were going to do. At this point, I asked both Senator D'Amato's office and Senator Moynihan's office for some assistance.

The Senators contacted the EEOC on my behalf, and I think they were as shocked as I was by the response. Basically, in the entire eighteen months, nothing had been done. For example, the EEOC had requested some information from my employer, but then did nothing at all with it. And their only response was to ask for my forgiveness.

I continued to contact the EEOC. I continued to ask for information. They told me that they had misplaced my file. Did I have a copy of the original charge? I Xeroxed the original charge. I forwarded it to them, and I asked if I could look at my file to make sure nothing else was misplaced. And I was told that I was not allowed to do that. To date, I do not know whether or not the thousands of pages I have submitted to the EEOC Buffalo office are, in fact, in my file, or if they, too, have been misplaced.

Eleven days before the statute of limitations was to run, I met with the director of the local regional EEOC office. I was told: "You must go into court yourself. There's nothing we can do on your behalf. You don't need a letter. You just go do that yourself, or you will have given up your right to equal protection under the law." I asked for a response to the same questions I had been asking for 2 1/2 years: "What have you done; what will you be doing; and when will you be doing it?" And I was told that it was the policy of the EEOC not to respond to such questions in writing.

On the very last day before the statute of limitations was to run, I went down the U.S. District Court in Buffalo, New York. With considerable assistance from the Clerk of the Court, I tried to fill out the necessary papers to file a complaint. I sent a copy of what I had filed to the director of the EEOC Buffalo office. Monday morning -- the very next working day -- he called me. He said, "You have filed the wrong form." I said, "Pardon me. I filed the form that I was advised to file by the District Court Clerk." He said, "I think it's the wrong form." I said, "Well, thank you for calling me and bringing this to my attention. I will call the Clerk."

And so I spoke with the Clerk -- who, I must add, had spent an hour and a half

reading through a book that was an inch and a half thick in order to advise me appropriately on how to file my complaint. He told me that the forms I had used were the only ones they had. He told me not to worry. If the Judge finds an error in the form, he would advise me and it would be corrected.

I believe that the EEOC's repeated delays and failure to act on my behalf sent a very clear message to my employer. That message was: "Do as you please." And my employer listened. During this time, I was assigned the highest workload of any faculty member in the entire state university system. While on sick leave for a physical injury, my employer sent me letter after letter and made phone call after phone call to me at home, demanding that I respond immediately. I reported all of this to the EEOC, and they did nothing.

When I returned to work, the harassment escalated. I was even disciplined for questioning my employer's treatment of me! I filed a retaliation charge with the EEOC. Four months later, with apparently no investigation, the EEOC dismissed this charge.

What I want to underscore is that instead of acting as my advocate, the EEOC functioned as an obstacle. Instead of removing the prejudice in my workplace, the EEOC sanctioned it. While mine is a single story, it has been multiplied thousands of times. When I heard that President Bush had nominated Judge Thomas to the Supreme Court, I couldn't believe it. And now I'm here to question why the U.S. Senate would confirm someone who failed to follow the very law he was charged with enforcing.