

too many people have forgotten—that we are not so far away from *Brown v. Board of Education*, that we have not reached a place where these institutions are meaningfully integrated, certainly not at the levels of faculty and administration and not even at the levels of our students. As I have pointed out, without this push, as you indicated, to make our campuses more reflective of the larger society, those campuses would once again be lily white to a large extent.

And I think that it is both important as a moral consideration, as a policy consideration, for universities to continue to advance programs that ensure the diversity of those student bodies and their faculties, and that it is extremely important for the Congress—and the administration should support the Congress in that effort—to take whatever steps are necessary to support that effort by funding and by the use of the sanction of denying funds to those universities who do not make those kinds of efforts in the correct way.

Mr. DAYS. I agree with Professor Lawrence. I would just add that it is important, in my estimation, for efforts in the diversity area and in the minority scholarship area to be thoughtful and tailored to various situations. Of course, Congress has to legislate for the entire Nation, but it seems to me that institutions that are trying to reach out to minorities and women and bring them in and make certain that minority children get real opportunity, should be sensitive to the realities of their communities, the needs of their institutions and so forth.

In other words, I am not in favor of boilerplate responses by institutions to some of these problems, but I think again we have to recognize that these responses—minority scholarships and the push for diversity—those responses are against a backdrop of years and years of exclusion. And as I indicated earlier, if we are going to change the situation, there has to be this extra effort. There has to be a reaching out. It can't be done, as some people have suggested, by looking at poverty, for example, because in raw numbers there are more poor nonminorities than minorities. So that is not the answer to the problem of how do we change the traditional exclusive and exclusionary nature of many of our institutions.

Senator SIMON. Professor Edley.

Mr. EDLEY. I would just underscore that the impulse to press for diversity in these institutions and through these various mechanisms is a very good one, is a very noble one. And the impulse can be implemented well or not so well. So I hope the committee understands that for all three of us, as we speak in favor of these diversity measures, that is not to say that all ways of going about the search for diversity would make sense.

I would not be for rigid quotas in the education context any more than I am for them in the context of Supreme Court nominees.

Senator SIMON. And no one is suggesting that.

Thank you, Mr. Chairman.

Senator KENNEDY. Senator Specter.

Senator SPECTER. Thank you, Mr. Chairman.

Professor Lawrence, beginning with you, you have identified Judge Thomas' nomination as political, which I think is true, but I think it is not surprising that the President would seek an African-