

Mr. LAWRENCE. I think that I certainly would feel that it would be a tragedy if President Bush, because we found his first African-American nominee wanted, would not choose from among a wealth of other African-American nominees who we would find to be quite ready to support, even from his own party. So I think that would be a tragedy if this were used in this way.

At the same time, I also feel that, as retired Justice Thurgood Marshall admonished us upon his retirement, the important issue here is not the color of the nominee's skin in terms of a voice for our community, but the nature of that voice. So that, for me, I think that certainly I would hope that the President would find another nominee from within the African-American community, and there are many, many who I feel are extensively more experienced, extensively more qualified than Judge Thomas.

At the same time, I feel that if I am given the choice of a person who shares with me only the color of my skin and a person who will speak for the interest of my community, I will choose the latter.

Mr. EDLEY. I would paraphrase some responses to this that were given in a report issued by the Congressional Black Caucus Foundation recently. Diversity is important, and we do value the goal of having an African-American on the Court; but we do not value it above all else, and we don't value it above some of the principles that we have been discussing on this panel.

It seems to me that the choice is not properly understood as take this conservative black or a white conservative. It seems to me the choice is between taking this very conservative black now or waiting for another African-American or other minority of more mainstream views, if not appointed by Mr. Bush then appointed by the next President.

I think on the scale of decades in which the Supreme Court operates, we are willing to be patient still.

Senator KENNEDY. Dr. Days.

Mr. DAYS. Senator Kennedy, as I indicated at the outset, this has been a very difficult situation for, I think, most African-Americans and most people of good will in this country, because it would give me great pride to see another African-American sit on the Supreme Court; but to follow my colleagues on this panel, I want to see something below the skin, beneath the skin that convinces me that that person will be a voice and a vote for the people who are voiceless and voteless on the Supreme Court, particularly during this time on issues that are of critical importance to all of us and issues that will affect us for as long as certainly the people on this panel will be alive.

Senator KENNEDY. Thank you very much.

Senator Specter, I see we have been joined by Senator Simpson. I would be glad to recognize Senator Simpson, and then I think Senator Specter had a short—

Senator SIMPSON. Mr. Chairman, I thank you. I think I will defer to Senator Specter. He was here prior to my entrance, and I thank you for your courtesy.

Senator KENNEDY. Senator Specter.

Senator SPECTER. Thank you, Mr. Chairman.