

respect. As to those who are in the majorities who are displaced, there is a sense of resentment, of unfairness, of being displaced by individuals with lesser qualifications. And he articulates a view that there is a significant increase in racial divisiveness.

Now, he has articulated these views in the context of an individual who has pulled himself up by his bootstraps or—perhaps not by his bootstraps, because some say he had no boots—by his kneecaps, who has become a very prominent individual, and perhaps more than any African-American since Justice Thurgood Marshall—aside from athletes, and there is the big concern about whether athletes are too much a role model in our society. But he has thrust himself on the national scene in a way that no African-American has in modern times as a role model and articulating a view of self-help, really sort of rugged self-help.

The comment that I'd like to ask you to make is in response to two questions. One is even if you don't agree with this articulation of opposition to affirmative action, doesn't it have a reasonable basis? And secondly, doesn't Judge Thomas have the potentiality to be a real vibrant role model for African-American youngsters who won't understand the nuances of the *Griggs* case or the *Johnson* case or local 28, or don't know all the things that have happened in this hearing room, but simply see an African-American who has attained tremendous stature by pulling himself up with his own energies?

Congressman Conyers, may we start with you?

MR. CONYERS. Yes, I am delighted to respond to your question, Senator Specter, because I am sure at this stage of the hearing we must all know that he was a beneficiary of affirmative action as much as anyone has ever been in the country. And what I find ironic is that after Yale University Law School, which used affirmative action and was happy to bring him in, and he succeeded well, that we find now that he doesn't think other people should use that same method.

That seems to me to refer to the kind of character that I'm not really particularly proud of. I didn't like the reference that he made, speaking of how much role model he is going to be, about his sister who worked very hard at a hospital and for one short period of time had to go on public assistance. He held that up as the spectacle of why he didn't like welfare. I was absolutely shocked to hear that.

So you won't hear me agreeing that he is a new role model second only to athletes which you and I rightly agree may be overvalued. I see him, as a matter of fact, doing exactly the wrong thing about the right strategy. When we talk about these legal systems of class action and affirmative action and patterns of practice, looking for result rather than intent, these may be legal theories that may slip unnoticed in the general public, but I think that they stamp him as the wrong guardian of constitutionally derived remedies that we are struggling so hard to get into effect and on the books.

Two of you have worked with us and members of the conference committee on the failed 1990 Civil Rights Act that was vetoed by a President who now threatens to veto yet another civil rights bill that we are toiling with. These kinds of principles to me, when I

think of Judge Thomas being elevated, I see more problem being created. I see us moving backward and not forward. And race won't help him there. A poverty-stricken background is of no use to us in what we think he is going to do based on what he has done in the past.

Senator SPECTER. Congressman Stokes.

Mr. STOKES. Thank you, Senator Specter.

The manner in which you have characterized the positions taken by Judge Thomas is what really frightens me about him. I think that for one who has been the beneficiary of affirmative action to say, "Now, I've got mine; you get yours the best way you can"; "It was okay for me, but you ought not have affirmative action"—that frightens me.

Black Americans and other minorities who are in need of affirmative action aren't really asking for anything special. All they are asking for, Senator Specter, is under our Constitution the guarantee of opportunity and equality that is given to all Americans under our Constitution. That is not asking for a handout. When the person who is discriminated against in the marketplace or in the employment place asks just to have an equal opportunity—not preference, not priority, just an equal opportunity to earn a decent living—that's not a handout.

It is Judge Thomas' attitude toward people who need relief, his attitude when he was head of the EEOC of trying to get away from class actions and reduce it down to individual action with the knowledge that what that did was to hurt the masses of cases—that is disturbing to me in the same way that Congressman Conyers has already mentioned.

A man who had the attitude he had toward his own sister and her children; the references that he made to them publicly before conservative black groups, while he made his points with the President and other conservatives, that this man can attack his own family. And it turns out that he really wasn't telling the truth about his sister. While she was on welfare at that time, and he was referring to the children as learning how to cheat now and so forth, later information came out that all of them really worked when they had an opportunity to do so.

But these are things that frighten me about him. I don't think, in the sense of a role model for black Americans, that a Judge Thomas will ever be the role model that a Thurgood Marshall is.

Senator SPECTER. Congressman Owens?

Mr. OWENS. I think the thinking that you have set forth as being the position of Judge Thomas with respect to affirmative action and blacks not receiving any special treatment is a very backward kind of reasoning, very limited, lacking in compassion, and basically dishonest to any black in America to take that position because there is a cornered reality which blacks in America live through every day.

All Judge Thomas needs to do is take off his suit and his tie and walk through 1 day of life in this city or anywhere else in the country and he will experience some things to let him know that blacks are treated in a very special way.

Prejudice and discrimination are a part of the reality of human-kind all over the globe. We have all kinds of conflicts that people