

to try to begin to raise a new set of questions, instead of just relying upon some of the same set-aside remedies.

I remember contracts that get set-aside contracts bid on a contract \$30 million, and because they are black, they get the contract, they take \$2 million and then subcontract with the white firm that came in second and that firm hires all-white employees, while this one black contractor has \$2 million.

Now, is this really what we intended through affirmative action, or did we really intend to improve, increase the number of workers and people participating? I think those are the situations, Senator, that we need to look into.

Senator SPECTER. Mr. Jackson, let me direct this question to you, where a major point was made by the Congressmen who testified, in response to my questions, if Judge Thomas is a good role model. They were highly critical of Judge Thomas, because of the statements he had made about his own sister, and were highly critical of him, because he was unwilling to see affirmative action benefit others as affirmative action had benefited him.

Do you consider those factors to be relevant in evaluating whether Judge Thomas would be a good role model for other young African-Americans in this country?

Mr. JACKSON. Senator, first, let me say this: Knowing Clarence as I do and his family, Clarence and his sister are extremely close. I think that was a philosophical difference at a point in time between the two and that has not in any way daunted their relationship. I think that probably every one of us has had some differences with our different brothers and sisters.

Second, Clarence Thomas has made it clear in the days of his testimony here that he supports affirmative action, so those who will basically tend to distort the reality of the situation is doing that basically to serve their own interests.

Lastly, I was very pained to listen to many of the members of the Black Caucus come out as they did sitting at this table today against a man that I know very well and have a great deal of affinity for and I think is an excellent human being, with a tremendous amount of compassion.

But I think a few minutes ago, I said, when Senator Hatch asked the question, that you must understand it in the overall context that we are still operating in a victimized situation, and when someone comes in and challenges the philosophical viewpoint that we are victims and we will remain victims and there is nothing that we can do, the only recourse that must occur is they cannot deal with them from an academic or philosophical viewpoint, so, therefore, it becomes very personal, and it saddens me to hear them say that they do not believe that Judge Thomas would be a role model.

I must tell you a story that they did on the Today Show not 2 weeks ago about a young African-American boy, in Savannah, GA, who had no hope. For 2 years, Judge Thomas has been writing him letters, sent him a set of encyclopedias, sending him a book every month. That young African-American's grades have gone up tremendously. He has set his sights on being a doctor. Had Clarence ignored his letter, he might have been doomed to defeat. To say that Clarence Thomas as a man is not a role model is to basically

say that young boy in Savannah, GA has no substance, and I think he has a great deal of substance.

Senator SPECTER. Mr. Jackson, you testified that Judge Thomas is in favor of affirmative action. I am not so sure you are right about that, but it may depend upon definitions and it may depend upon scope. There is a very limited preference that Judge Thomas testified to here during the course of the proceedings on disadvantage in an educational context. He testified very forcefully about being against discrimination, as you find the specific victims of discrimination. But if Judge Thomas was not in favor of affirmative action, would you still support his nomination for the Supreme Court?

Mr. JACKSON. If he was not in favor of affirmative action?

Senator SPECTER. Correct.

Mr. JACKSON. I have to tell you that I think that is a very hypothetical question, and my answer would be that I know he in favor of it, so, therefore, I would support him wholeheartedly.

Senator SPECTER. Well, OK, but I am not so sure he is in favor of affirmative action, so it leaves you, at least in my mind, in equipoise on the hypothetical. [Laughter.]

Mr. JACKSON. Let me say this, Senator: I am a firm believer in affirmative action. I have three degrees and I am convinced that affirmative action played a role in those degrees, but I also had to do a lot on my own to make sure that I got them.

Clarence Thomas is a beneficiary of affirmative action, I don't think he denies that, but he had to do a lot on his own. But I think today, Senator, for us to be misled and for us to consistently deal with one aspect of affirmative action, as many of the groups that have appeared before you and will appear after us want you to do, would be to overlook the real issue that is facing us today.

In 1976, we had almost 800,000 African-American males and females in college. In 1991, we have a little over 300,000 in college. In many cases, affirmative action has not stopped, but what has occurred is there has been a breakdown somewhere, in our school system, in the raising of our kids. So even tomorrow, as I said earlier, if you say we are going to practice affirmative action the best way that we know how, when you have African-American kids leaving school, reading at a fifth grade level and doing math at a third or fourth grade level, affirmative action, in my mind, becomes a moot question, until we do something about making sure that we benefit those kids who are suffering greatly in our communities and in the cities.

I see those kids every day, as an executive director of the public housing agency, and I am saying to you that what we need to do is begin to raise those persons up, and I can tell you, if we do that, affirmative action will not be a necessary issue, the issue will be how can we stop African-Americans from ascending to the highest ranks in this country.

I think, lastly, I would say this to you: There have been so many excuses made. I always use the analogy that 20 years ago, at the end of the Vietnam War, we had refugees coming from all over Southeast Asia, they could not speak English. But because there was a system in place where the family was strong, where we did not have people making excuses for them, in those same inner-city

schools that African-Americans and Hispanics are suffering in, the Asians are topping out of the class.

So, I am saying to you that some responsibility must lie with what we are doing, especially us at this table who have been beneficiaries of affirmative action. We must do our job and that is not in any way to dismiss or deny that racism exists and that affirmative action has played a role.

Senator SPECTER. Thank you very much, gentlemen, and thank you, Mr. Chairman.

Senator SIMON. We want to thank all three of you for your testimony. Let me just add, if I may have the attention of Senator Thurmond here, we have averaged 37 minutes a witness. We have 27 witnesses to go. If we keep up the current pace, we will be here until about 9 tomorrow morning.

Until Senator Biden gets back, I wonder if we could agree to just have 5 minutes for members' questions rather than the current 10 minutes.

Senator THURMOND. I certainly think it ought to be restricted as much as possible.

Senator SIMON. OK, so there is no objection. At least until Senator Biden gets back, we will limit it to 5 minutes per member.

We thank the three of you. Our next panel is a panel supporting Judge Thomas: Pamela Talkin, a member of the Federal Labor Relations Authority and former chief of staff for Judge Thomas while he chaired the EEOC; Ms. Willie King from the Equal Employment Opportunity Commission. Ms. King was director of the Financial Management Division of the EEOC during then Chairman Thomas' tenure. James Clyburn, Commissioner of the South Carolina Human Affairs Commission, who is here on behalf of the International Association of Official Human Rights Agencies, which is the Association of State Fair Employment Agencies; and Dr. Talbert Shaw, the president of Shaw University.

We are happy to have all of four of you here. Ms. Talkin, we will start with you, if we may, and we will enter your full statements in the record. We will limit the witnesses to five minutes.

Should we start with you, Ms. Talkin, or however you would prefer?

Ms. TALKIN. Dr. Shaw has to leave and catch a plane, and he has been moved on to this panel so—

Senator SIMON. Dr. Shaw, we will start with you, and I will during my temporary reign here as Chair be firm on the 5-minute rule.

Dr. Shaw.

**STATEMENTS OF A PANEL CONSISTING OF TALBERT SHAW, PRESIDENT, SHAW UNIVERSITY; PAMELA TALKIN, FEDERAL LABOR RELATIONS AUTHORITY; WILLIE KING, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION; AND JAMES CLYBURN, COMMISSIONER, SOUTH CAROLINA HUMAN AFFAIRS COMMISSION**

Mr. SHAW. Mr. Chairman, distinguished members of this Judiciary Committee, I am Talbert Shaw, president of Shaw University in North Carolina, and I deeply appreciate this opportunity to testi-