

Senator SIMON. We thank you for your testimony. We will enter your full statement in the record.

Ms. Talkin.

#### STATEMENT OF PAMELA TALKIN

Ms. TALKIN. Thank you, Mr. Chairman, Senators.

For some 10 weeks now, including today, I have heard the relentless repetition of various inaccurate assertions regarding Judge Thomas and his tenure at EEOC. Those statements do not describe either the man or the agency that I know.

There really should be no mistake about it. As chairman of the EEOC, Judge Thomas sought to vigorously enforce all the laws prohibiting discrimination on behalf of all workers, including women, older workers and Hispanic Americans. In fact, the record establishes that the EEOC came of age during the tenure of Chairman Thomas.

I was somewhat taken aback when Clarence Thomas, then chairman of EEOC, asked me, a Democrat and a politically correct career civil servant, to be his chief of staff. But it soon became apparent that we did share a commitment to equal employment opportunity, a commitment to the full protection of workers' rights, and the common goal of making EEOC a credible and aggressive law enforcement agency.

When Judge Thomas asked me to be his chief of staff, he concentrated on my law enforcement experience. He ignored by party affiliation and never questioned me as to my philosophical views. My strict and single mandate from Judge Thomas was to help him make the EEOC effective, and I believe he did make it effective.

The Thomas EEOC fully investigated more cases, filed more lawsuits, and that is more individual lawsuits and more class actions, than ever before, and received more damages on behalf of victims of discrimination—over \$1 billion—than ever before. The Thomas Commission achieved that with inadequate funding and under severe staffing restrictions.

For the first time, charges were fully investigated and full redress was sought for victims of discrimination. No more would the EEOC merely make perfunctory inquiries and then settle meritorious claims for 10 cents on a dollar and a neutral employment reference. Victims of discrimination were to receive back pay, and those unlawfully deprived of a livelihood were to get a job.

In the past, the EEOC field offices made unreviewable determinations to prosecute only a small number of cases. Under Judge Thomas, all cases in which the law had been violated were submitted to the Commission for litigation. No longer would the EEOC tell people that although they had been discriminated against, their case was too small or unimportant for the government to prosecute.

Some have mistakenly assumed that this increased effort on behalf of individual claimants represented a shift away from concern about the systemic discrimination that results from patterns and practices of employment. Well, it is simply not true. Judge Thomas sought to improve the handling of all cases at EEOC, including the systemic cases. He revitalized our systemic program.

In 1981, there was one systemic case in active litigation. In 1988, there were 16 such cases in active litigation, and 100 more under investigation. If not settled, then they could be litigated, too.

In addition, the EEOC on its own initiative broadened hundreds of individually-filed claims into class actions. As a matter of fact, the number of class action suits doubled during the tenure of Clarence Thomas.

Many have expressed a concern about whether Judge Thomas can separate his philosophical views from his official obligations. Well, I can tell you that Judge Thomas approved dozens of settlements which provided for the use of goals and timetables, and that is despite his now well-publicized and then well-publicized views regarding the efficacy of such measures. As an aside, I should note that even the potential use of goals and timetables arose in probably one-half of one percent of the 60,000 cases the EEOC handled annually.

Another example of Judge Thomas' ability to always carry out his official duties is in the area of affirmative action, not goals and timetables, as a remedy. We govern the Federal sector, and I know there has been a lot of discussion about *Johnson v. Santa Clara*, but we required every federal agency to also submit affirmative action plans, including goals and timetables, based upon the standards set forth in *Johnson v. Santa Clara*.

It is difficult to compress 8 years of accomplishments into 5 minutes of testimony. I won't try to discuss the many other innovative programs that Judge Thomas adopted to enhance our enforcement capabilities or to discuss the tremendous management strides he made.

I can only say that I know that Judge Thomas has a strong belief in the principles of equal employment opportunity; that he has a clear understanding of the need for affirmative steps to be taken to ensure such opportunity, and he obviously has a knowledge of the debilitating effects of discrimination.

I am proud to be a public servant. I have been for more than 20 years, and I can tell you that in more than 20 years of public service I have never met a public official, or actually any public servant, for that matter, who was more encouraging and tolerant of diversity of opinion and background.

I know that many of the Senators—I see the red light is on. I will finish. I know that Senator DeConcini had questions regarding Hispanic-Americans. I am prepared to answer that or any of the other questions that the Senators might have. Thank you for this opportunity.

[The prepared statement of Ms. Talkin follows:]