

Folks, thank you very much. We appreciate it. It was very enlightening.

Mr. RAUH. Thank you very much.

[Pause.]

The CHAIRMAN. The committee will come to order.

I am sorry—I kept you waiting because I was waiting for the fourth panelist, who I am told is not here now.

Our next and patient panel is made up of Dr. Julius Becton, Jr., president of Prairie View A&M University. Welcome, Doctor.

We welcome also Dr. Jimmy Jenkins, chancellor of Elizabeth City State University, and Yvonne Thomas of Zeta Phi Beta Sorority.

Welcome, all three. We are anxious to hear what you have to say. Obviously, our interest in the previous panels is one of the reasons why we are as late as we are, but we are here to hear what you have to say, and we will stay here. So we appreciate very much your patience.

Have you concluded how you would like to begin, or should we begin in the order you have been called?

Mr. BECTON. You are more senior than I am, you've got more tenure. What do you want to do?

Mr. JENKINS. I'll go first.

Mr. BECTON. I knew they'd do that to me.

The CHAIRMAN. All right, Chancellor, you begin, please.

**STATEMENTS OF A PANEL CONSISTING OF JIMMY JENKINS, CHANCELLOR, ELIZABETH CITY STATE UNIVERSITY, NC; YVONNE THOMAS, ZETA PHI BETA SORORITY, AND JULIUS BECTON, JR., PRESIDENT, PRAIRIE VIEW A&M UNIVERSITY**

Mr. JENKINS. Mr. Chairman, distinguished members of this august body, ladies and gentlemen, I am both honored and humbled by this opportunity to come before you and this Nation to voice my views on whether or not Judge Clarence Thomas should be confirmed as an Associate Justice of our Nation's highest court.

I am honored because this chancellor of a small university in North Carolina called Elizabeth City State University, which this year is celebrating its 100th anniversary, was selected.

The CHAIRMAN. Congratulations.

Mr. JENKINS. I am humbled because I realize that what I say here today may have some influence on your decision to affirm or reject Judge Thomas as the nominee with all of the ramifications your decision has for our Nation now and in the future.

I have come to express my support of Judge Thomas as the second such nominee in the history of America's highest court. Let me quickly say to you that my support of Judge Thomas is not based upon a personal association. Judge Thomas and I have never met. My support is not based upon a party affiliation, since I am a registered Democrat. My support is not based upon the notion that he and I agree on every aspect of the philosophies that have molded his character.

I am here this evening, Mr. Chairman and members of this body, because Judge Thomas is widely acknowledged for his philosophy

of self-help as relates to the African-American struggle for justice and equality.

As the leader of a historically black university and a representative of 117 HBCU's in this country, our very existence is a shining example of our belief in self-help. Education has always been America's trump card in dealing with its problems. From Sputnik to the age of computers to the sexual revolution, we have turned to our schools to provide solutions to complex problems.

One hundred years or so ago, when African-Americans were unable to attend historically white institutions, in the spirit of self-help, the HBCU's were born. Clarence Thomas has consistently expressed his admiration for HBCU's. In a speech given at Clark College in Atlanta, GA in 1983, he reiterated his support of HBCU's. Quoting from his speech, Thomas said: "I recognize that historically black colleges have produced 50 percent of the black business executives, 75 percent of the black military officers, and 80 percent of the black physicians in this country. Even though traditionally white institutions are now open to everyone, black higher education institutions produce more than three-fourths of the black graduates. I refuse to pursue desegregation policies which penalize black colleges. They were not the ones doing discriminating. Realizing the importance of the continuing contribution of black colleges, I approach enforcement with great care. I insist that the State plans have as a major objective the enhancement of black institutions. This means better libraries, better programs, upgraded faculty and more funds. In that way, equality of educational opportunity was best realized."

Historically black colleges and universities benefited from Thomas' support when in 1983, as chairman of the EEOC, he signed a \$42.5 million agreement with General Motors Corp. in the largest nonlitigation settlement in EEOC history, resolving hundreds of employment discrimination claims. Additionally, the agreement provided for more than \$10 million in endowments and scholarships to increase educational opportunities for minorities and women. HBCU's received almost 50 percent of the funds allocated, another example of Thomas' philosophy of enhancing these institutions.

If Clarence Thomas is confirmed as an Associate Justice of the Supreme Court, he may have an opportunity to participate in the high court's deliberation on the case of *Ayers v. Mabus*. This case threatens the existence of public HBCU's unlike any other case in recent memory.

As an Associate Justice of the Supreme Court, Clarence Thomas will have an opportunity to influence and to vote according to the position he espoused in 1983, and I quote again:

Within a month of taking that job, I was terrified by the possible effects of the desegregation efforts on black colleges. How will desegregation policies which ultimately eliminate black colleges help black people? They worked to keep those institutions alive and vital. Let us continue to do so.

The nomination of Judge Clarence Thomas is not just about the filling of a vacant seat on the High Court. This nomination is also about democracy. The New World Order that is evolving has as its catalyst the cry for democracy as nation after nation focus attention on America as the preeminent role model. If we are to truly

provide a meaningful example, we must come to understand that democracy is more than the right to vote, freedom of religion, freedom of the press, or even freedom of speech. If the spirit of our Constitution is to truly be embodied in our democracy, we must have fair representation in all aspects of our society. That includes all three branches of the government. It is through fair representation that our youth, coming from diverse cultural backgrounds, find role models and acquire the motivation for upward mobility. As an Associate Justice of the Supreme Court, Clarence Thomas will be that fair representation for African-Americans.

With a background evolving out of Pin Point, GA, which has been vividly and emotionally described by Thomas himself and others who were his peers, to assert that when the cases that offer an opportunity for redress of the ills of poverty and illegal racial discrimination are placed before him that he would be indifferent, vote to maintain the status quo, or even worse, seek to turn the clock back, I believe is ludicrous. We may be singing different songs, but we are all singing from the same hymnal.

Mr. Chairman and members of the committee, thank you for letting me share this moment in history and for the opportunity, as a scholar of a historically black university, to express my support for Judge Clarence Thomas, who has consistently expressed his support for HBCU's, to be an Associate Justice of the United States Supreme Court.

Thank you.

Senator HEFLIN [presiding]. Senator Biden is out of the chair, and I want to hear Ms. Thomas because I've still got things that keep competing with my time, and so if you don't mind, Dr. Becton, I am going to call on Ms. Thomas.

The light system is working, and if you can limit it to 5 minutes or we won't be out of here until 3 in the morning.

Ms. Thomas.

#### STATEMENT OF YVONNE THOMAS

Ms. THOMAS. Good evening, distinguished members of the Senate Judiciary Committee.

I am Yvonne Thomas, a lifelong resident of the great State of Alabama. I was born and reared in Mobile, AL. I received my undergraduate education at Alabama State University in Montgomery and received my master's degree from the University of Alabama in Birmingham.

For the past 27 years I have lived in a place with a name well known to many—Selma, AL. As you see, I am truly a product of the State.

I am here today representing Zeta Phi Beta Sorority, Inc., to speak in strong support of the nomination of Judge Clarence Thomas.

Zeta Phi Beta Sorority was founded in 1920 on the campus of Howard University in Washington, DC. The sorority now encompasses over 75,000 black American women with more than 500 graduate and college chapters across the country. Our members come from various walks of life. We are educators, students, entertainers, corporate executives, entrepreneurs, lawyers, and judges.

Zeta Phi Beta Sorority is committed to making a positive impact on the future of our children, and we do this by serving as mentors, assisting in providing educational opportunities, and helping to decrease the effects of the social ills which plague our communities.

Zeta Phi Beta sponsors numerous scholarships through our national foundation. Through our Stork's Nest Program, we provide prenatal care for indigent mothers. As another example of our involvement, we recently initiated a drug and substance abuse program for collegiate students.

In addition, Zeta Phi Beta has joined with many African-American organizations to address "the black male crisis" and have made this issue our national project for 1991. Through these and other programs we are demonstrating our commitment to improve our community.

Zeta Phi Beta Sorority, Inc. is a member of the Leadership Conference on Civil Rights. We are, however, on record with the conference as nonconcurring with their position as it relates to the confirmation of Judge Clarence Thomas. We believe that Judge Thomas is qualified to serve on the U.S. Supreme Court. As pointed out by the American Bar Association, Judge Thomas has the judicial temperament, the integrity, honesty, intelligence, and independence necessary to serve on our Nation's highest court. We agree and urge his confirmation.

We are particularly concerned about the opposition to Judge Thomas. In many instances, there appears to be a double standard being applied to Judge Thomas. In addition, some who oppose him have said they are concerned because they think now that he has made it, he has forgotten from whence he came and who helped him get there.

We believe that in action and words, Judge Thomas has demonstrated over and over again that he has not forgotten. Anyone who makes a statement such as the one made by Judge Thomas when he said that he "was raised to survive under the totalitarianism of segregation, not only without the active assistance of government but with its active opposition." Judge Thomas added that he was "raised to survive in spite of the dark, oppressive cloud of governmentally sanctioned bigotry."

Mr. Chairman, he has not forgotten. Judge Thomas is living proof of the awesome accomplishments of the civil rights movement. Judge Thomas has acknowledged the fact that he is a direct beneficiary of the civil rights movement.

Judge Thomas wrote in *Integrated Education* that "many of us have walked through doors opened by the civil rights leaders; now you must see that others do the same. As individuals who have received the benefit of an education which was probably denied your fathers and mothers, and in some cases, sisters and brothers, you must devise a plan for a civil rights movement for the future."

In a speech at Savannah State College, Judge Thomas said, "We cannot forget the blood of the marchers, the prayers and hope of our race."

Mr. Chairman, these are not the words of a person who has forgotten.

Critics seem to believe that just because Judge Thomas has chosen a different road than they, that he must have forgotten

where he began. In a speech to Holy Cross College on March 24, 1984, Judge Thomas did not forget when he said,

Through my radical days, through my days at New Haven Legal Assistance, through the summer working under a grant from the Law Students Civil Rights Research Council, I did not forget. Through Holy Cross and Yale, I did not forget. As assistant attorney general and assistant secretary, I did not forget. As chairman of EEOC, I cannot and will not forget. I can never forget the agony of discrimination—the humiliation of prejudice.

In that speech, he went on to say,

I am an American—a black American. Nothing hurts me so much as the sufferings of my race. I firmly believe that the sufferings and the problems we face are so great that all who recognize them must look for solutions. We need new ideas in our arsenal of weapons to fight discrimination. At no time must we allow ourselves to believe that we must agree on every issue. We are not robots. We are a creative, resilient race. Just as we are different, we have different ideas and different opinions.

In these complex and troubled times, no one person or organization can claim to have the only answer to solve our problems. If they did, why are we still in this predicament?

As I mentioned earlier, Zeta Phi Beta Sorority has made the “black male crisis” our national project in 1991. We can think of no better message to send to our black youth than Judge Clarence Thomas. He should be the role model for those youth who have lost all hope and have lost the ability to dream dreams.

Yes, hard work, integrity, honesty, and intellectual independence are valued in this society. Let Judge Thomas’ appointment to the U.S. Supreme Court show how much.

The women of Zeta Phi Beta most definitely are in favor of the nomination of Judge Thomas. We know without question that he is exceptionally qualified to serve on the highest court of this Nation. We know he will not forget our shared life experience as African-Americans in this society. Nor do we fear that he will fail to hear the pleas and cries for fairness by all persons.

Thank you.

[The prepared statement of Ms. Thomas follows:]

Remarks by Yvonne Thomas in behalf of Zeta Phi Beta Sorority, Inc. before the Judiciary Committee Upon the Nomination of Judge Clarence Thomas To Be An Associate Justice of the Supreme Court of the United States.

*Good morning, Distinguished Members of the Senate Judiciary Committee,*

*I am Yvonne Thomas, a lifelong resident of the great State of Alabama. I was born and raised in Mobile, Alabama. I received my undergraduate education at Alabama State in Montgomery and received my masters degree from the University of Alabama in Birmingham. For the past 27 years, I have lived in a place with a name well known to many - Selma, Alabama. As you see, I am truly a product of the state.*

*I am here today representing Zeta Phi Beta Sorority, Incorporated, to speak in strong support of the nomination of Judge Clarence Thomas to become an associate justice of the Supreme Court of the United States.*

*Zeta Phi Beta Sorority was founded in 1920 on the campus of Howard University in Washington, D.C. The sorority now encompasses over 75,000 Black (African American) women in more than 500 graduate and collegiate chapters across the country. Our members come from various walks of life; we are educators, students, entertainers, corporate executives, entrepreneurs, lawyers and judges.*

*Zeta Phi Beta Sorority is committed to making a positive impact on the future of our children, and we do this by serving as mentors, assisting in providing educational opportunities, and helping to decrease the effects of the social ills which plague our communities.*

*Zeta Phi Beta sponsors numerous scholarships through our National Education Foundation. Through our Stork's Nest Program, we provide prenatal care for indigent mothers. As another example of our involvement, we recently initiated a Drug and Substance Abuse Program for collegiate students.*

*In addition, Zeta Phi Beta has joined with many other African American organizations to address "The Black Male Crisis" and have made this issue our National Project for 1991. Through these and other programs, we are demonstrating our commitment to improve our community.*

*Zeta Phi Beta Sorority, Inc., is a member of the Leadership Conference on Civil Rights. We are, however, on record with the Conference as non-concurring with their position as it relates to the confirmation of Judge Clarence Thomas. We believe that Judge Thomas is qualified to serve on the U.S. Supreme Court. As pointed out by the American Bar Association, Judge Thomas has the judicial temperament, the integrity, honesty, intelligence, and independence necessary to serve on our nation's highest court. We agree and urge his confirmation.*

*We are particularly concerned about the opposition to Judge Thomas. In many instances, there appears to be a double standard being applied to Judge Thomas: in addition, some who oppose him have said they are concerned because they think now that he has made it, he has forgotten from whence he came, and who helped him get there. We believe that in action and word, Judge Thomas has demonstrated over and over again that he has not forgotten. Anyone who makes a statement such as the one made by Judge Thomas when he said that "[he] was raised to survive under the totalitarianism of segregation, not only without the active assistance of government but with its active opposition." Judge Thomas added that he was "raised to survive in spite of the dark oppressive cloud of governmentally sanctioned bigotry." Mr. Chairman, He has not forgotten*



*Judge Thomas is living proof of the awesome accomplishments of the civil rights movement. Judge Thomas has acknowledged the fact that he is a direct beneficiary of the civil rights movement. Judge Thomas wrote in Integrated Education that "many of us have walked through doors opened by the civil rights leaders, now you must see that others do the same. As individuals who have received the benefit of an education which was probably denied your fathers and mothers, and in some cases sisters and brothers, you must devise a plan for a civil rights movement for the [future]." And in a speech at Savannah State College, Judge Thomas said: " We [cannot] forget the blood of the marchers, the prayers and hope of our race." Mr. Chairman, these are not the words of a person who has forgotten.*

*Judge Thomas has demonstrated his compassion and deep commitment to the youth of this country. No, he has not called a press conference or issued news releases every time that he has helped a fellow human being. Instead, he has worked quietly and continuously to help those less fortunate, such as his 12 year old pen pal from Georgia. Through his personal interaction, Judge Thomas has inspired both a young black male and his mother to work hard to help the son reach his goal of becoming a doctor. By his example, he has given this young man hope: if Clarence Thomas can rise from the poorest of conditions in Pin Point, Georgia, to graduate from Yale Law School and be nominated for the Supreme Court, this young man can become what he*

*dreams to be.*

*Critics seem to believe that just because Judge Thomas has chosen a different road than they, that he must have forgotten where he began. In a speech to Holy Cross College on March 24, 1984, Judge Thomas did not forget when he said, "Through my radical days, through my days at New Haven Legal Assistance, through the summer working under a grant from the Law Student's Civil Rights Research Council, I did not forget. Through Holy Cross and Yale, I did not forget. As Assistant Attorney General and Assistant Secretary, I did not forget. As Chairman of the EEOC, I cannot and will not forget. I can never forget the agony of discrimination – the humiliation of prejudice." In that speech he went on to say, "I am an American – a black American. Nothing hurts me so much as the sufferings of my race. I firmly believe that the sufferings and the problems we face are so great that all who recognize them must look for solutions. We need new ideas in our arsenal of weapons to fight discrimination. At no time must we allow ourselves to believe that we must agree on every issue. We are not robots – we are a creative, resilient race. Just as we are different we have different ideas and different opinions."*

*Mr. Chairman, he has not forgotten how his grandfather was called boy or that his grandmother could not use certain rest rooms. Let me bring something to the attention*

*of his critics who say that the judge has stated that the government has no role to play in eliminating discrimination. In a speech at an EEOC seminar on December 6, 1983, in Pittsburgh, Judge Thomas declared that "The Federal government has always had both a profound moral obligation and a constitutional duty to protect individual rights. Increasingly that ideal has gained the force of the law. But, in the words of Frederick Douglas, 'Power concedes nothing without a demand.' And, even the government did not move decisively until the thunderous demand of protest against injustice could, no longer, be ignored."*

*In these complex and troubled times, no one person or organization can claim to have the only answer to solve our problems. If they did, why are we still in this predicament?*

*As I mentioned earlier, Zeta Phi Beta Sorority has made the Black Male Crisis our national project in 1991. We can think of no better message to send to our Black youth than Judge Clarence Thomas. He should be the role model for those youth who have lost all hope and have lost the ability to dream dreams. Yes, hard work, integrity, honesty, and intellectual independence are valued in this society. Let Judge Clarence Thomas' appointment to the U.S. Supreme Court show how much.*

***The women of Zeta Phi Beta, most definitely are in favor of the nomination of Judge Thomas. We know without question that he is exceptionally qualified to serve on the highest court of this nation. We know he will not forget our shared life experience as African Americans in this society. Nor do we fear that he will fail to hear the pleas and cries for fairness by all persons.***

***Thank you.***

Senator HEFLIN. Dr. Becton.

**STATEMENT OF JULIUS BECTON, JR.**

Mr. BECTON. I am delighted to return briefly to this chamber. My name is Julius Becton, and I am president of Prairie View A&M University, part of the Texas A&M University System. And I might add that I have a plane to catch in about 35 minutes.

I am here to support the President's nomination of Clarence Thomas to the Supreme Court.

Prior to arriving at Prairie View in 1989, I directed the Federal Emergency Management Agency, and before that, director of the Office of Foreign Disaster Assistance in the Agency for International Development. Prior to that, I served in the Army almost 40 years.

It was during my tenure at FEMA that I first met Judge Clarence Thomas, when he was the head of the EEOC. We were among the very few black political appointees holding key Government positions at that time.

The value, I hope, of my testimony today lies in my personal belief in Judge Thomas as a man and as a compassionate civil servant. I recommend him as a Supreme Court Justice for several reasons.

I know him to be a good man, a man who sincerely wishes to employ his authority as a civil servant for the betterment of society. This includes his desire to promote the advancement of minorities without infringing on the rights of the majority.

This point is particularly critical in order to avoid reverse discrimination, with the resulting backlash that goes with it. Too prolonged, too concentrated an effort to make up for past injustices can create new injustices.

As a footnote, in my judgment, such making up for the past can also stifle individual initiative because we look to someone else, usually government, to solve problems that are within our own power to solve.

Equal treatment, not preferential treatment, is what Judge Thomas is all about.

I would like to mention a few initiatives and actions of Judge Thomas that recommend him as an effective judge and administrator.

As head of the EEOC, Judge Thomas enforced the laws against employment discrimination. The office went to court 60 percent more often than was done in previous years.

His record on the Federal appeals court shows judicial restraint rather than activism.

There are two specific efforts in which Judge Thomas participated that illustrate a concern for the advancement of minorities—the Minority Leaders Fellowship Program and the General Motors agreement.

In 1989, Judge Thomas encouraged the Washington Center to establish a Minority Leaders Fellowship Program whose concept is to identify outstanding minority students who could benefit from an internship in Washington, DC.

As chairman of the EEOC in 1983, Clarence Thomas signed a \$42.5 million 5-year agreement with General Motors Corp., which was the largest nonlitigated settlement in EEOC history.

Thirty-nine HBCU's, or historically black colleges and universities, received endowments as a result of his actions to enhance the educational opportunities for students in the engineering and technological fields. Prairie View A&M University was one of those institutions aided through Judge Thomas' efforts. We received \$250,000.

It is clear, at least to me, from these and other examples, that Clarence Thomas has been concerned for quite some time about correcting minority injustices by taking positive actions to resolve them. I believe we all can agree that men and women of good will can agree on the goal of helping minorities yet differ on the means of achieving that goal. Their differences may be the result of opposing political philosophies, or based on a preference for alternative strategies.

I can empathize with the committee and your responsibility in this hearing. You must offer your best advice and consent—*not your rubber stamp*—in the matter of Clarence Thomas' nomination to the Supreme Court. Therefore, I would urge that partisan politics be put aside in deciding on this lifetime appointment, just as a justice must put aside mere personal predilections.

Which leaves us with the evidence of the man himself: Clarence Thomas' background, his service to his country, his recorded opinions and actions. We all want good men and women on the Supreme Court in the sense that they have the intellectual competence to make crucial judgments on behalf of the Nation, and in the sense that they have the moral values and conscience to guide them through those difficult issues. It is appropriate that we demand a high calibre individual for this position, for the justices must distill a lifetime of education and experience and thought into their judgments, yet they must look beyond themselves as individuals to the Nation's higher agenda.

In this sense, Clarence Thomas would unquestionably serve this country well on the Supreme Court.

Thank you, sir.

[The prepared statement of Mr. Becton follows:]

**Testimony**  
**On Behalf of The Nomination of Clarence Thomas**  
**To the U.S. Supreme Court**  
 by Julius W. Becton, Jr., President  
 Prairie View A&M University  
 The Senate Judiciary Committee  
 Washington, D.C.  
 Thursday, September 19, 1991

My name is Julius Becton, and I am president of Prairie View A&M University in Texas--which is my alma mater, I am proud to say. I am speaking to you today to recommend Clarence Thomas to the U.S. Supreme Court.

Prior to arriving at Prairie View in 1989, I directed the Federal Emergency Management Agency and the U.S. <sup>Office of</sup> Foreign Disaster Assistance Agency for International Development. Prior to that, I served in the U.S. Army for <sup>almost</sup> 40 years.

It was during my time at FEMA that I knew Judge Clarence Thomas, when he was head of the Equal Employment Opportunity Commission. We were among the very few blacks holding key government positions at that time, and we naturally became acquainted.

The value of my testimony today lies in my personal familiarity with Judge Thomas as a man and as a compassionate civil servant.

I recommend Judge Thomas as a Supreme Court Justice for several reasons:

- I know him to be a good man--a man who sincerely wishes to employ his authority as a civil servant for the betterment of society. This includes his desire to promote the advancement of minorities, without infringing on the rights of the majority.

--more--

## 2.

- This point is particularly critical in order to avoid reverse discrimination, with the resulting backlash that goes with it. Too prolonged, too concentrated an effort to "make up" for past injustices can create new injustices.
- As a footnote, in my judgement, such "making up for the past" can also stifle individual initiative, because we look to somebody else, usually government, to solve issues that are within our own power to solve.
- Equal treatment, not preferential treatment--is what Judge Thomas is about.

• I would like to mention several initiatives and actions of Judge Thomas that recommend him as an effective judge and administrator:

1. As head of the EEOC, Judge Thomas enforced the laws against employment discrimination. The Office went to court 60% more often than it had in previous years.
2. His record on the federal appeals court shows judicial restraint, rather than activism. This merely means that his judgements were based on close readings of the law.
3. His views of Brown vs. the Board of Education indicate that he is not in disagreement with the court's decision but that he finds the "natural law" approach of "inalienable rights" a stronger legal basis for a colorblind society than sociological data.



3.

4. There are two efforts Judge Thomas participated in that illustrate a concern for the advancement of minorities:

a. The Minority Leaders Fellowship Program:

Judge Thomas encouraged the Washington Center to establish a Minority Leaders Fellowship Program in 1989.

- The concept of this program is to identify outstanding minority students who can benefit from an internship in Washington, D.C.
- Home institutions give the students academic credit, waive tuition and grant a \$1,000 living stipend. The Washington Center provides scholarship funding for tuition and housing fees.
- Judge Thomas helped create the program's advisory board, which he served on, and he worked to design the program, identify speakers, and arrange a start-up endowment of \$285,000.
- The first \$200,000 was set aside as an endowment, with \$85,000 providing assistance to students in the 1989 program.
- Mr. Bill Burke, President of the Washington Center, has said, " Mr. Thomas supported our program and encouraged us to do what we could to provide access to these minority students."

--more--

## 4.

b. The General Motors Agreement:

As Chairman of the EEOC in 1983, Clarence Thomas signed a \$42.5 million, five-year agreement with General Motors Corporation.

- The largest non-litigated settlement in EEOC history, the agreement resolved hundreds of employment discrimination claims against GM.
- In addition, General Motors agreed to provide over \$10 million in endowments and scholarships for educational opportunities for minorities and women--particularly in engineering and technological fields where minorities have been underrepresented.
- Many historically black universities received endowments, and another \$1 million in grants was provided to trade and technical schools.
- Prairie View A&M University was one of these institutions aided through Clarence Thomas' efforts.
- A grant of \$250,000 was given to the university, and the same amount was provided for a total of 39 universities, plus \$50,000 going to Columbia University and \$500,000 to the University of Tulsa's Minority Business Development Center.

It is clear from these and other examples that Clarence Thomas has been concerned about correcting minority injustices by taking positive actions to resolve them

## 5.

We can all agree that men and women of good will can agree on the goal of helping minorities yet differ on the means of achieving that goal.

- Their differences may be the result of opposing political philosophies, or based on a preference for alternative strategies.

I sympathize with the committee's responsibility in this hearing.

- You must offer your best advice and consent--not your rubber stamp, in the matter of Clarence Thomas' nomination to the Supreme Court.
- Therefore, I would urge that partisan politics be put aside in deciding on this lifetime appointment, just as a justice must put aside merely personal predilections.

Which leaves us with the evidence of the man himself: Clarence Thomas' background, his service to his country, his recorded opinions and actions. (Let me note that a man against the advancement of minorities would not have played the crucial role that Clarence Thomas played in the Washington Center program or the General Motors settlement.)

We all want good men and women on the Supreme Court,

- in the sense that they have the intellectual competence to make crucial judgements on behalf of the nation,
- and in the sense that they have the moral values and conscience to guide them through difficult issues.

6.

It is appropriate that we demand a high calibre individual for this position. For the justices must distill a lifetime of education and experience and thought into their judgements--yet they must look beyond themselves as individuals to the nation's higher agenda.

In this sense, Clarence Thomas would unquestionably serve our country well on the Supreme Court.

END

Senator HEFLIN. Thank you, Dr. Becton.

I understand that Senator Biden wants some questions, but I will go ahead right now.

Senator THURMOND, do you have some questions?

Senator THURMOND. I haven't asked any.

Senator HEFLIN. I think we would excuse you, Dr. Becton, if you—of course, the choice is yours—if you want to make that plane.

Mr. BECTON. I certainly would like to make that plane because I have a board to face tomorrow morning in Texas.

Senator HEFLIN. Well, we will be glad to excuse you, and we thank you for your testimony.

Mr. BECTON. Thank you.

Senator HEFLIN. Senator Thurmond?

Senator THURMOND. Thank you very much.

I want to welcome this panel here. I think you all made excellent statements, and I appreciate your taking the time to come here and testify on behalf of Clarence Thomas for the Supreme Court.

Now, without going into a lot of detail, I want to ask you the same two questions I have asked many times through these hearings. Do you feel that Clarence Thomas has the integrity, the professional competence, and the judicial temperament to make a good member of the U.S. Supreme Court?

If you will answer that, Dr. Jenkins. I then would ask Ms. Thomas.

Mr. JENKINS. I do, Senator.

Ms. THOMAS. I do, Senator.

Senator THURMOND. The other question is do you know of any reason why Clarence Thomas should not be confirmed by this Committee and the Senate for the Supreme Court?

Mr. JENKINS. I do not, Senator.

Ms. THOMAS. I do not, Senator.

Senator THURMOND. Are you convinced from all that you know about Clarence Thomas that he is well qualified to be an excellent member of the Supreme Court of the United States?

Mr. JENKINS. Yes, we do, Senator.

Ms. THOMAS. Yes, Senator.

Senator THURMOND. That is all the questions I have. I want to thank you very much for your appearance here. I think you made good witnesses.

The CHAIRMAN. I thank you very much, and I personally apologize for not being here. I was on the—right inside that door there is a little phone booth, and I was on the telephone doing what I am sure a lot of parents are doing, responding to a call from my son in college. He called, he wanted to know if he should send me money. That was the reason for the call. [Laughter.]

But I sincerely apologize.

And I know, Chancellor, you fully understand about college students.

Mr. JENKINS. Yes, sir, I fully understand.

The CHAIRMAN. But I do appreciate your testimony. Thank you both. Ms. Thomas, thank you very much for coming and taking the time. Appreciate it.

Our next panel—

Senator HEFLIN. Senator Specter may have some questions.

The CHAIRMAN. Oh, I beg you pardon. I was told by the staff that they were ready to break. I am really sorry.

Senator SPECTER. Thank you, Mr. Chairman. I would like to ask one very brief question of each witness.

The CHAIRMAN. Please.

Senator SPECTER. Dr. Jenkins, you were here and heard the testimony of the last panel, I believe.

Mr. JENKINS. Yes, I was.

Senator SPECTER. Because I know you have been patiently waiting. There were some very strong testimony given by Mr. Julius Chambers on behalf of the NAACP Legal Defense Fund, and his essential position was that George Thomas was not qualified by comparison to all of the 48 nominees who have been seated in the Supreme Court, and he took strong exception to Judge Thomas' views on education cases and voting rights cases, saying that Judge Thomas had dismissed major decisions which had protected African-Americans without regard to the historical background.

If you have any comment or something to say on behalf of Judge Thomas on those issues, I would be—I think the panel would be interested to hear them.

Mr. JENKINS. Senator, I would simply say to you that I am here this evening because I find in the technical sense no reason to question Judge Thomas' capabilities, and, in fact, worthiness to sit on the Supreme Court, one.

Two, I think there is a great deal of misinformation, and perhaps even confusion, in terms of his interpretation or his view on various issues that have been discussed here today. But I do know clearly that in 1983 at Clark College in Atlanta, GA, he gave a very moving speech about his concern for the survival of historically black colleges and universities, and he talked about the need to not only protect those institutions, but he talked about the need to enhance them so that they could continue to do the valuable job of turning out black professionals in our society.

And I am here this evening, sir, as a college president to actually support that concept, because I believe that what we do is the very best example of self-help. We are—we were there and we were born because at some time in history we were not allowed to attend the historically white institutions. And, in that best spirit, we organized and established the historically black colleges and universities.

So, in a real sense I believe that our continued existence is the shining example of self-help and helping America to solve its problems.

Senator SPECTER. Ms. Thomas, the comments made by Mr. William Lucy, president of the Coalition of Black Trade Unionists, went to the issue of affirmative action. And Mr. Lucy was critical of Judge Thomas on the ground that Judge Thomas was not helping the group of African-Americans by refusing group help but only interested in individual, specific cases of discrimination.

And I would be interested if you agree with Judge Thomas who generally opposes affirmative action, and how you would assess that position of Judge Thomas' in terms of the interest of the African-American community.

Ms. THOMAS. Senator, I am here in behalf of my sorority, and my sorority has endorsed Judge Thomas very highly on his, maybe, past contributions he has made to the Court and courts and what have you.

At this time I wouldn't want to say anything that my sorority wouldn't approve of me saying. But we are on record as being supportive of Judge Thomas and his works, and his contributions he has made to the courts.

Senator SPECTER. Thank you very much. Thank you both.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much. And, Chancellor, congratulations on your 100th year.

Mr. JENKINS. Thank you, sir.

The CHAIRMAN. I wish your institution 100 more. I imagine you will be seeing a fair amount of former Congressperson Bill Gray.

Mr. JENKINS. Yes.

The CHAIRMAN. I know he will be knocking on our doors to make sure we are involved in—our doors, meaning us individually. He has not been disinclined to ask for contributions for black colleges.

Mr. JENKINS. Well, let it be noted, sir, that while we certainly are in support of what Congressman Gray would be doing with the United Negro College Fund, I represent a public black university and we do not benefit from the funds of the United Negro College Fund.

The CHAIRMAN. Oh, you don't? Is that right?

Mr. JENKINS. I think that that should be made very clear because I do believe that in a national sense people believe that such a contribution contributes to all of the historically black colleges and universities. That is not true, and that is not to create any confusion or to not continue to wish the United Negro College Fund well. It is simply to correct the record and let people know that we do not benefit.

The CHAIRMAN. Well, I am glad you told me that. I thought you were a private institution.

Mr. JENKINS. No, we are a public institution.

The CHAIRMAN. I see Senator Simon has come, and I hope he has no questions. [Laughter.]

Senator SIMON. Just one.

Ms. THOMAS. Mr. Chairman, excuse me. If I may interrupt you?

The CHAIRMAN. Surely.

Ms. THOMAS. I have a plane to catch.

The CHAIRMAN. Please go. Go.

Senator SIMON. You go right ahead.

The CHAIRMAN. We don't pay attention to Simon anyway. We don't.

I am only kidding, obviously. I hope we haven't kept you too long. And when you walk outside and you hear drums beating, what you are hearing is, I was asked permission by the distinguished Senator from Alaska whether or not a festivity that was being put on by the State of Alaska in the rotunda here in this building would be able to go forward, notwithstanding the fact this hearing was underway. It has been planned for sometime. I don't think it is in any way interfering with any of the witnesses or us. So, if you open the door, though, and you walk outside, it is not

because you have suffered a long day. It is, in fact, there is an interesting ceremony going on outside, and a number of Native Americans and Eskimos are putting on folk dances outside the door.

Mr. JENKINS. I understand.

The CHAIRMAN. Senator.

Senator SIMON. Yes. Dr. Jenkins, your school does not benefit directly from the Historically Black Colleges Act, I gather.

Mr. JENKINS. Well, we were talking about the United Negro College Fund.

Senator SIMON. I understand.

Mr. JENKINS. Right.

Senator SIMON. But I am talking about the title under the Higher Education Act.

Mr. JENKINS. Oh, definite. Yes, sir, we do.

Senator SIMON. You do?

Mr. JENKINS. Yes.

Senator SIMON. Now, what would your attitude be toward the nominee if you believed he would rule that unconstitutional?

Mr. JENKINS. Well, Senator, let me say that I have prefaced my statement, and indeed the motivation for my being here this evening was due to the fact that the cases that I cited, as an example the one with the General Motors settlement, as another case in point, the one in which he spoke about the worthwhileness of these institutions and why they should continue to be enhanced with funds, led me to believe that he would not take such a position.

Senator SIMON. I don't think there is any question that he believes these institutions do a good job.

Mr. JENKINS. And that they should also be enhanced with additional funds going to them for upgrading libraries and other facilities on the campuses.

Senator SIMON. OK. But the question is additional funds. And, if I may read from one of the things he has written.

"I firmly insist that the Constitution be interpreted in a color-blind fashion," and then he criticizes in this same writing "race conscious legal devices."

Now, it is pretty hard for me to read that and not come to the conclusion that he would have serious problems with something that is very vital to a great many institutions in this Nation that are performing a huge service to the African-American community as well as to the Nation.

I just mention that because it is pretty difficult to read this and not come to the conclusion that if there were a matter before the Court he would rule it unconstitutional.

Mr. JENKINS. I understand your statement, Senator. I would simply say to you that because of the business that I am in certainly I would not be amenable or acceptable in terms of looking at a person who may take a position different from the position that I take in terms of the fact that these institutions are treasures and deserve to be preserved, but not only that, to be enhanced, and I simply go by the statements that he has made in the past about these institutions. I look also at this own background, and I draw the assumption that given the opportunity to redress past discrimi-



nation as relates to these institutions that he would opt for the side of guaranteeing that these institutions would continue to survive.

Senator SIMON. Thank you very much. I hope you are right, and I thank you.

The CHAIRMAN. Thank you very much, Senator.

Thank you very much, Chancellor.

Mr. JENKINS. Thank you.

The CHAIRMAN. Again, congratulations on your 100th.

Mr. JENKINS. Thank you.

The CHAIRMAN. Do you play Delaware State?

Mr. JENKINS. No, I do not, Senator.

The CHAIRMAN. They are tough.

Now, our next panel, we have combined two panels of witnesses who are testifying in opposition to Judge Thomas' nomination, and these witnesses are:

Sharon McPahil, on behalf of the National Bar Association. Ms. McPahil is president of the Detroit, MI, Chapter of the National Bar Association. Welcome, Ms. McPahil.

Adjoa Aiyetoro, National Director, National Conference of Black Lawyers, welcome.

Ms. AIYETORO. Thank you.

The CHAIRMAN. Did I pronounce it correctly?

Ms. AIYETORO. Yes, you did. Thank you.

The CHAIRMAN. Mr. William Hou, Chair of the Legislative Committee for the National Asian Pacific American Bar Association. Welcome, Mr. Hou.

Mr. HOU. It is pronounced Hou.

The CHAIRMAN. Hou. You may call me Bidden, if you would like. [Laughter.]

Ms. Leslie Seymore, vice chairperson of the National Black Police Association. Welcome. Daniel Schulder, director of legislation for the National Council of Senior Citizens; Naida Axford, president of the National Employment Lawyers Association; Reverend Bernard Taylor, chairman of the Black Expo Chicago, which works with minority entrepreneurs. We have added Reverend Taylor to this panel to accommodate his travel schedule, but apparently we were not fully able to accommodate his travel schedule, because he is not here, so what we will do is enter his statement in the record.

Senator SIMON. Yes, I was going to say he was here earlier.

The CHAIRMAN. I know he was, and I wasn't being facetious when I said that. I am sorry we were unable to get him on in time.

Why don't we begin in the order you have been called on, unless you have worked out as a panel a different way to proceed.

Ms. McPahil, if you will begin first, please.