

That is, gentlemen, what do you anticipate the impact on the past 25 years of progress on civil rights would be if Judge Thomas' views, as you believe them to be, prevail on the Supreme Court?

Mr. GRISWOLD. Judge Thomas alone is very important on that question. But we already have on the Court a number of far more conservative Justices than we have seen for many years. And the real substance of the question is what would be the impact of the last four appointments. I think in my view it will be disastrous. I think it will stop in its tracks the slow but steady progress we have been making.

Let me just add, Senator, that I think my interest in civil rights goes back to the time when I was in the fourth grade in the public schools in East Cleveland, OH. And for the first time, I had in my hand a copy of the Constitution. I was about 10 years old. And I read it. And I raised with the teacher problems about voting in the South.

The teacher said to me—and I pointed to the 15th amendment. The teacher said to me, well, that is a part of the Constitution that is not enforced. And I remember that just burned me up at age 10. Here is the Constitution. This is us. This is our Government. But there is the part that isn't enforced. As I look back, I think that then and there I decided I was going to try to do what I could to try to see to it that the Constitution is enforced, including the 13th, 14th, and 15th amendments, and that we have real due process of law and real equal protection of the laws.

Nothing really much happened until the early 1950's, but since then many things have happened. Many of the current generation are not aware of how much things have improved, but they have improved. But the task is by no means done, and I feel that that is one of the important issues before this committee and the Senate now, whether we shall erect another obstacle toward the eventual achievement of true equal protection of the laws of all persons in this country.

Mr. BROWN. Senator, I can only add to that, if in fact Judge Thomas' articulated positions on these issues had been followed, many of the major advancements in the area of civil rights would not have occurred. There is no doubt about that in my mind. I guess the best example we can give is of the AT&T litigation which we were involved in at the Equal Employment Opportunity Commission.

If we had indeed had to prove individual cases, we would be even today still trying to resolve many of those issues. We found that some 7 percent of the individual charges pending before the Commission involved some of the same issues. And we were able on an across-the-board basis to eliminate discrimination and the systems which have given rise to many discriminatory conducts. I think that is critically important.

I also think that if we were to follow Judge Thomas' current positions, if we look at his record at the Office of Civil Rights and at the EEOC, the idea of not completely enforcing all the laws that the agency which you are heading would have a devastating effect on this country.

I think that laws which are either flagrantly broken or laws which are poorly enforced strike at the very heart of our society.

And while we all agree there have been significant advancements, I could not agree more with Dean Griswold that but for those advancements, through the Supreme Court in most cases, this country would not be the country that it is. And I think we would be a long, long way away from what we consider to be the real objective, and that is the attainment of civil rights for all groups, both minorities and for women.

The CHAIRMAN. Well, I thank you both very much. I know you did not take this decision lightly, nor did the Lawyers Committee take it lightly. I appreciate your concern and your willingness to come forward. The committee thanks you, and I apologize that we kept you all waiting so long.

Mr. BROWN. That is quite all right. Thank you, Senator.

The CHAIRMAN. Thanks again.

Our next witness is a very distinguished American: Dean Calabresi, the current dean of Yale Law School, who has come to testify. He was going to be on a panel. Come forward, Dean. Welcome. He was going to testify with the president of Lincoln University whom we put on an earlier panel. So, Dean, the table is yours alone.

Thank you very, very much for taking the time to come. You have come to testify on behalf of Judge Thomas and we are anxious to hear what you have to say.

#### STATEMENT OF GUIDO CALABRESI, DEAN, YALE LAW SCHOOL

Mr. CALABRESI. Senator Biden, Senator Thurmond, over the years, I have had the honor and pleasure of teaching various Members of this body, ranging from former Senator Gary Hart, to Senator Joseph Lieberman, to Senator John C. Danforth.

I did not teach Judge Clarence Thomas, but because some of his closest friends in law school were students of mine and were people to whom I was especially devoted, I came to know him well when he was at Yale.

He was at the time an admirable person who demonstrated a capacity for independent thought that is always unusual, but is especially so among students, for they tend all too frequently to conform to the current mood. His approach to law when he was a student was not especially linked with the left or with the right. What characterized him was that he could not be predicted, that he was always seeking more information in order to decide what made sense to him, and that whatever position he took was his own and was powerfully and eloquently held. Because of this, I recommended him to Senator Danforth, who was looking for an able youngster who could think for himself. I was glad I did so then, and I am glad I did so now.

Many of his views have changed, several times, since those days. That does not surprise me. It is almost inevitable with people who are truly struggling with ideas and wrestling with the great issues of the day. I would expect that at least some of his views may change again. I would be less than candid, if I did not tell you that I sincerely hope so, for I disagree with many, perhaps most of the public positions which Judge Thomas has taken in the past few years.