

with a case in which a significant element is the extraordinarily troubled background of the defendant. I think it is a pull and a tug, and it would not disturb me to find—I am not familiar with the facts of the case, but it would not disturb me to find a certain leeway where the trial court could take that unique particular factor into consideration.

Senator SPECTER. You are not troubled by Judge Thomas' joining in that opinion?

Mr. KERN. No.

Senator SPECTER. Ms. Holmes, I believe you were in the hearing room this morning when the panel testified on the abortion issue and opposed Judge Thomas on the concerns they have on what might happen with *Roe v. Wade* and the issue of sensitivity to women's concerns in that kind of a situation? You heard that?

Ms. HOLMES. Yes.

Senator SPECTER. What is your evaluation, if you care to give one, as to how you think Judge Thomas might respond to sensitivity for women's concerns, especially for African-American women?

Ms. HOLMES. Senator, my organization, the National Black Nurses Association, has a great concern about the abortion issue, but we have not come out with a position statement on abortion, and anything that I would say here today would be construed as coming out from the association. Therefore, I would rather not make any comment on that.

Senator SPECTER. Well, I respect that, Ms. Holmes. Would you have any comment to make on your view as to his sensitivity on women's issues, generally?

Ms. HOLMES. He is going to be fair, he certainly is going to read all the opinions, sit down and meditate on it and think about it, and whatever he comes up with as his decision, I am sure that it will be something that has taken great thought.

Senator SPECTER. Mr. Thompson, I could not be present during your testimony. I came in shortly after you finished, but I understand you had testified in support of Judge Thomas, of course, but some difference in view with Judge Thomas on affirmative action. Do you agree with his position on affirmative action?

Mr. THOMPSON. I did not testify with respect to any difference of opinion, as I understand his views on affirmative action, so I do agree. As I understand what Judge Thomas' views are on that subject, Senator, I do agree with his views, but I think that his views on affirmative action as they have been portrayed in the media have been misinterpreted.

I do not view and understand Judge Thomas to take the position that he is opposed to all forms of affirmative action. He is opposed to quotas, as I am, but he understands that some forms of affirmative action are necessary, because they are really truly needed to make some of our individual rights and aspirations a reality, and they are fair. But he is opposed to quotas, and so am I.

Senator SPECTER. Well, with respect to his opposition to quotas, he was emphatic about that, and I think there is general agreement that quotas are bad. He did testify about agreeing to limited affirmative action in an educational context, and there was considerable discussion about his own experience. But he did oppose affirmative action in an employment context, unless the affirmative