

he is willing to look at each case individually and to make a decision on that case based on the merits of that case.

When I looked at this record of Judge Thomas, quite frankly, I had the same questions as you; but then I began to interpolate the executive branch experience into a prospective Supreme Court position. And by that, I mean this. Judge Thomas was loyal to the execution of his executive responsibilities as he understood them. Therefore, I expect that same kind of loyalty to be consistently applied in the judiciary and that Judge Thomas will be as consistently loyal to the principles of the judiciary as he was consistently loyal to the responsibilities in the executive. And so I am quite comfortable.

Senator SIMON. I guess it is one thing to be loyal. I expect you to be loyal to your employer.

Reverend SOIRES. To principles, I said.

Senator SIMON. But I don't expect people to say things they don't believe in.

Reverend SOIRES. No; I said loyal to principles. I believe that Judge Thomas articulated and executed within the scope of what was possible—he wasn't the president; he was the chairman of an agency—to the extent that he felt he was properly interpreting statutes and laws.

I heard him described as being "lawless," and there is a difference between being called in by oversight committees, as I understand the process, and being charged with criminal offenses. If Judge Thomas were as "lawless" as he has been described, why has he not been charged with breaking the law?

So I don't think that Judge Thomas was unduly loyal to his job. I think Judge Thomas was appropriately loyal to the role that he played, and he was consistent in attempting to apply statutes as he understood them to be fair and to be honest.

No one in America, including those who disagree with us on the Thomas issue, would suggest that affirmative action, for instance, means that one group deserves to treat another group unfairly. No one argues that. But we have seen this concept of affirmative action—which, by the way, is not really an antidote to racism. To suggest that affirmative action is the antidote to racism I think is ludicrous and is not based in anything that is real. And also, by the way, to suggest that affirmative action and quotas are not the same I think is one of the difficulties we have with affirmative action because we heard in these chambers today the suggestion that if Judge Thomas is on the Supreme Court, then there will be no more black appointees for our lifetime, which suggests that there is a quota of one on the Supreme Court, and I have never seen that written anywhere.

So what I am suggesting, Senator, is that Thomas has had an opportunity to reflect on his role in the executive branch, and I think in all due fairness, out of great respect for the process, has pledged impartiality and has pledged loyalty to the ethics and the principles of the judiciary if confirmed as a Supreme Court Justice.

Senator SIMON. Mr. Jackson, Mr. Woodsen, and then I will yield to Senator Grassley.

Mr. JACKSON. I think my answer, probably having known Clarence longer than anyone sitting at the table, since we started out

together in St. Louis with one of the persons who testified this morning, Larry Thompson—we are all very close friends—I think how I would answer that is evolution. And let me give you an example, if I might, of evolution. And I'd like to use you, Senator Simon.

I have long followed you from the time of your newspaper days in Illinois to Representative Simon to Senator Simon. I lived in St. Louis for 17 years of my life. It is clear to me that during the Presidential campaign of 1988, some of the views you had espoused early in your career were quite different at the end during the campaign. I don't think in any way you were untrue. I think what had occurred is that you had evolved; you had become wiser, you had looked at the issues more in-depth, you had decided that the approach that you had taken very early in your life was not the approach that you would take—not that it was incorrect, but you have taken another approach.

I think what we see in Judge Thomas is evolution. I don't see enigma. I don't see two Judge Thomases. I have had tremendous debates with him, tremendous disagreements, but in the final analysis, the Judge Thomas that I know is a person of integrity, competence and compassion who deeply feels for what is happening to African-Americans in this country, who will be an excellent jurist. And I think what you have seen with Judge Thomas in these hearings and through his life is evolution. And I think you and I both know that we will continue to evolve until the Almighty decides that we are no more.

So I am saying in making that analogy, just as I have seen you evolve, just as I have seen you take different stands on issues from the time I can remember you being in St. Louis, and then so you'll know who met you six or seven times with one of your personal friends, Jack Kirkland, at his home; I have seen the evolution.

So I am saying give Clarence Thomas the same due deference that others have given you and others have given others. I think what we see is an evolution, and I think he will be an excellent jurist.

Senator SIMON. Mr. Woodsen.

Mr. WOODSEN. Just a footnote to that. I think he has been certainly in this regard falsely accused of being in opposition to affirmative action. It was Ben Hooks, president of the NAACP, who said on issues of individual discrimination, Judge Clarence Thomas will nail a person or an institution to the wall on cases of individual discrimination. He differs on the application of it when it comes to group remedies. So that point.

The other thing, as a footnote to Mr. Jackson's point, yes, people are evolving. If you maintain the same views over time, you are called rigid or an ideologue. And I think that Judge Thomas' views are evolving.

I remember the Congressional Black Caucus when they were freshmen Congressmen, they were unalterably opposed to the seniority system until they were in positions of seniority. Now they are steadfast supporters of it. Were they hypocrites then, or did their strategic circumstance change and therefore their views on things change?

I think it is in this regard that we ought to view Judge Thomas. I find his record, I find his positions on principle totally consistent, and I think that for that reason that some of the charges against him are just not true.

Mr. JACKSON. And may I make one comment? I think, too, what you have seen, which deeply bothers me, is that we have right now in America a tremendous debate about how we should get where we should be. Should we continue to rely on Government as the only source for us to make it, or can we somehow begin to take some of the responsibility and say we can do some of the things on our own?

Senator SIMON, it is important to me to understand that pre-1960, we had more banks that were owned by African-Americans in this country than we did after the Sixties. We owned our own hotels. We owned our own restaurants. We owned our own hotels. I think that the Great Society when it started, started out well, but I think it took our independence away and created dependency, and I see it every day, as I said in my speech, hopelessness.

So when you get a voice who says, look, some things we must take responsibility for ourselves, even though we understand that racism still runs rampant in this country, there is no question. But some things, as I said to your earlier about your evolution, the evolution of African-Americans in this country to what we perceive as the conservative lean, scares many of the liberals who have bought into the doctrine that Government owes us something and should repay us.

Well, let me say this to you. I might be labelled after this as a conservative, but I think my mother and father were conservatives because they taught us to go to church, they taught us the value of family. My father never made more than \$12,000 and educated all 12 of us, and he brought us up with the fear of God. If that's conservatism, I am happy, because that is the way that I want to bring my kids up and I'm trying to bring them up.

So that what you have is a dichotomy. We have been told by people in this country that you owe something—it's clear racism was devastating on us, and it is still devastating. But let me say this to you, as my father said, who did not have a high school education, the way that you fight racism is to educate yourself. We did. Affirmative action was very helpful to me. My way of dealing with affirmative action is that I educate my kids very well. Therefore, when my daughter left her high school she was third in her class, and she is doing work on her own. I think that is important. And I think when that is said, that scares a lot of people, when we start saying we're not going to hold every Anglo person in American responsible for what has happened.

Senator SIMON. Thank you very much.

Senator THURMOND.

Senator THURMOND. Thank you very much.

Mr. Jackson and Reverend Soires and Mr. Woodsen, we want to welcome you here. I admire you for coming here and taking the stand that you are. You are taking just the opposite view from what the Black Caucus did. That took courage. It took endurance. It took character, integrity.