

schools that African-Americans and Hispanics are suffering in, the Asians are topping out of the class.

So, I am saying to you that some responsibility must lie with what we are doing, especially us at this table who have been beneficiaries of affirmative action. We must do our job and that is not in any way to dismiss or deny that racism exists and that affirmative action has played a role.

Senator SPECTER. Thank you very much, gentlemen, and thank you, Mr. Chairman.

Senator SIMON. We want to thank all three of you for your testimony. Let me just add, if I may have the attention of Senator Thurmond here, we have averaged 37 minutes a witness. We have 27 witnesses to go. If we keep up the current pace, we will be here until about 9 tomorrow morning.

Until Senator Biden gets back, I wonder if we could agree to just have 5 minutes for members' questions rather than the current 10 minutes.

Senator THURMOND. I certainly think it ought to be restricted as much as possible.

Senator SIMON. OK, so there is no objection. At least until Senator Biden gets back, we will limit it to 5 minutes per member.

We thank the three of you. Our next panel is a panel supporting Judge Thomas: Pamela Talkin, a member of the Federal Labor Relations Authority and former chief of staff for Judge Thomas while he chaired the EEOC; Ms. Willie King from the Equal Employment Opportunity Commission. Ms. King was director of the Financial Management Division of the EEOC during then Chairman Thomas' tenure. James Clyburn, Commissioner of the South Carolina Human Affairs Commission, who is here on behalf of the International Association of Official Human Rights Agencies, which is the Association of State Fair Employment Agencies; and Dr. Talbert Shaw, the president of Shaw University.

We are happy to have all of four of you here. Ms. Talkin, we will start with you, if we may, and we will enter your full statements in the record. We will limit the witnesses to five minutes.

Should we start with you, Ms. Talkin, or however you would prefer?

Ms. TALKIN. Dr. Shaw has to leave and catch a plane, and he has been moved on to this panel so—

Senator SIMON. Dr. Shaw, we will start with you, and I will during my temporary reign here as Chair be firm on the 5-minute rule.

Dr. Shaw.

STATEMENTS OF A PANEL CONSISTING OF TALBERT SHAW, PRESIDENT, SHAW UNIVERSITY; PAMELA TALKIN, FEDERAL LABOR RELATIONS AUTHORITY; WILLIE KING, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION; AND JAMES CLYBURN, COMMISSIONER, SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

Mr. SHAW. Mr. Chairman, distinguished members of this Judiciary Committee, I am Talbert Shaw, president of Shaw University in North Carolina, and I deeply appreciate this opportunity to testi-

fy before you in support of the appointment of Judge Clarence Thomas to the U.S. Supreme Court.

Although I do express today opinions of my own, it is significant that I speak as the president of Shaw University, an historically black liberal arts coeducational institution founded in 1865, fully accredited by the Southern Association of Colleges and Schools, and presently offering baccalaureate degrees in major academic disciplines to over 2,000 students.

I do not appear before you distinguished legislators claiming any expertise in American jurisprudence. Although philosophy is my academic discipline, I do bring a keen interest in history; generally, in American history, in particular, especially that aspect of our history that focuses on the evolution and development of democratic principles, principles that seek objectivity, equality, and justice, all representing a quest for the common good.

It is a common good predicated on objectivity; that is, allowing the facts to speak for themselves, but a good which fosters opportunity. When the facts have spoken, they should be allowed to come to fruition. This, I believe, is the foundation of the American dream of economic and spiritual well-being. It is a dream predicated on equal opportunity fueled by preparation and competence.

It seems convincing that if these indices of preparation, competence, and opportunity are applied in determining Judge Thomas' eligibility to serve on the Supreme Court, he could easily pass the test. Judge Thomas brings to the bench impeccable credentials. He holds a law degree from Yale University Law School, one of the most distinguished institutions of the country. Thus, objectivity in assessing the judge's credentials easily gives him an excellent grade. Therefore, his preparation to be a distinguished jurist is beyond question based on his academic credentials.

In addition to academic credentials, experience has also prepared the nominee for this day. Having served as assistant attorney general in the State of Missouri, legislative assistant to Senator Danforth, legal officer with the Office of Civil Rights in the Department of Education, chairman of the Equal Employment Opportunity Commission, and now judge in the D.C. Court of Appeals, which is considered the second highest Federal court, Judge Thomas' profile of service reveals a convincing progression of his appropriate professional ladder.

In fact, his experience as a Georgia youth in the days of severe racism reminds him that he grew up in the other America where one is never allowed to forget his black skin and that one never escapes the ghetto, whether one lives on a farm in Georgia or sits on the U.S. Supreme Court in the District of Columbia.

In his own words which appeared in the Atlantic magazine in 1988, and quoted in Jet on May 22, 1991, page 8, Judge Thomas states,

There is nothing you can do to get past your black skin. I don't care how educated you are, how good you are at what you do. You will never have the same contact or opportunities.

However, because of his credentials, his experience and ambition, an opportunity is knocking at his door today. It is an opportunity deeply embedded in the American dream which says that compe-

tence, industry, and creativity will be rewarded. That dream instilled in him by his parents kept hope alive in the long journey of 43 years along that circuitous path from Pin Point, GA, to hopefully the highest court of our land.

With credentials and experience documented, with an inescapable past that will keep him tied to his roots, thus sensitive to the struggles of the other America, Judge Thomas' appointment to the U.S. Supreme Court is further legitimized by its symbolic significance.

This point is very important here. A Nation with such ethnic diversity as America should consciously seek representation of all its citizens in the halls of justice. It further symbolizes that the American dream is achievable. It says to every American that regardless of race, creed or color, you can dream the impossible dream, you can climb every mountain.

Now, neither am I disturbed by the evolutionary process evidenced in the judge's thinking on a variety of legal and social issues.

Senator SIMON. If you could conclude your statement now, the 5 minutes is up.

Mr. SHAW. Yes, sir, I am concluding it right now.

The posture of growth that we find in the gentleman is saying that intellectual honesty suggests that we maintain a posture of openness so that we need not be frozen to the past, and this is a strong point that has been raised over and over again. Will the real Thomas stand up? We are saying that the man is open and he need not be tied to the frozen positions of the past, and I think this is one of the very strong points in his candidacy for this great position.

[The prepared statement of Mr. Shaw follows:]