

Dr. Shaw, as you may be aware, I have been very much involved in the historically black colleges portion of the Higher Education Act. Much of that was written with the great leadership of Dr. Patterson in my office when I was over on the House side.

As I follow the legal theories of Judge Thomas, he would say we can assist people on the basis of economic need. And in fairness to him, he has not suggested this, but as I follow the theories logically—and the commissioner referred to the racial preference issue that he believes is unconstitutional and unsound—he would rule that we could not have the kind of legislation that we now have for the historically black colleges and universities.

If you knew on the Supreme Court he was going to rule against funding for historically black colleges and universities, would you still be supporting him?

MR. SHAW. If I knew—let me, Senator Simon, say that a certain settlement that he made with General Motors some years ago, a large settlement, he deliberately saw to it that \$10 million of that went to historically black colleges. And I might say to you, sir, that initially I was opposed to Judge Thomas until I heard his posture with reference to historically black colleges. He believes they ought to be retained and strengthened.

If that documented decision of him is to presage his behavior on the Court—

Senator SIMON. If I may interrupt, are you saying—and maybe he has said this. I am not suggesting that he is opposed to the historically black colleges. What I am suggesting is that his legal theory, if it is followed, would suggest that Federal assistance on the basis of race would be unconstitutional. Are you saying that he has said that he follows a legal theory that that can continue?

MR. SHAW. I do not know that he is against opportunity for all Americans. And although I am not conversant to the fact regarding a legal theory of his which if extended would eliminate black colleges, I think I understand him. His position on civil rights would in fact support institutions that would give opportunities to all Americans, Senator. He is for civil rights. He is for opportunity. This has, in fact, made him what he is.

If any person would overturn the instruments that are made to enforce the American dream, I would be against him or her getting on the Supreme Court. But I do not see any necessary implication in his legal theory that would, in fact, eliminate black colleges.

Senator SIMON. All right. Well, we are both arguing theories at this point, and I did not ask Judge Thomas that. Thank you.

Senator Thurmond.

Senator THURMOND. Thank you very much, Mr. Chairman.

I want to take this opportunity to welcome this panel here. Dr. Shaw, you are from Raleigh, NC, I believe. Was Shaw University named after you?

MR. SHAW. No, sir. I don't own the place, sir. It is 126 years old this year. [Laughter.]

It is one of the accidents of history, sir.

Senator THURMOND. Ms. Talkin, I understand you and Ms. King have worked with Clarence Thomas and know him personally well.

MS. TALKIN. Yes, Senator.

Senator THURMOND. You are basing your testimony on your personal knowledge.

Ms. TALKIN. Yes, Senator.

Senator THURMOND. And, Dr. Shaw, you are basing your testimony on personal knowledge or writings of Clarence Thomas or what?

Mr. SHAW. His writings which I have read and from what I have heard. I do not know him personally, but I am basing my—

Senator THURMOND. His writings and reputation; is that it?

Mr. SHAW. Yes, sir.

Senator THURMOND. Mr. Clyburn, are you basing your recommendation on personal acquaintance, aren't you?

Mr. CLYBURN. Yes, sir.

Senator THURMOND. Personal knowledge as well as writings and other things, too?

Mr. CLYBURN. Yes, sir.

Senator THURMOND. Well, I want to thank you all for coming. I am not going to take a lot of time. I think we have taken too much time of some of these witnesses. It boils down to this: The same two questions I have asked these others witnesses I am going to ask you. And, Mr. Clyburn, I want to especially welcome you here.

Mr. CLYBURN. Thank you.

Senator THURMOND. You are the South Carolina Human Affairs commissioner in South Carolina.

Mr. CLYBURN. Right.

Senator THURMOND. We are very proud of your work. You have done a fine job there.

Mr. CLYBURN. Thank you very much.

Senator THURMOND. These are the questions I am going to ask all of you. We will start here with Dr. Shaw.

Is it your opinion that Judge Thomas is highly qualified and possesses the necessary integrity, professional competence, and judicial temperament to be an Associate Justice of the U.S. Supreme Court?

Mr. SHAW. Yes, sir. May I just read a last paragraph of my statement which is four lines in response to you?

Therefore, distinguished members of the Judiciary Committee, on such grounds as academic credentials, experience, symbolic significance, and intellectual honesty, I strongly recommend the confirmation of Judge Clarence Thomas for the U.S. Supreme Court.

So, yes, sir.

Senator THURMOND. So, your answer is yes?

Mr. SHAW. Yes.

Senator THURMOND. Ms. Talkin, I would ask you the same question.

Ms. TALKIN. I don't presume to substitute my judgment for this panel, but I would concur that he is well qualified.

Senator THURMOND. So, your answer is yes?

Ms. TALKIN. It is.

Senator THURMOND. Ms. King?

Ms. KING. Yes.

Senator THURMOND. The answer is yes. Mr. Clyburn?

Mr. CLYBURN. Yes.

Senator THURMOND. The second question: Do you know of any reason why Clarence Thomas should not be made a member of the U.S. Supreme Court, since he has been appointed by the President?

Mr. SHAW. No, sir, I don't.

Senator THURMOND. The answer is no. Ms. Talkin?

Ms. TALKIN. No, Senator.

Senator THURMOND. Ms. King?

Ms. KING. No.

Senator THURMOND. Mr. Clyburn?

Mr. CLYBURN. No, sir.

Senator THURMOND. I think you have answered the questions that the committee wants to know. We have spent days here probing affirmative action, but it all boils down to this, whether you favor him or not, and you said you do support him and you have told us why, so that is all we need to know.

Thank you very much. We are pleased to have you here.

Mr. CLYBURN. Thank you.

Senator THURMOND. Thank you, Mr. Chairman.

Senator SIMON. Senator Grassley?

Senator GRASSLEY. Thank you very much for your testimony, and I won't take a lot of time, just a very general question.

Because you know and have studied Clarence Thomas well, and particularly those who have worked closely with him, and because so often other panels have questioned his commitment to civil rights and equal opportunity, I want to ask each of you in much the same way that Senator Thurmond did, for a short opinion or statement:

Due to your extensive exposure to Clarence Thomas, do you have any question at all of his commitment to equal opportunity and civil rights, and not only in regard to African-American civil rights, but do you have any question that he is committed to the advancement of the civil rights of all minorities, whether it be African-Americans, women, the elderly, Hispanics, Asians, or any other group?

Dr. Shaw first, and then Ms. Talkin.

Mr. SHAW. I did not get the essence of your question, sir.

Senator GRASSLEY. Do you have any doubt in your mind—

Mr. SHAW. I don't.

Senator GRASSLEY [continuing]. About his commitment to civil rights?

Mr. SHAW. I don't.

Senator GRASSLEY. Ms. Talkin?

Ms. TALKIN. In my experience, Judge Thomas has demonstrated an unwavering dedication to civil right.

Senator GRASSLEY. And for all groups?

Ms. TALKIN. For all groups, and I can give you numerous examples, if you want.

Senator GRASSLEY. Ms. King?

Ms. KING. Based on my 30 years of work in the civil rights movement and the work with Judge Thomas, I am positively convinced that he does not have any problems in the area that you just outlined of civil rights.

Senator GRASSLEY. Mr. Clyburn?