

Virgilius, as one of his early teachers, and he says so. He dearly loves you.

Father, I am well aware of Holy Cross and I think that you do a terrific job up there. I have known Judge Gibbons for a long time and he has been a great jurist in this country and I have great respect for him.

I have to say, Dr. Sudarkasa, that was as eloquent a statement as I have ever heard for a judicial nominee, bar none, the Supreme Court or otherwise. So, I was very impressed with everything that you folks said.

The only thing I would ask is do each of you agree with Dr. Sudarkasa that this man will be an advocate for equal and civil rights, while on the Court?

Mr. GIBBONS. I have no doubt.

Senator HATCH. You have no doubt about that.

Mr. GIBBONS. None. In fact, from reading his opinions, I suspect that, with respect to the rights of criminal defendants, his addition to the Court may result in a net improvement of its jurisprudence.

Senator HATCH. That is interesting, because I believe that he will be very broadminded with regard to the rights of those who are accused, as well.

The CHAIRMAN. Do not scare Senator Hatch off now, Judge. [Laughter.]

Senator HATCH. Actually, Chairman Biden and I are not too far apart on some of these issues. It scares him sometimes.

I do not want to take any more time. I was just impressed with all of your testimony. I think Judge Thomas is very fortunate to have four people like yourselves testifying for and on his behalf. Like Senator Thurmond, I give great weight to the testimony of those who know him, not just those who posture what they think he is.

I know him, too, and my experience is very similar to the experience of all of you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Senator Simon.

Senator SIMON. Thank you very much. We thank the panel.

First of all, Sister Virgilius, you mentioned that Judge Thomas said "thank you" to teachers, that is one of the things that most of us don't do. Once in a while I will speak to a Rotary Club or some group, and they will ask: What can we do to raise the standard of teachers and encourage more young people to go into teaching? And I will say, "How many of you have ever thanked one of your teachers?" Hardly ever is a hand raised. I appreciate that.

One of the problems we have, those of us who are struggling with this nomination, is to sense where he is going. Sister, you have been sitting in on a lot of these hearings. Do you recall ever discussing abortion or any of the other issues that have been discussed here with Judge Thomas?

Sister VIRGILIUS. I think Judge Thomas is a man of his own convictions, and he will make up his mind according to what he thinks and knows is best according to the Constitution. I spoke to him during the summer, around the beginning of August, and I asked him what he was going to do. And he said, "I am going to continue

to study constitutional law." And knowing Clarence Thomas, with the mind he has, I think he has done that, and he will do it.

Senator SIMON. But in terms of discussing any of these specific issues that have arisen here, do you recall having any discussions with him?

Sister VIRGILIUS. Well, at one time we were discussing affirmative action, and his reaction was—well, he did not—what he wanted was a helping hand, not a handout. I think that is his idea.

We have got to help ourselves. We cannot depend on anybody else. It has got to be our own doing. Granted, we get help from others, but we cannot wallow in our own misery and say, you know, everybody else is against me. That is not the Clarence Thomas I know.

Senator SIMON. Father Brooks and Dr. Sudarkasa, let me just say I hope we will be moving soon in reauthorization of the Higher Education Act. That will be a significant lift to students and to the country. I hope we do more than just tinker at the edges of the reauthorization.

But, Father Brooks, one of the things that concerns me is that I see two Clarence Thomases: one the Sister is talking about, the one at Holy Cross; and then I see the record as a Federal official where he has sided too often, from my perspective, on the side of the privileged rather than the less fortunate.

One of the questions that came up was the question of his position on South Africa, and let me quote from an article by David Corn, because Judge Thomas mentioned that while serving on the Holy Cross board he had supported divestiture. And it says:

The Reverend John Brooks, the school's president, said there was no significant board opposition to Brooks' recommendation for divestment, and that he does not recall Thomas or anyone else taking or needing to take a strong stand.

First of all, I commend you for making the recommendation. Is this an accurate portrayal here?

Father BROOKS. No, that is not an accurate portrayal. I believe that is the same quotation I heard you speak of on television a few days ago.

Senator SIMON. That is correct.

Father BROOKS. Therefore, the obvious question is where did you get it from, and I had to conclude that it probably came from a reporter who had spoken with me just a day or two prior to that.

The reporter's quest was to try to find out rather quickly in a phone conversation, whether or not Clarence Thomas placed the question of divestiture on the agenda of the board of trustees, and then how he voted for it, what the discussion was like around the board table, and what the vote was at the end of that. In an effort to complete my phone conversation with the reporter, I tried to describe for him how the debate would go.

First of all, I made it very, very clear that the item was placed on the agenda by myself. I, working with an executive committee, work out a final agenda for a board meeting. I did tell him that Clarence participated in the discussion. I told him that we don't take votes at the end and we don't end up 13 to 12 or whatever it might be, but rather after a lengthy and a heated and a vigorous