

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

debate, there is generally a consensus reached and the board ceases the discussion at that point, and the consensus is taken as decision.

And that is precisely what happened at that meeting. The meeting was a vigorous meeting. There were strong positions taken on both sides. But eventually a consensus was reached, and at least some of us were able to get what we wanted out of that particular meeting.

Senator SIMON. Judge Gibbons, you were on the board then, I assume.

Mr. GIBBONS. I presided at the meeting in the absence of the chairman.

Senator SIMON. And could you pull that mike a little forward and give your recollection of the meeting?

Mr. GIBBONS. Yes. I presided at the meeting in the absence of the chairman, and my recollection of what transpired and Clarence Thomas' role in it is exactly as I have stated here. The press report that you read is not an accurate description of what took place at the meeting.

There was a vigorous debate over the difference between the Sullivan principles approach and the total divestiture approach, and Clarence Thomas firmly and persuasively argued for total divestiture.

Senator SIMON. If I can ask either one of you, how do you mesh that with his position in opposition to sanctions, serving 10 years on the board of a publication that regularly ran articles taking the position of the South African Government? And yet in his testimony there was no indication that he ever protested those articles—may I just ask how either of you feel about that and how you can mesh those positions, or, well, your thoughts on that.

Father BROOKS. I think the position on the divestiture is based on his understanding of the immoral nature of the Government of South Africa at the time. I really can't—I just don't know. I don't know what motivated him, and I don't know the circumstances under which he wrote the articles, gave the talks, and so forth. I really don't think I can be of much help to you on that.

Senator SIMON. Judge?

Mr. GIBBONS. Nor can I. I was never even aware of it, and he certainly never discussed it at the board meeting. But his position on divestiture was quite clear.

Senator SIMON. I thank you all very much.

I yield to my colleague from Pennsylvania.

Senator SPECTER. I join my colleagues in welcoming you here and thank you very much, Sister Virgilius, and you, Father Brooks, for your personal insights and your knowledge of Judge Thomas.

Dr. Sudarkasa, I note an article which you had written for Newsweek, in August, on the issue of affirmative action. And you say you were not a conservative, but you applaud Judge Thomas' approach on affirmative action. And you raise an interesting point on those who got into college when you went without any affirmative action, knowing that you had "made it on our own," and the concern about students who got in on affirmative action resenting the notion they did not make it to college on their own merit.

Is your net conclusion that there ought not to be any preferences on college admission?