

Ms. THOMAS. Senator, I am here in behalf of my sorority, and my sorority has endorsed Judge Thomas very highly on his, maybe, past contributions he has made to the Court and courts and what have you.

At this time I wouldn't want to say anything that my sorority wouldn't approve of me saying. But we are on record as being supportive of Judge Thomas and his works, and his contributions he has made to the courts.

Senator SPECTER. Thank you very much. Thank you both.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much. And, Chancellor, congratulations on your 100th year.

Mr. JENKINS. Thank you, sir.

The CHAIRMAN. I wish your institution 100 more. I imagine you will be seeing a fair amount of former Congressperson Bill Gray.

Mr. JENKINS. Yes.

The CHAIRMAN. I know he will be knocking on our doors to make sure we are involved in—our doors, meaning us individually. He has not been disinclined to ask for contributions for black colleges.

Mr. JENKINS. Well, let it be noted, sir, that while we certainly are in support of what Congressman Gray would be doing with the United Negro College Fund, I represent a public black university and we do not benefit from the funds of the United Negro College Fund.

The CHAIRMAN. Oh, you don't? Is that right?

Mr. JENKINS. I think that that should be made very clear because I do believe that in a national sense people believe that such a contribution contributes to all of the historically black colleges and universities. That is not true, and that is not to create any confusion or to not continue to wish the United Negro College Fund well. It is simply to correct the record and let people know that we do not benefit.

The CHAIRMAN. Well, I am glad you told me that. I thought you were a private institution.

Mr. JENKINS. No, we are a public institution.

The CHAIRMAN. I see Senator Simon has come, and I hope he has no questions. [Laughter.]

Senator SIMON. Just one.

Ms. THOMAS. Mr. Chairman, excuse me. If I may interrupt you?

The CHAIRMAN. Surely.

Ms. THOMAS. I have a plane to catch.

The CHAIRMAN. Please go. Go.

Senator SIMON. You go right ahead.

The CHAIRMAN. We don't pay attention to Simon anyway. We don't.

I am only kidding, obviously. I hope we haven't kept you too long. And when you walk outside and you hear drums beating, what you are hearing is, I was asked permission by the distinguished Senator from Alaska whether or not a festivity that was being put on by the State of Alaska in the rotunda here in this building would be able to go forward, notwithstanding the fact this hearing was underway. It has been planned for sometime. I don't think it is in any way interfering with any of the witnesses or us. So, if you open the door, though, and you walk outside, it is not

because you have suffered a long day. It is, in fact, there is an interesting ceremony going on outside, and a number of Native Americans and Eskimos are putting on folk dances outside the door.

Mr. JENKINS. I understand.

The CHAIRMAN. Senator.

Senator SIMON. Yes. Dr. Jenkins, your school does not benefit directly from the Historically Black Colleges Act, I gather.

Mr. JENKINS. Well, we were talking about the United Negro College Fund.

Senator SIMON. I understand.

Mr. JENKINS. Right.

Senator SIMON. But I am talking about the title under the Higher Education Act.

Mr. JENKINS. Oh, definite. Yes, sir, we do.

Senator SIMON. You do?

Mr. JENKINS. Yes.

Senator SIMON. Now, what would your attitude be toward the nominee if you believed he would rule that unconstitutional?

Mr. JENKINS. Well, Senator, let me say that I have prefaced my statement, and indeed the motivation for my being here this evening was due to the fact that the cases that I cited, as an example the one with the General Motors settlement, as another case in point, the one in which he spoke about the worthwhileness of these institutions and why they should continue to be enhanced with funds, led me to believe that he would not take such a position.

Senator SIMON. I don't think there is any question that he believes these institutions do a good job.

Mr. JENKINS. And that they should also be enhanced with additional funds going to them for upgrading libraries and other facilities on the campuses.

Senator SIMON. OK. But the question is additional funds. And, if I may read from one of the things he has written.

"I firmly insist that the Constitution be interpreted in a color-blind fashion," and then he criticizes in this same writing "race conscious legal devices."

Now, it is pretty hard for me to read that and not come to the conclusion that he would have serious problems with something that is very vital to a great many institutions in this Nation that are performing a huge service to the African-American community as well as to the Nation.

I just mention that because it is pretty difficult to read this and not come to the conclusion that if there were a matter before the Court he would rule it unconstitutional.

Mr. JENKINS. I understand your statement, Senator. I would simply say to you that because of the business that I am in certainly I would not be amenable or acceptable in terms of looking at a person who may take a position different from the position that I take in terms of the fact that these institutions are treasures and deserve to be preserved, but not only that, to be enhanced, and I simply go by the statements that he has made in the past about these institutions. I look also at this own background, and I draw the assumption that given the opportunity to redress past discrimi-