

NOMINATION OF JUDGE CLARENCE THOMAS TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES

FRIDAY, SEPTEMBER 20, 1991

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee met, pursuant to notice, at 9:07 a.m., in room 325, Senate Caucus Room, Russell Senate Office Building, Hon. Strom Thurmond, presiding.

Present: Senators Biden, Kennedy, Metzenbaum, Heflin, Simon, Thurmond, Simpson, Specter, and Brown.

Senator THURMOND. The committee will come to order. Senator Biden has requested I go ahead and open the hearing and proceed.

We are very pleased to have you all with us, and we are sorry we didn't get to you last night. You may go ahead now and make your statement. We have Mr. Palmer and Ms. Alvarez. We are glad to have them.

PANEL CONSISTING OF JOHN E. PALMER, PRESIDENT AND CEO, EDP ENTERPRISES, INC., ON BEHALF OF THE HEARTLAND COALITION FOR THE CONFIRMATION OF JUDGE CLARENCE THOMAS, AND J.C. ALVAREZ, VICE PRESIDENT, RIVER NORTH DISTRIBUTING

Mr. PALMER. Thank you. Good morning to the distinguished chairman, Senator Thurmond, and to all of the esteemed members of this U.S. Senate Judiciary Committee.

My name is John E. Palmer. I was born in Kansas and reared in Missouri, truly the heartland of our great Nation. I am the president and CEO of EDP Enterprises, Inc., a full food service management company which specializes in feeding military troops. We currently feed our courageous men and women at Fort Leonard Wood, MO, and Fort Riley, home of the Big Red One in the great State of Kansas.

I have traveled to our Nation's Capital this day to represent and raise the collective voice of a group named the Heartland Coalition for the confirmation of Judge Clarence Thomas. This group is comprised of men and women, blacks and Hispanics, Kansans and Missourians, liberals and conservatives, business men and women, elected officials, and, of particular note, prominent Democrats and prominent Republicans.

The common thread which bonded this diverse group of independent minds was a willingness to step forward and boldly call at-

tention to the fact that there does exist a consensus within the minority community of our country which supports the confirmation of Judge Thomas to the Supreme Court of the United States.

We firmly believe that we embody the true essence of mainstream America defined. The coalition formed to demonstrate the bipartisan, culturally diverse support which this nomination has throughout America. We are reflective of the 54 percent who supported Judge Thomas' confirmation prior to even the beginning of these hearings, as illustrated in a USA Today newspaper poll. We are representative of the 63 percent who currently back the confirmation of Judge Thomas, as pointed out in an ABC News poll.

We find Judge Thomas to be a man of integrity, of compassion, of principle, of strong moral fiber, of ability, and a man who is fiercely independent.

Although some views of Judge Thomas may differ from those held by Justice Thurgood Marshall, he, like Justice Marshall, has overcome hardships, discrimination, and deprivation to prepare himself for the challenge of our country's highest court.

It is important that you know the Heartland Coalition is not a professional lobbying group. There is no organizational structure. There are no officers. There exists no committees. Not one single, solitary dollar of the millions of dollars which have changed hands fueling campaigns both for and against the confirmation found its way into the Heartland Coalition.

You see, this coalition evolved as a result of a conversation between two people about the onslaught of unyielding and uncompromising denunciations of Judge Thomas by national civil rights and legislative organizations. The participants in this conversation strongly disagreed; neither believed these positions to be representative of a consensus of the working class minority America.

While the motives of these groups were never at issue nor questioned, one participant in this conversation, Linda Hunter, of Jefferson City, MO, the State capital, said, "Let's call some of our friends, both Republican and particularly Democrats, known, respected leaders throughout the heartland, and see how they feel."

Phone calls were made; schedules were coordinated; consensus on a press release was reached; a date and time was decided; a press conference was held; and, thusly, the Heartland Coalition was born.

The U.S. Supreme Court needs not a man who knows all. We believe that our highest court needs the diversity of youth, vitality, and promise of growth; representation of leadership of the future; one who has dedicated his life to the attainment of a colorblind society; one who has demonstrated the courage to travel the road less traveled by.

Senator THURMOND. I will have to call your attention to the fact that your time is up. You have 5 minutes today. We have lots of witnesses. Can you finish up in just a little bit?

Mr. PALMER. Just a real quick second here, Senator. Thank you.

One whose very life is characterized by an insatiable appetite for knowledge, punctuated by a willingness to work, tempered by an openness to listen and learn as no man or woman has come to the Court yet fully formed; one who has dared to awaken, arouse, and

stir the soul and conscience of minority America by boldly stating that it is broken and in desperate need of repair.

We, from the heart of America, respectfully urge you, the U.S. Senators, elected Members of the most prestigious, distinguished, and powerful body in the world, to vote to confirm Judge Clarence Thomas to the U.S. Supreme Court.

Mr. Chairman, I thank you.

[The prepared statement of Mr. Palmer follows:]

TESTIMONY OF
JOHN E. PALMER
BEFORE THE SENATE JUDICIARY COMMITTEE
IN SUPPORT OF THE NOMINATION OF
JUDGE CLARENCE THOMAS TO THE UNITED STATES SUPREME COURT

Good Evening. To the distinguished Chairman Biden and to all of the esteemed members of this U.S. Senate Judiciary committee. My name is John E. Palmer. I was born in Kansas and reared in Missouri the heartland of this wonderful country. I am the President and CEO of EDP Enterprises, Inc. a full food service management company which specializes in feeding military troops. I currently feed our courageous military troops at Ft. Leonard Wood, Missouri and Ft. Riley, Kansas.

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The common thread which bonded this diverse group of independent minds was a willingness to step forward --- and boldly call attention to the fact that there exists a consensus within the minority community of our country which supports --- the confirmation of Judge Thomas to the Supreme Court of the

United States. We firmly believe that we embody the true essence of mainstream America, defined.

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and against the confirmation --- found its way into this Heartland Coalition.

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While the motives of these groups were never at issue nor questioned --- one participant in this conversation, Linda Hunter of Jefferson City, Missouri, the State Capital said --- Let's call some of our friends --- both Republican and particularly Democrats, known respected leaders throughout the Heartland --- and see how they feel. Phone calls were made --- schedules were coordinated --- consensus on a press release was reached --- a date and time was decided --- a press conference was held, and thusly the HEARTLAND COALITION WAS BORN.

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- one who has demonstrated the courage to travel the road --- less traveled by;
- one whose very life is characterized by an insatiable appetite for knowledge -- and punctuated by a willingness to work hard --- tempered by an openness to listen and learn --- as no man nor woman has come to the court fully formed.
- one who has dared to awaken, arouse and stir the soul and consensus of minority America by boldly stating that it's broken and in desperate need of repair --- while solutions of the past --- have not worked --- it is now time to wake up that sleeping giant called --- HEARTLAND AMERICA --- and enroll us into the solution driven debate.

We from the Heartland of America respectfully urge you --- U.S. Senators, elected members of the most prestigious, distinguished, powerful body in this world --- to vote yes --- to confirm Judge Clarence Thomas to the U.S. Supreme Court.

Thank you very much for this opportunity.

Senator THURMOND. Thank you very much.

Ms. Alvarez, we will be glad to hear from you. This yellow light means you just have about a minute left. The red light means your time is up. And we have to be strict today because we have so many witnesses.

Ms. ALVAREZ. I understand.

Senator THURMOND. Thank you very much. Your whole statement can go in the record, though, whatever you have.

You may proceed.

STATEMENT OF J.C. ALVAREZ

Ms. ALVAREZ. Let me tell you about the first time I met Clarence Thomas. It was 13 years ago in some cramped offices in an annex building that no longer exists today. I had been with Senator Danforth a few months, undoubtedly out of place in an industry that employed very few minorities. If there were a half a dozen of us on the Senate side at that time, that was too many.

Almost daily I heard comments about the fact that I had been hired only because of my minority background. It never occurred to me to flaunt my bachelor's degree from Princeton and my master's degree from Columbia in defense of my presence on the Hill. Affirmative action was like a cloud that kept people from looking directly at my abilities, and I bore it like a scarlet letter of shame.

I was young, 23 years old, and thought perhaps that they were right. I was almost apologetic that I wasn't a white Anglo-Saxon Protestant male or that my daddy had not made some enormous financial contribution to some campaign. And then one day a big black guy with a booming voice comes into the office as the newest addition to Danforth's staff.

Although everyone in the office knew he had worked with Jack before and that he had degrees from Holy Cross and Yale, one cynical staffer decided to challenge him directly by saying, "Let's face it. The only reason you are here is because you went to Yale, and the only reason you got into Yale was not because of your ability, but because of affirmative action."

Clarence turned to him, took a deep breath that filled out his broad shoulders, looked at him straight on and said, "You know, I may have been lucky enough to get in, but I was smart enough to get out."

From that day forward, my life was changed. I would never be ashamed again to be a minority, to be a Hispanic. I had nothing to apologize for, I realized. Most importantly, Clarence that day gave me a confidence that I had never felt before. I realized that affirmative action was perhaps just a minority's version of the same nepotism that had gotten that staffer his job.

OK, perhaps I had been fortunate enough to have had doors opened for me, but I alone had been smart enough, capable enough to walk through those doors.

It has been 13 years, and to say that I know Clarence well is probably an understatement. Although politically and professionally Clarence has grown and developed over the years, the basic character of the man has never changed in all the time that I have

known him. And this is critical to consider when reviewing his appointment to the Supreme Court.

Clarence is a brutally honest man, an independent thinker who is careful and deliberate in making decisions. He is not egotistical enough or presumptuous enough to think that he alone knows everything. Far from it.

When making decisions, I can recall seeing Clarence surround himself with all types of people, from the book-smart people to the people with experience about those specific issues. He always wanted to be sure not just to get the fact, but to get some real-life perspective so that he could make the right decision.

Take, for instance, when Clarence was appointed to head the EEOC. He asked me to join his staff to address the issues of two particular protected classes who had long been neglected by the EEOC: The Hispanics and the handicapped. He pulled out all the stops. There was no limit to the communication or the meetings that he would hold to learn about the issues that were important to these groups.

I can recall at the time how bitter many Hispanic leaders were because they had been ignored or shut out by the EEOC under the previous administration. And they obviously expected no more from Clarence and the Republicans. I arranged meetings between Clarence and these Hispanic leaders, almost expecting to hand out flak jackets at each meeting because they came in loaded for bear, as we say in the Midwest; and they had a good reason to feel that way.

But in every instance I can recall, the Hispanic leadership was shocked and amazed at the reaction and the response of the chairman. He was genuinely sincere in his concern for their cause. He solicited their views and their experiences, shared his perspective, and ultimately responded to the recommendations to address the issues. In every instance, they walked into his office as his enemy and left as his ally.

I must admit that listening to the criticism levied against Clarence last week about his lack of commitment to the Hispanic community sort of shocked me, and I prepared this statement, which I ask be submitted as part of the record.

Senator THURMOND. Your entire statement will be admitted in the record. Mr. Palmer, yours too.

Mr. PALMER. Thank you, Senator.

[The prepared statement of Ms. Alvarez follows:]

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**TESTIMONY OF J.C. ALVAREZ
BEFORE THE SENATE IN SUPPORT OF THE
NOMINATION OF CLARENCE THOMAS TO U.S. SUPREME COURT**

Let me tell you about the first time I met Clarence Thomas. It was 13 year ago in some cramped offices in an annex building that no longer exists today. I had been with Senator Danforth a few months, undoubtedly out of place in an industry that employed very few minorities (if there were a half dozen of us on the Senate side at the time, that was too many). Almost daily I heard comments that I had been hired only because of my minority background. It never occurred to me to flaunt my bachelors degree from Princeton or my masters degree from Columbia in defense of my presence on the Hill. Affirmative action was a cloud that kept people from looking directly at my abilities and I bore it like a scarlet letter of shame. I was young, 23 years old and thought perhaps they were right. I was almost apologetic that I wasn't a white anglo-saxon protestant male or that my daddy had not made an enormous financial contribution to some campaign.

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From that day forward my life was changed. First, I would never be ashamed to be a minority, to be a Hispanic again. I had nothing to apologize for. Second, and more importantly, Clarence's answer gave me a confidence that I had never felt before. I realized then that affirmative action was just a minority's version of nepotism that had gotten that cynical staffer his job. Perhaps I had been fortunate enough to have had the door open for me, but I alone had been smart enough, capable enough to walk through that door.



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I realized that it was time for me to start to think and analyze what I truly felt about my life, my philosophies, and my future. I would not let affirmative action either be a crutch or hang like a dark cloud over my head because I was going to have to rely on my own individual abilities to succeed. Needless to say, in case it is not obvious, I have succeeded and I am very proud of it. After only 2 years with Anheuser-Busch Companies in St. Louis, I was made the first Hispanic female beer distributor in the country with ownership of my own 100 employee business in Chicago. Without even realizing it, Clarence set down the first cornerstone to my success.

It's been 13 years, and to say that I know Clarence well is probably an understatement. Although politically and professionally Clarence has grown and developed over the years, the basic character of the man has never changed in all the time I have known him -- and this is critical to consider when reviewing his appointment to the Supreme Court. Clarence is a brutally honest man, an independent thinker who is careful and deliberate in making decisions. He is not egotistical enough or presumptuous enough to think he alone knows everything. Far from it.

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I can recall how bitter many Hispanic leaders were at the time because they had been ignored and shut out by the EEOC under the Democrats and Eleanor Holmes Norton, and they obviously expected no more from Clarence and the Republicans. I arranged meetings between Clarence and these Hispanic leaders, almost expecting to hand out flak vests at each meetings because these people came in "loaded for bear", as we say in the Midwest, and they had good reason to feel that way.

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I must admit that listening to the criticism levelled against Clarence last week about his lack of commitment and responsiveness to the Hispanic community surprised me. It prompted me to prepare a statement which I submitted last week and I would like to ask that it be entered here as part of the record. It specifies in detail the level of activity with the Hispanic community during my time with the Chairman.

Anyone who knows Clarence, knows that he does not make a half-assed effort toward a goal. The goal is committed to 500 percent or not at all. The handicapped issue is another example. If I may take time to show you. Clarence wanted to truly demonstrate his commitment to this community and their concerns. As his liaison, I had to learn how to use sign language to be able to communicate with the deaf employees we had working at EEOC -- not communicate in my language, but in theirs. That is the level of commitment Clarence demonstrated in his performance at EEOC and that was what he demanded of his staff.

I told you before about the first time I met Clarence -- let me tell you about the last time I saw him. It happened to be his last week at EEOC -- coincidental that I happened to be there during his first week at EEOC and I was in D.C. visiting during his last week there.

What a surprise to find out that the EEOC was no longer housed in the dungeon, the ghetto that we had been in during Clarence's first years with the Commission. Clarence proudly took me on a tour of his "dream come true" -- things we had talked about trying to achieve during those first few weeks in 1982.

Gone were the beat-up, bargain priced computers that had been obsolete when they were purchased by the previous administration. Charges taken in the field were now directly entered on-line into the system and within seconds could be retrieved in Washington D.C.

The furniture was top of the line. The building was modern and breathtaking, the people were well-dressed. The atmosphere was professional -- pride, enthusiasm, and productivity effused from every corner. Honestly, it was hard to distinguish this "federal government agency" from the infamous "private sector" I had now become a part of.

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As we say at Anheuser-Busch/Budweiser, Clarence didn't "hope it happened" -- he "made it happen". At that moment, no one could have been prouder of Clarence than perhaps his granddaddy -- or me. I know what he wanted to achieve. I know the dreams he had dreamed. And I knew at that moment the future impact of the legacy he had left at EEOC. He had left the EEOC with pride, commitment and performance -- the 3 keys to any successful business.

I have known Clarence Thomas as the Chairman, boss, and co-worker. I have known Clarence Thomas as a friend, confidant, and advisor. I have spent time with Clarence "the politician" as well as Clarence "the single parent." I have sat with him at the head table making speeches and I have sat next to him at the movies watching "Bambi". I have seen him laugh and cry, win and lose, be angry and be happy, fight and acquiesce, struggle, deliberate and take a stand.

But more than that, I understand Clarence. We share much in common, having both come from impoverished minority backgrounds, he Black, I Hispanic, yet both "pull up from your bootstrap", strong, driven, determined, and Ivy League educated. I know and I understand what it has taken to make and mold the character of this man. I can empathize with Clarence because I have lived the Hispanic female version of his life.

I have heard many comments over the past few weeks about his abilities -- whether he is the best and the brightest, whether he is the best man for the job. I am not a lawyer, so I cannot comment about his legal expertise. But I don't think anyone can question his ability to learn the facts about anything that is in the law books or presented before the Supreme Court. You can't deny it. Clarence is a smart man.

But more importantly, Clarence is a wise man. He has a wisdom that comes from having experienced life. Trust me, I know -- Clarence is a summa cum laude graduate of the "School of Hard Knocks". We need that kind of perspective on the Supreme Court.

Remember this -- it is not only what is in Clarence's brain that qualifies him as the best and the brightest. It is what is in his heart and his soul -- the things that he has learned from life that make him the best man for the job.

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Among Clarence's friends his nickname was: " a real American". His whole life is an example of what anyone with the dreams and determination can achieve in America. But no matter how far he has gotten, Clarence has not forgotten from where he came. He is a fair man, a compassionate man, and a man who is willing to listen, to argue, to learn, to think through an issue in the most intimate detail to insure the right decision is made.

I say it's time to put Clarence Thomas -- the "real American"-- on the Supreme Court.

Thank you.

J.C. Alvarez
Owner - River North Distributing

Senator THURMOND. Now, Mr. Palmer, is your testimony based on personal acquaintance or on reading his writings and his reputation or hearing him speak, or on what basis?

Mr. PALMER. My testimony is based on accounts in the various—

Senator THURMOND. Speak a little louder. I can't hear you.

Mr. PALMER. My testimony is based on accounts read from various newspapers, magazine articles, and accounts that I have seen on different television programs.

Senator THURMOND. In other words, on his reputation, as you gained it from those sources.

Mr. PALMER. That is correct.

Senator THURMOND. Ms. Alvarez, I believe you worked with Mr. Thomas, Judge Thomas. Is that correct?

Ms. ALVAREZ. I am sorry. Say that again?

Senator THURMOND. You were with him on Senator Danforth's staff.

Ms. ALVAREZ. Yes, sir.

Senator THURMOND. You were with him at the Department of Education, and you were with him at the EEOC. In other words, you have worked with him in all those different places.

Ms. ALVAREZ. I did not work with him at the Department of Education. I was on Secretary Ted Bell's staff at that time.

Senator THURMOND. I see.

Ms. ALVAREZ. And he was Assistant Secretary for Civil Rights.

Senator THURMOND. So you know him personally.

Ms. ALVAREZ. Yes, sir.

Senator THURMOND. You know him well.

Ms. ALVAREZ. Yes, sir.

Senator THURMOND. And you endorse him.

Ms. ALVAREZ. Absolutely.

Senator THURMOND. I want to ask both of you two questions. Knowing him as you do, through reputation or personally, is it your opinion that he has the integrity, the professional qualifications, and the judicial temperament to make a good U.S. Supreme Court Justice?

Mr. PALMER. Yes.

Ms. ALVAREZ. Yes, sir. Clarence is a smart man, but Clarence is a wise man from the experience of his life. And that is what qualifies him; not just within his brain, but what is in his heart and his soul.

Senator THURMOND. Now, do you know of any reason why Clarence Thomas should not be confirmed by this committee and the Senate to be a U.S. Supreme Court Justice?

Mr. PALMER. No, Senator. I know of absolutely, resolutely no reason.

Ms. ALVAREZ. As long as I have known Clarence and as long as I will continue to know him, absolutely not.

Senator THURMOND. Do you heartily endorse him for this position?

Mr. PALMER. A resounding yes.

Ms. ALVAREZ. Absolutely.

Senator THURMOND. The distinguished Senator from Pennsylvania, Senator Specter.

Senator SPECTER. Thank you, Mr. Chairman. And it is nice to see you as chairman again, Mr. Chairman.

Ms. Alvarez, you tell a very poignant story about a person who confronted Judge Thomas about being affirmative action on getting into Yale but smart enough to get out of Yale. The hearings, I think, could have provided a much better forum to discuss the public policy concerns on affirmative action, and Judge Thomas has written extensively about opposing affirmative action because he believes that it degrades the beneficiary from the minority and that it is unfair to the person who is displaced, and he writes about creating racial tension.

There is a very poignant story in an article by Juan Williams in the Atlantic Monthly on Judge Thomas where he talks about Judge Thomas' swearing-in after he was reconfirmed to EEOC, when he was sworn in by Attorney General Meese and by Assistant Attorney General Bradford Reynolds and by Senator Thurmond. And at that time, after the swearing-in, Bradford Reynolds went over to Clarence Thomas and said, "You are a great product of affirmative action." And Thomas' face fell, and all of the staff noted how unhappy he was to be characterized as just a product of affirmative action.

But the other side of the issue which concerns me and the one that I discussed at some length with Judge Thomas was the benefits of affirmative action that he received—as he characterized it, preference on getting into the Yale Law School. And I then asked him the question about the policy considerations on giving a preference to hypothetically a 10-grade dropout African-American who was looking for a job.

We had considerable discussion about the Building Trades Union, local 28 in New York City, which had more than two decades of egregious discrimination. And it was clear from the history of those hiring practices that not only were people discriminated against in the past, but you knew very well that future applicants would be discriminated against as well, because that had been going on for so long it just was certain to be the case. And why not establish a flexible goal and timetable, which Judge Thomas had favored earlier in his career in 1983 speeches, so that you would deal specifically with projected discrimination.

Now, what is your view on that, Ms. Alvarez? Why not apply affirmative action to that 10-grade dropout in the context where you know that African-Americans are going to be discriminated against?

Ms. ALVAREZ. Do you want my personal views on it?

Senator SPECTER. Sure.

Ms. ALVAREZ. Affirmative action has, I guess, opened a lot of doors, and I certainly have been one person that has benefited from it as well. But as I said in my statement, it has also been something that has kept people from looking directly at my abilities. People always make the presumption that I am only there not because I am competent, but because of affirmative action.

Senator SPECTER. But how can someone look at the ability of the person if the person doesn't get a job?

Ms. ALVAREZ. And that is right. I do believe that it has helped open the doors. But all it does is open the doors, and there are—

Senator SPECTER. But that is all affirmative action is supposed to do, is to open the doors. So if Judge Thomas gets the affirmative action preference at Yale Law, why shouldn't the 10-grade dropout get it in employment context?

Ms. ALVAREZ. Everyone ought to be given a fair and equal opportunity, and in the perfect world that would be the case. The world isn't perfect. My personal views about affirmative action, I believe there is room for it. I believe there is a place for it, I think that with some modifications, though, because I think that sometimes setting goals and timetables hasn't always been effective.

The general premise of affirmative action I believe in; how it is carried out isn't always—I am not always in agreement with.

Senator SPECTER. Well, I am not going to prolong the discussion at this point because we have so many witnesses. But you brought up the situation with Judge Thomas and how he felt personally affronted by being stigmatized as being a beneficiary of affirmative action. And I can understand that, and I wish we had talked more in the hearings about the downside of affirmative action. But also I wish we had talked more in the hearings about the context where Judge Thomas disagreed. Because as Judge Thomas would extend protection to the specific African-American who was discriminated against, he would not extend affirmative action to the African-American who is virtually certain to be discriminated against in the future in the context of the hiring practices of local 28.

I was district attorney of Philadelphia for 8 years and saw employment as a key factor giving African-Americans and minorities, women, a chance to move up. And that is a source of enormous problems. Without a job, there is the problem of turning to crime. Without a job, there is the problem of turning to drugs. Without a job, there is no opportunity to move ahead in the world.

What so many people don't understand is that when you talk about affirmative action, you are not talking just about the 10-grade dropout and his benefit. You are talking about a peaceful society and progressive society that benefits everybody. Those views haven't been brought across. All affirmative action is debated in terms of is reverse discrimination and displacing some white person who is better qualified. But the societal benefit has much to recommend the affirmative action in that context that I have articulated and perhaps narrowing the range of debate.

Well, thank you very much. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. You have made that point repeatedly, Senator, and I want to associate myself with your remarks. It is funny. We wouldn't need affirmative action were there not prejudice out there. Isn't that strange? And isn't it strange how people are affronted after having been the recipients of affirmative action because they were the recipients of affirmative action? But if they weren't the recipients of affirmative action, they wouldn't have had the job in which they got affronted. I find that fascinating.

I find it interesting to be offended that someone would say that you got to Yale Law School because of affirmative action when, in fact, you would have never gotten to Yale Law School had there not been affirmative action—not you. I mean “you” in an editorial sense.

It is a dilemma. I understand. I have some sense of both sides of the dilemma, but as you said, in a perfect world we wouldn't need affirmative action, at least not in the context it is used now.

Thank you both very, very much, particularly since you were the crossover panel. You were here, the record should show, until after 10 o'clock last night, and you were here at 9 o'clock this morning. So that goes not only to your interest as public-spirited citizens, but also your physical constitution, to spend so much time with us all. Thank you very, very much.

Mr. PALMER. Mr. Chairman, thank you for the opportunity to return, particularly after the benefit of a good night's sleep.

The CHAIRMAN. Thank you very much.

Now, we will move to what was scheduled to be our first panel: Dr. Benjamin J. Hooks, the executive director of the NAACP; the Reverend Dr. Amos Brown, the National Baptist Convention, U.S.A., Inc.; and Rev. Archie Le Mone, Progressive National Baptist Convention.

Gentlemen, welcome.

Mr. HOOKS. Good morning, Senator.

The CHAIRMAN. Good morning, Mr. Hooks, Reverend Brown, Reverend Le Mone. Are you Reverend Le Mone? We have got to move your nameplate down. Sit over there to make it easier, if that is OK. Or if you would rather sit there, it doesn't matter where you sit, actually. They just had your nametag there.

Why don't we begin, gentlemen, in the order in which you were called. We will begin with you, Mr. Hooks. It is a pleasure to have you back here before this committee.

PANEL CONSISTING OF BENJAMIN L. HOOKS, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE; REV. DR. AMOS C. BROWN, THE NATIONAL BAPTIST CONVENTION, U.S.A., INC.; AND REV. ARCHIE LE MONE, THE PROGRESSIVE NATIONAL BAPTIST CONVENTION

Mr. HOOKS. Thank you, Senator. Mr. Chairman and members of the committee, I am testifying on behalf of the National Association for the Advancement of Colored People, the Nation's oldest and largest civil rights organization. We oppose the confirmation of Judge Thomas to the Supreme Court. My name is Benjamin Hooks, and I am the executive director and chief executive officer of the NAACP.

In a purely narrow sense, the immediate business before the committee is the nomination of Judge Clarence Thomas to be an Associate Justice of the Supreme Court. But in the broader sweep of our domestic history, there is at hand here a unique, transcendent moment which will significantly define America in our time, what America is, what America can be, what America shall be.

Twenty-five years ago when Justice Marshall became a member of the Supreme Court, our hearts were thrilled and our spirits came alive with renewed hope. We believed then and to this day that out of the bloody trench of collective struggle a fellow child of bondage would help light our future with the glow of progress and to fan the flame of human freedom.