

Judge THOMAS. Senator, my grandfather was a small businessperson, one oil truck, an ice truck, and a vacuum cleaner to clean stoves, and two little kids to run with him and also to help answer phones.

I think that competition in the private sector is healthy in our society. It is healthy not only from the standpoint of the businesses themselves, particularly the smaller businesses, but it is also healthy from the standpoint of products, quality of products that are brought to consumers, as well as prices.

I think that our economy and our country expands and provides opportunities to absorb individuals who otherwise would not have a chance. It is one that is very interesting. After growing up in a household where there is a small business, literally not a separate office, it is the house, you get the feeling of how important it is to have this opportunity to be a part of this competition and to not be foreclosed by certain individuals monopolizing an entire area. So, just reacting as a person, I think that it is important that we have healthy competition in the economic arena.

Senator BROWN. Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. Thank you very much.

It is 20 minutes to 1 now. Do you want to keep going? Actually, I think that we should break for lunch, and come back at quarter to 2. We will recess until quarter to 2.

[Whereupon, at 12:45 p.m., the committee recessed, to reconvene at 1:45 p.m., the same day.]

The CHAIRMAN. The hearing will come to order, please.

We will attempt to finish tonight, but I want to emphasize that if Senators continue to have questions, we will not. I still think that it is possible to finish. All of the Senators were told at the beginning of these hearings that we would not go late today, and I want to be able to accommodate those Senators who made plans in their home States. Since deregulation, I know you can't catch a lot of planes to a lot of places other than at specific times.

Our good friend from Wyoming has such a commitment based on the assertion the Chair made that we would not go late on Friday. My two colleagues from Illinois and Wisconsin, who have not yet had a second round, have been gracious enough to yield to him for a third round or part of a third round so that we can try to meet the twin obligations.

Just as the Court always has to balance things, Judge, we are having to balance needs here, and we are going to apply a strict scrutiny test after Senator Simpson asks his questions to determine whether he met it.

But, at any rate, all kidding aside, the Chair recognizes Senator Simpson, and then we will go in order, Illinois and Wisconsin.

Senator SIMPSON. Mr. Chairman, I do very much appreciate that. I do have to catch a plane. There are others, and you have accommodated us all on both sides of the aisle, but particularly I want to thank my friends, Paul Simon and Herb Kohl, I appreciate that very much. And I really intend to just do 2 minutes, and then that will conclude my activities. Thank you for your courtesies on that.

My remarks I wanted to share, I think the committee would be interested. I became so intrigued as to the EEOC issue that I went down to the EEOC. I had seen our colleague from Missouri go

there. I don't know how many of my colleagues on the committee have paid a visit to the EEOC, but I made it a point to do that about 6 weeks ago.

I spent a couple of hours there at the agency's offices on 18th Street speaking with their employees about the effects and the results of Clarence Thomas' tenure at that organization. I visited with employees who were black, white, Hispanic. I spoke with persons who were handicapped, old, and young. I spoke with employees holding jobs from that of manager to maintenance man. Some had worked for both Eleanor Holmes Norton and Clarence Thomas. Some had been there for many years while others had come during his tenure.

And I was stunned, as I looked in my notes, from what those people said that day about Clarence Thomas; from just plain, you know, "He did a hell of a good job," to things like, "We are a lot better agency than we were when he came"; "We came further in his 8 years than we did in the previous 18." I am quoting now. "We feel proud now. Many of us didn't used to."

"He may have opposed affirmative action goals and timetables but told us that was his personal philosophy, and that we were to follow the letter of the law." And then they did, and they cleaned up the backlog.

"From the time I got here until he left, I never saw Clarence Thomas try to influence the way a case was being handled." "His honest and integrity are what inspired me." "Clarence Thomas' way was you follow the law."

Another lady in this instance, "Clarence Thomas believed in rewarding good work." And Hilda Rodriguez said, "Clarence Thomas told us that we were the EEOC and that he was not, that he was just a short-timer."

One other person said, "We feared for our jobs when he came, but I felt very proud about working for him after he came. Before Clarence Thomas came here, you could just not move forward. On his last day, one of the employees followed him out crying."

Another person: "Over the last decade, this agency has gone from mediocre to one of the Government's premier agencies. We have earned that reputation, but Clarence led us there. The problem now is that other agencies hire away our good employees."

One attorney said to me, "When I told Clarence Thomas about the lapses in the age discrimination cases, he said, 'That is nearly as bad as a lawyer dropping his client's case,' and he personally told Senator Melcher about the lapses." However, the attorney pointed out that "Less than 1 percent of all cases had lapsed."

A handyman who went to work there in 1984 told me about a problem he had with his daughter and how he could walk right into Clarence Thomas' office and talk to him about that. That is what he said.

Another employee told me that, "He is the kind of person I would like to have decide my case if I ever go before a judge. He listens, keeps an open mind, and makes a decision based on reason."

I was told that, "When he left, on his last day he went down from his upper floor office to the ground floor to leave. Every foyer on every floor was filled with people." No one was out drumming

that up. The employees were doing this. These employees made an effort to have the building named after him, but they found they couldn't do that because the Government didn't own the building. However, the employees purchased, with their own funds, and put up a plaque in the lobby. I have never seen that in any building because it is really quite—it is almost corny in Washington, DC, that that could happen. That is something out of one of those old black-and-white movies.

The plaque says:

Clarence Thomas, Chairman of the U.S. Equal Employment Opportunity Commission, May 17, 1982, through March 8, 1990, is honored here by the Commission and its employees with this expression of our respect and profound appreciation for his dedicated leadership exemplified by his personal integrity and unwavering commitments to freedom, justice, and equality of opportunity, and to the highest standards of government.

Well, those are the folks from all walks of life who worked with Clarence Thomas during his 8 years at the EEOC, and I think it is very important that we hear those who know Clarence Thomas best and what they have to say about him.

And it came to me when Senator Leahy this morning noted that we shouldn't ask or expect answers to questions about how you might rule in specific cases. I do greatly concur obviously with that. But Senator Leahy also noted that we need to know "how you think, your background, your integrity, and impartiality, what kind of a judge you will be." And I agree with that ever more.

So I just wanted to share with the committee as to how the people that worked with you felt about you. I think to a politician it is like the moment of truth, and that is how many votes do you get in your home precinct. I always like to look at that when I see people here in this place. I always go back and go into their State record and see how many votes they got in their home precinct. It gives you a better idea of how they do and how they operate. So among those that know you best, those are the things that I wanted to share—integrity, impartiality.

And my question—and I am going to conclude here. You were interviewed for an article by Sarah J. Davidson. Do you recall that article titled "Clarence Thomas, The Pragmatic Chairman of EEOC"?

Judge THOMAS. Senator, I don't recall specifically the interview, but I know the name.

Senator SIMPSON. You were asked a question by that lady in her journalistic pursuit. Her question was: "How do you think that history will record your achievements?" Do you recall that question?

Judge THOMAS. I don't recall the question, Senator.

Senator SIMPSON. Oh, you should because you gave quite a glowing answer to her. You don't remember the answer to it either?

Judge THOMAS. It is probably still the same answer.

Senator SIMPSON. Well, let me give it to you, and then I am going to leave, get on the plane and skip out of here.

You were asked the question, How do you think that history will record your achievements? "Well," you say,

I just hope that whatever is said, whether someone agrees with me or disagrees with me, they don't waste a whole lot of time on nonsensical things like where I went to school and where I have worked and what I did before I came here. Simply

bottom line, after everything is said, to hope that at least they say, "This was somebody who tried to do what was right." That is all. They don't have to say anything else. Just that, "In his lifetime, when he came to this agency, he tried to do what was right and did not try to play politics and did not succumb to pressure from various interest groups or politicians; he just took a mandate, took a job, and tried to do what was right."

That was your response to that lady's question. So it was. And I wanted to report that very moving trip to the EEOC, and I really have no questions.

I thank you for your courtesies and thank especially my colleagues, Paul and Herb, Senator Simon and Senator Kohl, for their courtesies. And thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator. Have you answered the question?

Senator SIMPSON. He did answer the question. [Laughter.]

The CHAIRMAN. Senator Simon.

Senator SIMON. Thank you, Mr. Chairman.

One of the questions that we face is: What really makes Judge Thomas tick? That is really what Senator Heflin's questions were approaching.

When you told the story about Judge Haynsworth saying to his wife, "I don't like this Judge Haynsworth guy," if we were to vote in this committee on whether we like this Clarence Thomas guy, it would be unanimous that we like Clarence Thomas. That is not the question that we have to face. It is where you are going.

When you told about being a student at Holy Cross, I would feel comfortable voting for that student for the Supreme Court. And then in describing yourself, you said, "Then we thought we really could change the world"—making it past tense.

Some of us still think we can change the world. Maybe not in huge giant steps, but in little steps. And you are going to a place where you are going to change the world for a lot of people.

The people on the Supreme Court who voted for *Dred Scott* changed the world. The people who voted for *Plessy v. Ferguson* changed the world for a lot of people. The people who voted in the *Brown* decision and *Roe v. Wade*, changed the world.

Members of the Supreme Court who voted on the *Crowson* decision that Senator Specter referred to, the set-aside, the *Richmond* decision, have denied the right, the opportunity for a great many people. They have changed the world for a lot of people.

The *Ward's Cove* decision changed the world for a lot of people, people like—again, quoting Senator Specter, "that 10th-grade dropout." And that is, I guess, the person that I am concerned about.

Frankly, a person with Clarence Thomas' ability is going to make out all right. Whether you get confirmed or not confirmed, you are going to do very well. That 10th-grade dropout may not do well.

We all bring something of a philosophy to our jobs, and Senator Simpson perhaps partially answered this question with his quotation from that interview, the bottom line. But what is the political philosophy, what is the judicial philosophy you bring to the U.S. Supreme Court?

Judge THOMAS. Senator, when I spoke earlier about changing the world, I think I would distinguish between the way that as a youth