

as Mr. Rosenthal's. Because there were millions of men and women, not just in World War II, but in every action we have been engaged in, who, without a whole lot of credit, did their duty, performed their service, achieved great victories for this country against all odds, but yet never quite received the credit that others might have received.

So on this great day, the 50th anniversary of the flag raising on Iwo Jima, I certainly am proud to stand here, not only as a reserve lieutenant colonel in the Marine Corps Reserve, but also as an American, to salute those men and women who have served in our Armed Services, who were involved in World War II, and the veterans of that great conflict, and in particular the veterans of Iwo Jima, one of the bloodiest battles in American history, and certainly a battle that is well worth our remembering on this important day.

#### AFFIRMATIVE ACTION IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from South Carolina [Mr. CLYBURN] is recognized for 60 minutes as the designee of the minority leader.

Mr. CLYBURN. Mr. Speaker, let me begin by paying homage and respect to those who give their lives and sacrifice also at Iwo Jima 50 years ago. We all owe them a great deal of debt and gratitude. Of course, as I think about all of the sacrifices that were made at Iwo Jima, I think that this was four years before the Executive Order, 5 years before the Executive Order by President Truman that made it possible for many of the men who made sacrifices at Iwo Jima to get some semblance of the recognition that they were due.

□ 2130

Because it was by Executive order of President Harry Truman that the Armed Forces were integrated and that men of color were then able to take their rightful places in the overall defense of our Nation. And we have come a long way from that, all the way up to having recently celebrated a person of color to hold the highest military office in our land. And we all join tonight with those who have gone before us this evening to celebrate those sacrifices.

Of course, that brings me to the issue that we are here to discuss tonight, an issue that we are hearing a lot about today, the issue of affirmative action. I am pleased to be joined tonight for this special order by my good friend, the Representative from Mississippi, Mr. THOMPSON, BENNIE THOMPSON, and my good friend, the gentleman from Alabama, who is Representative EARL HILLIARD.

The three of us tonight are going to spend just a little time, hopefully trying to shed some light on a subject that has been the object of a lot of heat in the last few days.

Let me begin by stating what I think is the obvious for all of the people of goodwill in our great Nation. And that is the goal that we all strive for, and that is a goal of a color-blind society. That is what our goal is. I would suspect that that is the goal of most honest, right-thinking, reasonable people in America.

The question becomes, how do we get there? I do not believe that anybody would read the recent census figures that arrived in my office today over exactly where all of the segments of our society stand; that is, where they stand as relates to equality of pay, the relative pay of one group as opposed to the other. We all understand that that is something that needs to be addressed.

One of our Supreme Court justices said a few years ago that in order to get beyond color in our society, we must first take color into account.

Let me share, Mr. Speaker, with the listeners tonight something that I think makes that point very, very vividly. I hold in my hand an article from a newspaper in my State, published on February 6. It is interesting. This article says that of the 119 occupied seats on boards and commissions in a particular county, 77 percent are filled by men and 95 percent are filled by whites.

Now, the interesting thing about this is that the gentleman in charge of all of this had this to say, and I quote: "I do not think anybody has ever really paid any attention to it. Women can do the job as well as men. But I don't know if we have ever taken a look at it. Maybe we should."

Then one of the elected officials from that same county had this to say about this: "The racial and gender makeup of commissions is something I had really not thought about. Maybe we should commission a study of the issue."

Now, Mr. Speaker, what we want to talk about here tonight is exactly this. This is something that people just do not seem to think about, because it is taken for granted. For some reason people just feel that things, we have been doing it this way, so there is nothing wrong with continuing to do it that way. But the fact of the matter is, for us to reach a color-blind society, we must first take color into account. And so tonight I am pleased to be joined first by my friend, the gentleman from Alabama, Mr. HILLIARD, who I am going to refer to at this time, for him to sort of set the stage for us as we try to discuss this issue to the point that maybe we can get some good, high-level intelligent discussion of this rather than all the heat that we have had in the last days.

Mr. Speaker, I yield to the gentleman from Alabama [Mr. HILLIARD].

Mr. HILLIARD. Mr. Speaker, I thank the gentleman for yielding to me. I would like to say, first of all, that I think perhaps we may want to give some type of quick historical analysis of why affirmative action, because that

is the subject we want to talk about tonight.

Soon after the Civil War, we had a period in our history that we called Reconstruction. And during that period, there were those who wanted to make sure that former slaves could participate in the political process in every respect and participate fully as Americans in our society.

So we had a great deal of bureaus that were established to do just that. They had certain objectives. And, of course, you know that was about very close to 150 years ago. And during that time, the Reconstruction period, the State of Alabama was represented by three different congresspersons who were all black Republicans and they were, so to speak, my predecessors.

After reconstruction, it took about 117 years before Alabama, once again, had an African-American to represent the State of Alabama in Congress.

Well, it is interesting to note that during the period of Reconstruction, there were a large number of affirmative action policies and, in fact, affirmative action laws. And those laws were passed by various State legislatures and by the U.S. Congress itself.

But by 1895, and very close to 1900, none of those laws existed, because of all types of problems that occurred from the majority to deny participation fully in the American society. Blacks did not and were not able to participate in the laws, lawmaking bodies of the State of Alabama or any of the former Southern States. And they were not allowed to hold Government jobs. They were not allowed to do other things that the average citizens took for granted, the average white citizen.

Of course, this went on until about 1954 or earlier, maybe a few years earlier in some of the States. But between the period of 1865 and 1954, about an entire century, there were those that rode the curve, so to speak.

□ 2140

There were periods of times in several States where blacks were able to perform according to their capacity, their ability. They received certain preferences, and this was for only a short period of time during Reconstruction. Then the curve dropped back to where it was before the Civil War. All of the programs that had been put in place to protect them, to make sure that they were able to participate in the American Government society, were terminated.

During this void from Reconstruction up until 1954, some States realized that African-Americans should be able to participate in the electoral process, should be able to participate in certain governmental activities, so there were a few laws made that were not affirmative in nature, but they did state affirmatively that segregation or discrimination would not exist in certain areas of our society, or in certain industries, or with certain Government

jobs. Of course, the real breakthrough was with Harry Truman, when he gave that Executive order that in essence was to begin what we know as affirmative action, when he gave that directive of the Armed Forces to start making changes.

Many of those soldiers had participated in World War II. They later participated in the Korean Conflict, and in other conflicts since that time. When they came back after fighting for freedom for other countries and for this country, many of those soldiers realized that they were not yet free, that they still were denied opportunities. So they went to the streets. As a result of their activities, Congress decided to make changes. Instead of saying that segregation and discrimination were wrong, they decided to state in affirmative terms certain things that would take place and that would make a difference. They stated it not in the negative sense but in the affirmative sense. So affirmative action really became a concept, or a tool, that could be used to sort of integrate African-Americans into the political process or into the work force. It was made to, I would say, level the playing field, because there had been a series of laws, we called them down South Jim Crow laws, that had been put in place that tilted the playing field in our American society in favor of white males. They were the privileged class. Everything possible, every opportunity, every rule and every regulation was made to give them an opportunity to maintain their privileged status from 1872, after the period of Reconstruction, up until that directive that President Truman gave.

Affirmative action is a concept or a tool that would not tilt the field in terms of giving preferences to African-Americans but would give preferences only for the purposes of making that playing field level.

I submit that although some of those laws have been on the books for perhaps as long as 40 years, the playing field is still not level.

Mr. CLYBURN. I thank the gentleman very much. Let me say before I go to our friend the gentleman from Mississippi [Mr. THOMPSON], I am glad you pointed out the affirmative nature of the Executive order of President Truman as it relates to the Armed Forces. It may be good for people to know that in 1961, I think March of that year, President Kennedy issued an Executive Order No. 10-924. In that Executive order he said something very interesting, that it is the plain and positive obligation of the U.S. Government to promote and ensure equal opportunity for all qualified persons.

The question, the two operative words there are to promote and to ensure. It did not say to make a statement, but to actively promote, to actively go about doing something; and to ensure the equal opportunity.

I want to point that out, because the Executive order that a lot of us talk

about that came along later under President Johnson who reissued this Executive order but also issued in addition to it 11-246, and that is when we first heard the terms being used affirmative action, because that Executive order called upon the Government to take affirmative steps to ensure, not just to say we will not discriminate, that is a passive thing, but to be active and say we are going to go out and we are going to recruit where we did not recruit before.

I remember when I was a student at South Carolina State University, I graduated from there back in 1962, when minority people went out recruiting people to work in the various industries around the State of South Carolina, nobody ever came to South Carolina State University. I do not know if they came to Tougaloo. But nobody ever came to South Carolina State. I never knew where the jobs were. Nobody in my class knew where the jobs were. Nobody ever said that this place is open for you and you should feel free to come and apply for one of the jobs here that you are qualified for. So like everybody else, we felt obliged to go and teach school, or some of my friends later on went to law school. But I went out and I taught school until such time as things opened up and I could go and apply for one of those jobs.

I am going to yield now to our good friend the gentleman from Mississippi [Mr. THOMPSON]. Maybe he can shed some additional light on this subject.

Mr. THOMPSON. I thank the gentleman from South Carolina [Mr. CLYBURN], and I applaud him for reserving this time to talk about what probably will be the most explosive issue debated during the 104th Congress.

What I would like to do is, believe it or not, to quote a Republican on the affirmative action issue before I start. Last Sunday in a "Meet the Press" program, Jack Kemp said that affirmative action is a dagger pointed straight at the heart of America.

Basically what he is saying is, if this country plays the race card, in effect, we are going to split this country right down the middle.

I submit that we can do better. This is the greatest country in the world. We have risen to the occasion in times of adversity in the past, and I think before we succumb to what is called the angry white male syndrome, we need to take a deep breath and look.

While we will do that, Mr. Speaker, let me just say that sometimes, being from the State of Mississippi, I am convinced that many of the affirmative action and civil rights laws that we have on the books came because my State did not treat African-Americans properly. Our history is a history that is laden with bodies, it is laden with blood, it is laden with a lot of things we are embarrassed about.

Just to give a few indications, my State is one of a few that is yet to

adopt equal opportunity in employment and other things as a law of the land. You, yourself, directed for a number of years the South Carolina Human Affairs Commission. We tried unsuccessfully for about 10 years to get our State to adopt it. The only recourse we had was to go to the Federal laws through EEOC and others to get employers and other people to do the right thing.

Clearly there is a need for affirmative action. But taking it along with what the gentleman from Alabama [Mr. HILLIARD] said earlier, the history of it from the standpoint on education and any other prerequisite you can look at, all of us went to school systems that operated under the dual system, supposedly separate and equal, but, as we know, they were separate and unequal. Much of the education and experience we received was inadequate. Nonetheless, some of us survived. But the point to be made is that if we had not had affirmative action, many of the schools that are now integrated would not be there.

□ 2100

For myself, I wanted to be a lawyer. Unlike Mr. HILLIARD and most of the other Members here, law school was not an option for me in my State, but nonetheless some other people went. My State went so far as to say we will send you to any school out of State you want to go to as long as you do not want to go to a white school. That was unfortunate. They paid 3 times the money to send me out of State to school than to let me go to a school in that State.

So there are a number of things that we have to understand. But I think we cannot let this color-blind notion fool us. If we think America is a color-blind society, we are fooling ourselves. It is a good code word but it does not work. It does not work simply because all of the Presidents since that initial Executive Order that you referred to earlier, every President since Kennedy has renewed that Executive Order.

So, up until now we are operating under executive orders that talk about affirmative action being the law of the land. As we go into this discussion we will quote some statistics to the people listening to show that even with the laws on the books we still have a long way to go.

So what I would like to do is reserve the balance of the time for the colloquy that we will enter into to just discuss the whole notion of affirmative action and make sure there is some understanding.

But the last point is, without moving it too far, you really have to have been a victim of what we are talking about to really understand it. For most of us who are over 45, we never had new textbooks in our community, we never had the opportunity to play in a public playground or swim in a public swimming pool, and so some of us take very

seriously the notion of affirmative action because this was the only opportunity that many of us ever received. Many of our relatives left our communities because they had no opportunity, they had to go north, they had to go west, so affirmative action programs allowed me to stay in Mississippi and pursue a career and ultimately end up in Congress. But had we not had those programs that allowed that opportunity to exist, many of those individuals who are here today would not be here because there was no cover or no support for that effort.

So I look forward to the debate and the discussion on this, and there are some very startling statistics from the employment standpoint and other things that will highlight what we are talking about.

Mr. CLYBURN. I thank the gentleman very much.

Let me see if I may set the stage here a little bit. When we talk about affirmative action it is kind of interesting we hear so many people discussing it who seem not to really know what it means.

As a concept, affirmative action is just a program or policy that is in place in order to remove the current and lingering effects of past discrimination. That is all it is.

There are many ways to do that. We look at it in various fields. We just had a discussion earlier this week over what we need to do to affirmatively make programs possible for people of color, minorities, if you please, in this instance blacks and Hispanics, to own radio stations. Here we are at the time the policy which we just voted to eliminate was put in place, one-half of one percent of all of the radio stations in this country were licensed to minorities. Now that is blacks who, according to the census I just received, constitute about 13 percent of our population, Hispanics somewhere around 9 percent, 10 percent, or 11 percent, depending upon how you categorize it, but fully 25 percent of our citizens owning one-half of one percent of the radio stations. So how do you do about rectifying that?

We put in place a rule, not a law but a rule, FCC rule, and what we said in that rule was that anybody who would agree, nobody is going to make you do it, but if you say you will sell your cable or whatever your media may be, radio station, to a minority you get a tax credit for doing it. And so here we are putting the program in place, a program which quadrupled, better than quadrupled that. Today that number went to 3 percent.

So we know that it worked, and so here we are going backwards on that, and then the question then becomes why is it that we do not keep the program in place to see can we get in the next few years to 10, or 12 percent or something approximating these people's presence in our population.

Mr. HILLIARD. Mr. Speaker, will the gentleman yield? It is interesting that

the gentleman stated that no one made anyone do anything. It was not a mandate, it was not a preference. The only thing it was was an incentive.

Mr. CLYBURN. Absolutely.

Mr. HILLIARD. That is one thing about most of the affirmative action programs and policies. The language is used to ensure that there is no such thing as a mandate or as a preference. Most of the time those programs or the language that is used talks of goals, talks of incentives, and most of the time the words that are used are words that we hear every day, words that today encourage, words that say to the extent practicable. It does not say absolutely, it does not say it has to be, it does not mandate and it does not grant. It only gives in many instances just incentives.

Mr. CLYBURN. Absolutely.

Mr. THOMPSON. If the gentleman will yield on that point, I served on the board of supervisors in the largest county in the State of Mississippi, and one of the notions we looked at was inclusion. When we looked at employment, when we looked at contracts, when we looked at the whole county government, we saw a void of minorities, both women and people of color. We devised a minority preference program, we created an affirmative action program for employment, and I am happy to report that over a period of 6 years to 7 years we increased our contracting from less than 1 percent with minorities to over 25 percent. We had very little opposition to it.

We presented this as the right thing to do, that you cannot expect people who are taxpayers, who make up a significant portion of a community, to just be totally ignored. To ignore it would be in effect illegal in my estimation, especially when you know it is wrong, and you have to plan the corrective action. We did it, it worked, and I am happy to report, as I said to the gentleman, that our county now leads the State in contracting as well as employment.

So, it works if you are committed to it. But if you are not committed to making it work, it will not work.

Mr. HILLIARD. the gentleman is absolutely correct, and there has to be a commitment, and in many instances that commitment must be stated in terms of some positive manner in which the commitment could be carried out, such as a particular program in order to achieve a desired objective.

□ 2200

You know, I recall a program that was set out, one they said was an affirmative action program, and it would benefit minorities, benefit blacks, and, in fact, it benefits more whites than blacks, and I speak particularly about a program that was designed so that the first person in a family can go to college if no one else in his family has ever attended college or ever graduated from college, and that sounded like a very good concept. It is a beautiful objective for this country. We want to

make sure that everyone receives as much education as possible in this country, and we want to encourage families to educate members of their families.

And in situations where you have a family where no one has ever been to college, you want to give some type of encouragement or you want to create some type of positive effort so that those persons will want to go out, so they set up what is called the TRIO program.

The TRIO program was going to be for those persons who in their family no one had ever attended college, and it was set up, and most of the poor people who participate in TRIO programs across America happen to be white, and it is still a good program, but this is an affirmative program. It is set up to achieve a desired result, and we should continue to promote programs like that, because it helped diversify America. It helped educate America, and it helped open America up to everyone so that they could participate.

Let me say the reason why I pointed this out is because today Speaker GINGRICH stated that he would be in favor of an affirmative action policy that promoted people based upon their status or whether they are poor, whether they are in poverty, and so forth, and he wanted to erase certain categories like gender and race and other things.

Well, all well and good. I think that perhaps that would be a good category. I do not have any problems with it. I think we want to get people out of poverty.

So I suggest that, and I submit that, if he proposed a bill that would promote people out of poverty, that would give poor people an opportunity to participate fully in American society, I would cosponsor that bill with him.

Mr. CLYBURN. Let us yield just a moment, if we might; we have been joined by the gentleman from Louisiana [Mr. FIELDS], and I want to go to him in just a minute, because you just talked about the TRIO program.

It was my great honor 2 weeks ago to meet with all of the southeastern participants of TRIO, that is, Outward Bound and Talent Search. It was my great honor to direct the Talent Search program some 25 years ago.

Of course, I know that the gentleman from Louisiana [Mr. FIELDS] was one of those TRIO students, and is a great success story as to how that all works.

I was looking up some statistics trying to figure out, not an affirmative action program, but it was put in place for the express purpose of doing affirmative things: 42 percent of all the students in the TRIO program are white students, 42 percent. Thirty-four percent are black, and the rest are basically Hispanic.

So my point is you can in fact devise a program that will reach out.

Mr. HILLIARD. Yes, an affirmative action program.

Mr. CLYBURN. Affirmative action program, yes, and will use race as just one indicator, because now we must remember that no one was denied access to public accommodations on the basis of their status economically. You were denied access to public accommodations based upon color. There was not a water fountain that says "For lower-income" and "Upper income." It says "For white" and "Colored."

So let us not lose sight on that.

With that, let me yield to our good friend, the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. I thank the gentleman from South Carolina for yielding.

Let me also thank the gentlemen for carrying on this conversation tonight. I was sitting in my office, and I saw the gentlemen on the floor and decided to come over to just speak to one or two subjects.

First of all, let me speak to the subject of the TRIO program. The gentleman from Alabama stated the need for the TRIO program.

I stand, Mr. Speaker, tonight as a product of the TRIO program, and but for the TRIO program, I probably would not be standing here as a Member of this institution, and to have programs such as the TRIO program under attack today certainly is not only unacceptable but is unconscionable and certainly does not warrant merit to have those kinds of programs under attack.

I thank the gentlemen for talking about the TRIO programs, because there are thousands of young people all across the country who need a program like this TRIO program. They are not black students, they are not white students, they are not Democratic students, they are not Republican students, they are just students who need help and students who need assistance. They are students who come from single-parent households like I was. I was a student who came from a single-parent household. I was a student who came from a family of 10. I was a student, and the reason why my family was a single-parent household was simply because my father died when I was 4 years old, and a program like the TRIO program basically just took me in and took other students like me all across Louisiana and all across this Nation and gave us hope and told us just because we came up by way of the rough side of the mountain did not mean we could not reach the top and told us just because we started the race late did not mean we could not finish our course, because the race was not always won by the swift, but sometimes by he who could endure the longest.

It was the TRIO program, Mr. Speaker, when classes and teachers and institutions all across Louisiana called students like me disadvantaged and at risk and underprivileged, it was the TRIO program that said when they call you disadvantaged and at risk, under-

privileged, they are talking about your income. You cannot let your income determine your outcome, because your mind is not disadvantaged. Your mind is not at risk. Your mind is not underprivileged.

I challenge my colleagues today to keep programs like the TRIO program.

Lastly, the gentleman from South Carolina, when I was watching him in my office he was talking about the issue of affirmative action and the gentleman from Mississippi stated that the issue of affirmative action is going to be a very heated debate this session of Congress.

Let me, with the remaining seconds that I have, talk a little bit about affirmative action and put it in its proper context, because I get sick and tired of people talking about affirmative action and making people who benefit from any affirmative action or any set-aside program in America feel illegitimate for some reason or another. As long as people look at affirmative action as two parallel lines, then you are not really looking at affirmative action in the truest sense, because affirmative action is not two parallel lines where you take one person who is less qualified than the other and take the person who is less qualified and bring him to the status of a person who is more qualified simply because of the law called affirmative action.

The better way to state affirmative action, Mr. Speaker, is a big circle where everybody in the circle are qualified, equally qualified, as a matter of fact, but the problem is many people do not get a chance to participate and be a part of that circle. The only way many people in this country get a chance to be a part of that circle and get included inside of that circle is through the actions of affirmative action.

No person should even have a thought tonight that affirmative action takes people who are less qualified and elevates them to the status of people who are more qualified.

The last point I want to make on the issue of affirmative action, even those who talk about affirmative action today, many of them would think the 1965 Voting Rights Act is an affirmative action bill, and the Voting Rights Act was an act that when there were people in this country who worked hard every day, who believed in this country, who went to war and fought for this country, but did not have the right to vote; in many States in this country, they gave them the right to vote, but they had all kinds of impediments so they would not be able to vote.

I recall my own State of Louisiana when a professor who graduated, who got a Ph.D. Degree, who wanted to pass the literacy test in Louisiana, he could state the Preamble to the Constitution, he knew all the facets of the inclusions and the exclusions of the due process clause and the 14th amendment of the Constitution, but a registrar of

voters still had the audacity, tenacity, and gall to ask him how many bubbles are in a bar of soap. That was an exam that he could not pass.

I guess many people today even think that that civil rights legislation was affirmative action, just to give a person the right to vote is affirmative action.

And I submit to you today, Mr. Speaker, that that is not affirmative action, and if it is, there is nothing wrong with it. There is nothing wrong with giving people the opportunity to register to vote and participate in democracy, and I say to my colleagues from South Carolina and Mississippi and Alabama, this is going to be a very, very heated session, because the last thing I want to do as a person who believes in fairness, a person who believes in equality, the last thing I would want to do is to disadvantage any individual in this country to the advantage of another individual in this country.

□ 2210

Mr. HILLIARD. Mr. Speaker, I just want to interject something for a minute, and it is a quote that appeared today in the Washington Post. It was a quote by Speaker GINGRICH. His answer was no to a question that was asked, and the question that was asked was does he believe that affirmative action programs discriminate against white males. And he said no.

So there is no need for any of us to have any problems with affirmative action programs, because everyone realizes and recognizes the fact that these programs are formative in nature. They are not exclusive. They do not exclude anyone, but they just promote and encourage.

Mr. FIELDS of Louisiana. Let me say there is not a person in America who received a job because of affirmative action. People in America receive jobs because they are qualified. There is not a person in this Congress who is in this Congress because of some affirmative action program. You are in Congress because people went to the polls and voted for you. There is not a person in this country who benefited from any affirmative action program simply because they were less qualified. They were as qualified as anybody else.

Let me say this. I wish we would get to the day in this country when we need not have affirmative action. I wish one day I could stand up in this hall, I wish I could stand up at this very microphone, and say there is absolutely, positively no need for any law that even resembles affirmative action.

But until we get to the day of fairness, where people are treated because of their content, and not because of their color, and not because of the accent of their language, then we are not at that point that we ought not have programs that simply give people an opportunity not because they are less qualified, but give them the opportunity because they may be Hispanic,

or they may be black, or they may be a woman, and that is what this program that we call affirmative action is all about. Not to give a person a job because they are less qualified; just give them an opportunity to compete.

I want to commend the gentleman from each State for talking about the need to have programs of fairness, and one day we can all walk into this Chamber and say there is no need any longer for any affirmative action program because the CEO's in America, they are going to treat people fair, they are going to hire women, they are going to hire Hispanics, they are going to hire blacks. There is a need for affirmative action in the area of voting, because people are going to treat people fair. Anyone who wants to register to vote can in fact register to vote. There is no need for affirmative action in the area of scholarship, because presidents of institutions across America are going to grant scholarships to students who deserve them, irregardless of their color.

Mr. CLYBURN. I thank the gentleman for his remarks. Before I go to my good friend Mr. THOMPSON from Mississippi, I want to say I notice that Mr. HILLARD brought up the Washington Post of today. There is another very interesting article in today's Washington Post on the subject of affirmative action. You may recall one of the leading contenders for the Presidential nomination from the other party requested some information from the Congressional Research Department on the question of affirmative action. He has received that. I am pleased to have a copy of that.

The Washington Post did an article today on that, and it is kind of interesting. The subheading indicated that affirmative action as practiced by our Government does not mean quotas.

But that is not the first study to do that. I remember, I think his name was Dr. Leonard, I can't remember his first name at the moment, did a study for President Ronald Reagan, a learned professor from California.

Mr. HILLIARD. The ultra conservative Dr. Leonard.

Mr. CLYBURN. Absolutely. His conclusion, affirmative action works. It does not mean quotas. It works. He went on to say something else, it works for nonblack people as well. And there was even a second study done under the Reagan administration by OFCCP, I don't recall the man's name now that did the study, but Ellen Schlam was the director of OFCCP at the time. The study was done at her direction. That study concluded that affirmative action worked and it did not work to the disadvantage of white males.

So what has happened here is that there has been a concerted effort on the part of those people in our society who would like to see equality of opportunity denied to people who have sort of conjured up all kinds of fears, and they have appealed to the worst in

many of our citizens, and they have turned people against certain segments of our society on this question. But every time it is studied, as was recently done and published today in the Washington Post, they find out that it does not mean what people say it means.

Now let me, before going to Mr. THOMPSON, say this: It is kind of interesting. You know, if we had a container here with a cross-bones on the bottle, nobody would want to touch it because they would say there is poison in there. Well, the fact of the matter is, no matter what is on the label, we have to examine the contents to know what is there.

So the point is there are a lot of programs that have had the affirmative action label put on them which were in fact not affirmative action, and the courts have made that very clear to us.

I yield to my good friend from Mississippi.

Mr. THOMPSON. I am glad you made that point, Mr. CLYBURN. I think the point we have tried to make so far is that affirmative action recognizes that this country in its history has not been fair to everybody. And what we have done by those various laws is to enact opportunities for the affected class so that they can in effect compete. But if you look at the statistics, as you talked about the studies, we see that of all the physicians in this country, only 2 percent are minority. Of all the engineers in this country, only 3 percent are minorities. But as you move forward and look into the professional schools, if you look at the law schools in terms of the ABA-sanctioned law schools and approved, the majority of them have only one African-American faculty member, and a substantial number have zero.

So what we have to do in this country is encourage diversity, we have to encourage inclusion. But for the most part we still have a long way to go. And in this entire discussion of affirmative action, nobody has talked about a remedy to replace it. They are just saying that in effect we have to do away with it.

I submit to you that if we do away with it, and again another quote that came up over the weekend says that as we move toward a color-blind society, which we do not have, the shock therapy of eliminating all preference will defy and destroy our society.

It is wrong. Another Republican made that statement.

They recognize that this is political dynamite that you are playing with, because all the people that most of us know feel very dear about that. You know it is being debated in California. Some of us are prepared from a remedy standpoint to encourage our friends and associates to look at doing like we did in the State of Arizona. Perhaps if they had gone so far as to deny minorities opportunities or to take affirmative action laws off the books, then we should perhaps look toward going else-

where and spending our dollars. And that is one of the responses to this madness over affirmative action that I think you will see more of.

But clearly we cannot allow in the freest country in the world people to start moving backward, taking freedoms and opportunities away from many of the people who built this country by the sweat of their brow, for slave wages, even though most of us were slaves at the time. And we cannot continue to let this go.

So I submit to you the statistics bear out that there is still a need for affirmative action. The statistics bear out the fact that even though there are a lot of laws and orders on the book, that we still need to work at it. And now is not the time to take those laws off the book. Because indeed if we do, we would in fact inflict such a wound on this country that I am not sure that it would ever heal.

□ 2220

Mr. CLYBURN. Thank you very much, Mr. THOMPSON. I do not know how many minutes we have left, but let me go to Mr. HILLIARD for his closing remarks and hopefully he will save a couple of minutes for me to close.

Mr. HILLIARD. Mr. Speaker, let me again thank the gentleman from South Carolina [Mr. CLYBURN] for putting this program together. I wanted to say that Monday night I understand that we will have an opportunity to talk to the American people about affirmative action as a policy, as a national policy, and we want to talk about the objectives that we hope to achieve. Because we want people to understand and to realize that we desire, like everyone else in America, to have a color-blind society. And hopefully we will be able to reach that status sometime in the 21st century. But as it is now, we do not live in a color-blind society. And for us to ignore it or to not believe it means that we wish to remain blind to racial problems in our society and that we wish to accept things as they are instead of making positive or making affirmative changes.

I am glad that the Speaker recognized and said to the American public that affirmative action does not discriminate against white males. In fact, it does not discriminate against anyone. There is no discrimination with affirmative action programs, no quotas, no mandates, no preferences. The only thing we have are goals and incentives, opportunities. All of this is just set up as an attempt to make the playing field level.

It is still tilted because of centuries and decades of laws that mandated discrimination in this country. And it is going to take us some time to get away from that.

I want to help America move away from that, but I know that you cannot have a situation, a fair situation, with the field tilted away from the players unless it is tilted in a direction where all the players are. But if the field is

tilted and some of the players are on one side of the field and some of the players are on the other side of the field, then the field is not level, the game would not be fair. I do not see any reason why we should continue to let Americans say and think that the field is level when, in fact, it actually is not.

Finally, let me say that I wish and I want America to understand that whereas we have been talking about affirmative actions giving incentives and opportunities for us and for other African-Americans, the fact is that most of the people who have profited from affirmative action programs have been white females as well as children, the handicapped, Indians, Hispanics, Asian-Americans, and other minorities in this country. So when you hear affirmative action, you think of something in terms of an objective to be achieved that is set up in a program that would benefit the least of those in our society.

I guess the best ways of closing is for me to say that last night I spoke about a man by the name of Booker T. Washington. I talked about his goals and what he wanted to do in terms of education for America and how he achieved that by establishing Tuskegee University. But I ended with a quote that he made. I wish to make that quote now, because it really fits this conversation.

He stated, "There are two ways of asserting one's strength. One is pushing down and the other is pulling up."

I just wish to say that affirmative action is just pulling up, pulling up everyone.

Mr. Speaker, I thank the gentleman from South Carolina [Mr. CLYBURN]. And I thank the gentleman from Mississippi [Mr. THOMPSON] for his participation.

Mr. CLYBURN. Mr. Speaker, let me just close this special order tonight by thanking the two of you for participating and to say that affirmative action is, in fact, an experiment. We are experimenting with ways to try to level the playing field, ways to try and bring people into the mainstream of our society. But America is an experiment. We are experimenting with something we call democracy. There is no religion that can be called American. There is no culture that can be called American. America is just a place where many cultures, many religions are all here trying to work together, trying to find common ground and in all of that, hopefully, doing so while recognizing and respecting the diversity that exists in all of us.

On March 17, when I get up in the morning, I am going to put on something green, a tie or jacket or something, because I want to join with my Irish American friends in celebrating St. Patrick's Day. It does not take anything away from me to do that. In fact, I feel bigger and better when I do that. And I would hope that the day will soon come when all others can join me

in celebrating those things about my culture that I hold near and dear.

When we can do that, I believe we will have reached that goal that all of us would like to have achieved, that is, a color-blind society.

#### TORT REFORM

The SPEAKER pro tempore (Mr. LARGENT). Under the Speaker's announced policy of January 4, 1995, the gentleman from Ohio [Mr. HOKE] is recognized for 60 minutes as the designee of the majority leader.

Mr. HOKE. Mr. Speaker, tonight, along with the gentleman from Tennessee [Mr. BRYANT] and the gentleman from Omaha, NE [Mr. CHRISTENSEN], we are going to engage in a special order that is going to focus primarily on tort reform and what the need is for that reform, what the Republican conference is going to do about that, how that fits into the Contract With America, and what the American public can expect to see on the floor of Congress in the next 2 to 6 weeks with respect to that.

But before we start talking about tort reform and the need for it, I want to just take a couple of minutes to review what we have done here in the first 50 days, because we are really at the halfway point. I think it is not improper or incorrect to take some time, take a deep breath. We could call this half time. Normally at half time what we get to do is we get to go into the other room and pop open a beer or a soda and take a little time. Because we are on such a fast track here, we really do not have much time.

Mr. Speaker, I yield to the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. I am not sure what kind of sports you have played where at half time you pop a can of beer open, but—

Mr. HOKE. This would be the sport of couch potato watching football.

Normally you get a little breather. Well, we are not going to get much of a breather here, but we would like to take just a moment to celebrate what has been absolutely the most productive 50 days in the entire history of the U.S. Congress.

□ 2230

What have we done exactly? First of all, America faces a brighter future today than it did 50 days ago. Because we took an important step forward, toward ending the immoral practice of piling up debt for future generations by doing two things.

First of all, we passed the balanced budget amendment and we passed the line-item veto. Right now it is up to the Senate, where I understand we have got two more that are going to be on our team, and we are within one vote, maybe we are at that vote even now as we speak, to pass the balanced budget amendment there.

Once again, we are earning America's trust. We have more than doubled the

approval rating of the Congress. We are no longer down in the dumps with lawyers. I happen to be a lawyer, along with my two colleagues tonight. We are no longer rated below used car salesmen. Actually we have crossed the 50 percent threshold if you can imagine that in terms of an approval rating overall.

Before we can go forward with the reforms that we want to change in America, we have to reform the way this place works, change Congress itself, and that is exactly what we did on our opening day with the opening day reforms. We cut committees, we cut committee staffs by one-third, and we actually cut two standing committees in this House. It had not been done since World War II. In addition, we cut about 20-plus standing subcommittees. Most importantly, Congress is now required to live under the same civil rights and employee protection laws as everyone else is.

We have made Washington a more accountable place than it was 50 days ago. The Federal Government can no longer pass legislation, however worthy it might be, that sticks States and communities with the tab. We have restricted the Federal Government's ability to do that. That is the unfunded mandates reform. We are listening a lot more today than we were 50 days ago.

What we are doing in the way of personal security is that we have said we do not know best in terms of crime control. We believe that the local communities do. We have made a block grant approach to this in the Committee on the Judiciary that has been passed on the floor where we are saying that one-size-fits-all government is not the way to go. We want to give our local communities, the police chiefs, the mayors, and citizens boards the opportunity to make their own decisions about how best to combat crime.

The Federal Government had failed to make families safe and more secure, and these new crime measures are fixing that by giving communities the tools that they need.

Finally, we are restoring common sense to Washington with respect to a more rational national security strategy, making it harder for the President to send U.S. troops off on U.N. missions, and we have created a commission to ensure that America's most important national security resources, the men and women in uniform, are going to be able to do the jobs that we ask of them.

There is a lot more work to be done, welfare reform, regulatory and legal reform, Congress' first-ever vote on term limits, something that I strongly support, family tax relief, economic growth tax measures and the spending restraints that are required to pay for all of this.

While the agenda is very daunting, American families have placed a tremendous amount of trust in the 104th Congress. We met the challenge of the