

they do a disservice to the diversity that makes up the greatest democracy in history.

I yield the floor.

EXHIBIT 1

[From the Wall Street Journal Jan. 31, 1997]

BLACK LEADERS TRY TO DENY THOMAS STATUS AS ROLE MODEL

(By Edward Felsenthal)

WASHINGTON.—When Benjamin Carson, a prominent African-American surgeon, was helping organizers find an inspiring speaker to close a weeklong "Festival for Youth" in Delaware this month, he pushed for Supreme Court Justice Clarence Thomas.

It wasn't only Justice Thomas's exalted title and status as one of the country's highest-ranking public servants that attracted Dr. Carson. It also was his remarkable rise from poverty. The two men were acquainted through their membership in the Horatio Alger Society, a group whose members have overcome significant odds to achieve success.

But when the Baltimore surgeon issued the invitation, he never dreamed that he would set off a political firestorm. After an organized protest from a regional chapter of the National Association for the Advancement of Colored People, which threatened to picket the talk, Justice Thomas backed out.

Normally, ethnic organizations are only too eager to have top elected or appointed officials visit and speak to community groups, especially young people. But the Delaware protest was the latest incident in an unusual drive against a public official by some black leaders to deny the conservative, 48-year-old justice a position as a role model within the African-American community.

UNFLATTERING COVER STORIES

Last year, after a school-board member and local parents threatened to protest, a Maryland school temporarily retracted an invitation for Justice Thomas to speak at an awards ceremony for eighth graders. Emerge, an influential magazine among the black intelligentsia, has run two unflattering cover stories on the justice, one portraying him wearing an Aunt Jemima-style kerchief, the other portraying him as a lawn jockey. His judicial decisions also have attracted unusual personal attacks, including a stinging open letter from former U.S. Judge Leon Higginbotham.

Justice Thomas, whose bitter 1991 confirmation hearings became a national spectacle because of Anita Hill's allegations of sexual harassment, is certainly no stranger to controversy. But the recent protests are extraordinary because they have little or nothing to do with the highly charged issues raised during his difficult confirmation. Instead, they have to do almost entirely with Justice Thomas's conservative views and decisions criticizing policies such as affirmative action.

While feminist groups took the lead in fighting against his Supreme Court nomination, this time the criticisms of Justice Thomas are being leveled almost entirely by other blacks. Various civil-rights leaders claim—sometimes in terms that are astonishingly abusive even by Washington standards—that Justice Thomas has betrayed his race by opposing the affirmative-action policies that his critics say helped get him where he is, and by voting with the court's conservatives on other civil-rights issues.

"If white folks want to have Justice Thomas serve as a role model for their kids, that's their business," says Hanley Norment, president of the NAACP's Maryland branch. Mr. Norment, who helped plan the protest against Justice Thomas at the Delaware fes-

tival, dismisses him as a "colored lawn jockey for conservative white interests."

DISSENTING VOICES

A number of black leaders, including national NAACP President Kweisi Mfume, have raised concerns about the campaign against Justice Thomas, and some say African-Americans should take pride in his accomplishments. "This is an embarrassment," says Michael Meyers, executive director of the New York Civil Rights Coalition. Justice Thomas "doesn't hold my views on affirmative action. He doesn't hold my views on race. But he is on the United States Supreme Court, and he's entitled to . . . respect."

That sentiment is echoed even in some seemingly unlikely places. "Of course, he's a role model," says Charles Ogletree, the Harvard Law School professor who was Anita Hill's lawyer during the confirmation hearings. His success proves "that you can come up from poverty and have a huge impact in our society."

Justice Thomas's career has engendered conflicted feelings in black America from the moment he hit the national scene as chairman of the Equal Employment Opportunity Commission in the Reagan administration. Although mainstream black groups such as the NAACP were worried that he was hostile to many civil-rights laws, they opted not to fight his 1989 selection to the federal appeals court in Washington. And although many of those same groups later decided to oppose his elevation to the Supreme Court, some believed that his humble origins might ultimately make him more sympathetic to their civil-rights agenda.

That hasn't happened. He has joined the court's conservative wing in ruling that it's unconstitutional to draw up voting districts primarily on the basis of race. He concurred in a 1995 ruling that put strict limits on federal affirmative action, saying such programs "stamp minorities with a badge of inferiority and may cause them to develop dependencies." He also concurred that year in a decision that curbed school desegregation, expressing astonishment that "courts are so willing to assume that anything that is predominantly black must be inferior."

Other justices participated in these decisions, too, of course. But Justice Thomas's African-American critics seem to view his role as uniquely unforgivable, and that sentiment in turn has provoked the concern about his influence on black youth.

IT DOESN'T AFFECT HIM

Justice Thomas won't comment on the Delaware incident, but friends insist he isn't ruffled. "He's been around long enough dealing with the so-called civil-rights community [that] it doesn't affect him," says Stephen Smith, a Washington lawyer and former law clerk for Justice Thomas.

After the area NAACP leaders threatened their protest, Justice Thomas wrote festival organizers to say that, while he doesn't object to "peaceful demonstrations," he didn't want to distract from the event's focus on children. Finally, says a gleeful Mr. Morment, the Maryland NAACP official, "the guy made some decision that we agree with."

Other black leaders say they too would object if the justice were invited to speak to kids in their area. It is a way of "getting his attention" to communicate that "we're disappointed with the actions that you've taken, and so therefore we can't hold you up as a role model," says Hazel Dukes, president of the New York conference of the NAACP.

It is in one sense ironic that Justice Thomas has provoked such criticism: On a court whose members are more likely to be found speaking at high-brow judicial conferences

than obscure local convention halls, Justice Thomas has shown a special interest in talking with ordinary people, particularly the young. His message is "inspiring and uplifting," says Norman Hatton, a vice principal at the Thomas G. Pullen School in Landover, Md., where the justice spoke at the awards ceremony last summer.

Indeed, even some NAACP leaders are adopting a more conciliatory approach. In a recent speech, Mr. Mfume, the national president, criticized the Maryland chapter, saying protests against Justice Thomas shouldn't rise to such a level that they impede his right to speak. "We must never rush to silence free speech," he said. "It doesn't matter how we feel about Justice Thomas."

Dr. Carson, the surgeon, adds: "Children shouldn't be forced to watch 'a bunch of silly adults . . . put people into corners and castigate them. . . . If anything is a bad role model, that is.'"

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER [Mr. THOMAS]. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the order, morning business is closed.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the order, the Senate will now resume consideration of Senate Joint Resolution 1, which the clerk will report.

The bill clerk read as follows:

A joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States to require a balanced budget.

The Senate resumed consideration of the joint resolution.

Pending:

Dodd amendment No. 4, to simplify the conditions for a declaration of an imminent and serious threat to national security.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from West Virginia [Mr. BYRD] is recognized.

Mr. BYRD. Mr. President, the measure before the Senate is a proposed amendment to the Constitution mandating a balanced budget annually. It is unconstitutional-like. I am not saying it is unconstitutional. If it is riveted into the Constitution, of course it would be constitutional. But I am saying it is unconstitutional-like in its words, which lack the vision, the simplicity, and the majestic sweep of language that we find in the Constitution. Rather, it sounds and reads like a bookkeeping manual on principles of accounting. The amendment is replete with words like "outlays," "fiscal year," "receipts," "estimates of outlays and receipts," "receipts except those derived from borrowing," "repayment of debt principal,"—words which