

minority on the Court. Our concern, in reality, is that our needs have to be met as human beings and as citizens, not only of this country, but indeed of the world.

What we need in terms of actualized concern from the bench, whether the High Court or lower appellate courts, is to see that justice indeed is implemented, that justice must serve the poor, the unhappy, the children, and the aging. It has been said and manifested in the form of a statue that justice is blind. For those in this society and world, the blindfolds of justice should be lifted off justice's face, so that justice can see clearly that all isn't well, and the scale in its hands is tilted. The scales of justice need to be balanced, made equal. This can only be arrived at, if justice can see human needs that confront our modern era.

The Progressive Baptist Convention was founded in 1961, over the issue, oddly enough, of civil rights. And in keeping with one of its founders, the Reverend Dr. Martin Luther King, Jr., and in his spirit and memory, our convention maintains a progressive outlook on life through the manifestation and theology of the church. Therefore, we are not convinced, we have no recourse to recall an Associate Justice. There are too many unanswered questions for us to be in support of the confirmation of Judge Thomas at this time.

Mr. Chairman and members of the committee, thank you for your attention.

The CHAIRMAN. Thank you, Reverend Le Mone.

I was going to ask the difference between the National Baptist Convention and the Progressive National Baptist Convention. I think it has just been answered.

Now, let me ask you all this question, beginning with you, Mr. Hooks. Without going into all of what prompted each of your organizations to conclude that Judge Thomas should not sit on the Supreme Court, would you be willing to or able to tell us what one thing about Judge Thomas is it that you find most disturbing, offensive, troublesome, that would be the thing above all else that should keep him off the Court, in your opinion? Pick out one thing, if you can, for me.

Mr. Hooks. Senator Biden, I would have to repeat what I said, that in his years as a public official, as Assistant Secretary for Civil Rights in the Department of Education and as Chair of the Equal Employment Opportunity Commission, that he showed a disregard for the affirmative action laws. He was opposed to class action, which has been the classic method that has advanced the cause of minorities.

He favored General Meese's attempt to gut Executive Order 11246, promulgated by President Johnson, expanded by President Nixon, and that he has been opposed to the very things of affirmative action that made it possible for him. He climbed up the ladder, and it would seem that he would hand the ladder down. It is his record and his statement, as a public official, that caused the NAACP, very painfully, to have to oppose his nomination.

May I remind you again, sir, that we opposed his nomination as Chair of EECO and we asked for his resignation after his conduct, so this is not a new thing for us.

The CHAIRMAN. I was going to point that out, that this is not a confirmation conversion on the part of the NAACP. This was the

NAACP's position and, as I recall it, you put it out in a sense in the form of a warning, not warning threat, but a warning to all Members of the Senate and the House that this man did not, in your view, share a point of view that would be beneficial to minority Americans, and I acknowledge that. That has been your position for some time.

Mr. HOOKS. He would not represent the best interests of America at this point in time, a transcendent moment in history. When we are trying to move forward, we think he would move the Supreme Court further back.

The CHAIRMAN. Reverend Brown.

Reverend BROWN. I think that it should be underscored here that the American public ought to take note that three predominantly African-American religious bodies came together. In 1917 and 1919, we split over some internal concerns. In 1960, we split over a question of tenure. But for these bodies to be unanimous in the opposition—

The CHAIRMAN. Now, the three bodies you are talking about the National—

Reverend BROWN. The National Baptist Convention USA, Inc., of which Dr. T.J. Jemison is our national president, and our headquarters is in Nashville, TN, and to my left is the general secretary, Dr. W. Franklin Richardson, of New York City, and also a member of our Civil Rights Commission, Dr. Timothy Mitchell. This is the largest religious body in the world of African-Americans. We represent the masses. We preach to thousands every Sunday morning. I might say parenthetically here that maybe you should be sensitized to that by now, but when election time comes around, basically you politicians will make a beeline to the black church, but not in your white church on Sunday morning.

The CHAIRMAN. Reverend Brown, I have probably spent as much time in your black church as maybe even you have sometimes, on occasion.

Reverend BROWN. Because you know that is where the votes are and that is where the voting population is.

The CHAIRMAN. I am very familiar with your church. Now, what I want to know, though, without giving me political advice on where I should and shouldn't be—

Reverend BROWN. No, I am not giving you advice. I am stating a reality.

The CHAIRMAN [continuing]. I want you to answer the question, if you would, please.

Reverend BROWN. Yes, sir.

The CHAIRMAN. What one thing is the most disturbing about Judge Thomas to you and your church, if you had to single out one thing, one most important reason why you don't want him on the bench, the Supreme Court?

Reverend BROWN. He has forgotten what grandma and granddaddy taught us, to look out for each other, and the Lord has blessed you and you ought to be a blessing to somebody else.

The CHAIRMAN. Now, let me ask the same question of you, Reverend Le Mone, if I may.

Reverend LE MONE. Mr. Chairman, that question is the type of interrogatory that demands prior notice of something like 3 weeks. It is a complex issue. At one time, I would—

The CHAIRMAN. If there is no one issue, then just suggest that.

Reverend LE MONE. Very well. I am a minister and I have to give an example, and I will be brief. I at one time was an unofficial tutor in a law school for black law students, preparing them for moot court examinations during their first year. I asked one of the students, can you give me a layman's working definition of what is the law. The student thought for a moment and said law is life. I would say also that the theology of the church has to do with life here on Earth, not in heaven. We want to enjoy life here on Earth and the benefits of the creation that was made for everybody on this Earth.

Equally, the one thing that disturbs us, as the Progressive National Baptist Convention and our sister convention, the National Baptists and the other National Baptist Convention, numbering over 14 million people, about the nominee is inconsistency.

We are living in a world that is unstable and increasingly becoming so by the day, and I think you know better than I, Mr. Chairman, what I am referring to, because you sit in judgment, economic and political judgment, over the welfare of thousands and millions, if not millions of people around the world.

The world is being constantly destabilized. We must have order, not law and order, but stability. Inconsistency does not lend itself towards stability. That inconsistency profoundly disturbs us.

Finally, Judge Thomas is a man of impeccable credentials. He has studied long and hard and has made a success of himself, but that is not for the individual, that is for the group. There is no self-made man or woman on the face of this Earth. It has to do also with the fact that Judge Thomas may be a good Supreme Court jurist, but not now, and I think it is too much of a risk to have Judge Thomas enjoy OJT, on-the-job training, when there is no recourse. It is much too delicate a situation for us to support his nomination, and certainly not his confirmation.

The CHAIRMAN. I thank you for your answer.

Since my time is up, I yield to my colleague from South Carolina.

Senator THURMOND. Thank you, Mr. Chairman.

We are glad to have you gentlemen here and appreciate your appearance. I have no questions.

I just want to say, Reverend Brown, that in view of your statement against this nominee here and the manner in which you say it, you sound more like a politician than a preacher.

I have nothing else to say.

Senator KENNEDY. First of all, I want to welcome all of you to the hearing and say how much all of us appreciate the thoughtfulness of your presentation and the seriousness in which we regard these comments.

Mr. Hooks, in your testimony you talk about, on page 22,

Clarence Thomas' logic is straightforward: he sets up a liberal straw man (blacks have tried to abdicate all responsibility for their own liberation because of prejudice) and then knocks it down by citing some anecdotal evidence of those who survived. He infers from the few that everyone can make it.