

cares about them, that the entire Government of the United States is not a cynical enterprise run by the privileged for the privileged.

I use you, once again, to stand up for equality for justice and for compassion. Vote against the confirmation of Clarence Thomas and assure that women will not once again face death from illegal back-alley abortions, and will assure that women will not suffer discrimination on the job. Nothing that has happened in this country, in my estimation, in the last 50 years has been as important as what Congress has done to guarantee the civil rights of all. The Civil Rights Acts of the 1960's were tremendous steps forward for this country. They gave hope to all of us.

I sit and read every day letters from women who are discriminated against in every way on the job. I can imagine what Ben Hooks' desk must be like, in terms of letters he gets from African-Americans who are discriminated against.

The time has come to put a stop to discrimination. It is in your hands to do that. You can absolutely affect the history of this country, and you can live in the history of this country as those who dared make the American dream a reality, and we ask that you do that by rejecting this nomination.

Thank you very much.

The CHAIRMAN. Ms. Yard, your commitment is never doubted, and you have never been more eloquent than you were today. I thank you, and I am impressed—we all are—that in light of what you have recently undergone physically that you would be here. I can assure you, you don't need any more speech therapy. You did incredibly well.

Ms. YARD. Good. That is very kind of you because—

The CHAIRMAN. That is true.

Ms. YARD. I listen to my own voice, and it doesn't sound like me. It sounds like someone else. So if I sound OK to you, that pleases me a lot.

The CHAIRMAN. You sound all right to everyone, and I thank you for being here. I mean that sincerely. I know it is not easy to be here.

Ms. Smeal.

#### STATEMENT OF ELEANOR SMEAL

Ms. SMEAL. Thank you, Senator Biden.

I am Eleanor Cutri Smeal, president of the Fund for the Feminist Majority, and I come before this committee to express strong and unequivocal opposition to the nomination of Clarence Thomas as Associate Justice for the U.S. Supreme Court. I am submitting into the record formal testimony that was prepared with the assistance of Erwin Chemerinsky, who is a distinguished professor of constitutional law at the University of Southern California.

The CHAIRMAN. Without objection, it will be placed in the record.

Ms. SMEAL. Thank you.

I would like to summarize that testimony but more importantly, in a very short time, to give a feeling of why it is that we have come before you. Molly Yard has come with great determination, although certainly under trying times. I have come in some ways worried that what I would say is redundant, because so many dis-

tinguished civil rights leaders and women's rights leaders have already testified in opposition. I felt, though, that I should come as part of a duty. I was president of the National Organization for Women during part of the time that Clarence Thomas was Chair of the EEOC. Over the past decade, while Judge Thomas was in various public offices, I have held a leadership position in this preeminent women's right organization.

I have reviewed his words and his acts, but more importantly I have witnessed the devastating impact of his philosophy in action on the efforts to curb discrimination. As a person who has spent too many years now working actively to eliminate that discrimination, I know firsthand what his record in office has meant for trying to eliminate discrimination on the basis of race or age, or sex, or sexual orientation, or a whole host of discriminatory factors.

In his record, his performance, and his writings, there is not one shred of evidence in any of this that indicates any willingness on his part to protect the civil liberties or the civil rights of women. In fact, his record is chilling. It represents the furthest rightwing fringe of our Nation.

I believe that his being sworn in represents yet another major threat to the civil rights and liberties of Americans. I will focus my comments simply on women's rights, but, believe me, in my heart I am just as disturbed at his record on the other major areas of civil rights and civil liberties of this Nation.

In the area of abortion—and so many have spoken to that. I do not want to repeat, but I cannot understand how any of you could think that this is a question mark. I cannot understand—when you review his record and his writings, he has gone out of his way, it seems to me, to state that he is opposed to this right of privacy. It is not just in the Lehrman article. It is in other articles that he has stated, that he has inferred that he is opposed.

In the areas of employment, you know his record. He has been a vigorous foe of affirmative action, of timetables and goals, of statistical analysis. And I do not for the life of me know how you enforce laws without having any measures at all.

But in these last minutes—and I know that I have presented very carefully in my testimony and others have presented very carefully in theirs his record—I would like to call attention to the record of this Judiciary Committee. I have testified repeatedly to people I know would stand in opposition to women's rights, and civil rights, and to the right of privacy. You have given the benefit of the doubt to people who, in their record and in their writings, have stood opposed. I plead with you: Do not give the benefit of the doubt yet again to a person whose record is replete with opposition to those very issues you stand for yourselves.

I do this for the process and for the integrity of this process. I think it is an honor to have a deliberative process. I think it does us no good—and I would like to submit into the record the Newsweek article that calls this process a charade. It says that the Thomas confirmation hearings reveal little about the nominee, but

a lot about a ritual process that becomes a caricature of itself. I would like to submit this to the record because I think that this is in the common domain.

The CHAIRMAN. Without objection.

[The article follows:]