

ability and wide experience and meet the highest standards of integrity, judicial temperament, and professional competence." That is the ABA. A thousand lawyers were polled to give that decision.

It just seems to me that it is, I think, not correct when we have been here all these days and found that these things are just not so. I guess that is what makes the hearing vexing.

Well, I haven't asked any questions. I have done that again.

Ms. BRYANT. Senator Simpson, let me just respond to that.

Senator SIMPSON. Yes, please.

Ms. BRYANT. I can speak for my colleagues here and for those that I have worked with as they prepared their testimony in opposition to Judge Thomas. And I will tell you that the kinds of case analysis, his speeches, his writings have been in great detail. So we may disagree on the nature of everyone's testimony, but I was talking about the highlights and simply referring to the comments that were made to the panel before us about what a wonderful person he was. And I think he probably is. But I am talking about his record as a jurist, his record in EEOC, and the Office of Civil Rights, which is what I focused on.

So we may have a disagreement about all of the different people who came before you, but I think the homework has been done, at least by my colleagues here.

Senator SIMPSON. Well, I do appreciate that, and I think the homework has been done by those of us here, too, respectfully. And I think if you can read the decisions about the accusations about the EEOC, hear what he did for women in the *Meritor Savings Bank* case, hear what he did for them with regard to the U.S. Navy and the woman with the sex discrimination case—these things were done by Judge Clarence Thomas, not by some surrogate. And it seems to me that it is so easy to overlook those things, and my purpose is to try to address them.

The *Adams v. Bell* litigation was clearly defined by the man that was his predecessor. He said there was amassed a tremendous backlog of complaints and that Clarence Thomas was the one who just happened to move into the cross hairs at the time that the trigger was pulled.

Now, Singleton wrote about that. That is in the record. I would just say for everything that you can present to us, almost without exception today, everything has been covered and responded to.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Simon.

Senator SIMON. Thank you.

First, I want to join everyone else in welcoming Molly Yard. They didn't take any fire out of you in the hospital. One great advantage of having been there is that even Alan Simpson is good to you now. [Laughter.]

Senator SIMPSON. She kind of got to me.

Senator SIMON. Harriet Woods started off by saying advice and consent is more than a prerogative, it is a protection for the people. If I may modify that excellent statement, by saying it is more than a prerogative, it should be a protection for the people. Whether it is a protection for the people depends on what we do.

If I may differ just slightly—and I am not sure I am differing with the Chairman—in terms of philosophy, that has always been

a consideration. If I may quote Senator Strom Thurmond, in 1968, the Abe Fortas nomination:

It is my contention that the Supreme Court has assumed such a powerful role as a policy-maker in the government, that the Senate must necessarily be concerned with the views of the prospective Justices or Chief Justices as they relate to broad issues confronting the American people and the role of the Court in dealing with those issues.

In 1971, three legal scholars prepared an excellent memorandum for Senator Birch Bayh, and let me just read their summary at the beginning of their memorandum:

Our conclusion, briefly, is that although a nominee's experience, legal ability and personal integrity are necessary conditions for his confirmation to the Supreme Court, they are not and they have never been considered sufficient conditions. It is the Senate's affirmative responsibility to examine a nominee's political and constitutional philosophy, and to confirm his nomination only if he has demonstrated a clear commitment to the fundamental values of our Constitution, the rule of law, the liberty of the individual and the equality of all persons.

That seems to me to be just fundamental, in terms of our responsibility.

If I may ask any of you who cares to respond, I notice that later today we have one group, Concerned Women for America, who is going to be speaking for Judge Thomas. Is it fair to say that the majority of independent women's organizations who have taken a stand have taken a stand in opposition to Judge Thomas?

Ms. WOODS. Yes, and I think it is important to notice the bipartisan nature, too, because there has been a suggestion that the opposition to him is because of his party or political philosophy, and I think that many of these groups are either bipartisan or nonpartisan groups.

Ms. AVERY. I think it is also important to look at income levels. Our membership, as I said, is composed mostly of women who live on lower incomes, and when our board made a decision to see if our membership was interested in testimony in opposition, we received overwhelming responses from women in opposition. I thought that was quite significant for us.

Ms. NEUBORNE. I would just add that I think, you know, there are many women in the Republican Party—indeed, Republican Women for Choices, and organizations like that—who speak out very strongly in favor of a woman's constitutional right to choose, and there is clearly no secret that President Bush has on his agenda appointment of judges who will reverse that policy.

So, I think when Senator Simpson says that, whichever way Clarence Thomas would go, it would be difficult for this committee to decide. I think this committee has to think about the constitutional right of a woman to make that choice, and that is the issue that is up before the Supreme Court, and if this nominee is that fifth vote against that constitutional right for women, that decision will have been made here when this body votes.

Senator SIMON. If I may get one quick question in before that light turns red, and I see it just has—

The CHAIRMAN. Go right ahead.

Senator SIMON. Each of your organizations has taken a stand before the hearings commenced. Has Judge Thomas' testimony in any way ameliorated your feeling? Do you feel better about his nomination than you did before his testimony?

Ms. BRYANT. I would like to address that. The American Association of University Women treads carefully and lightly in decisions like this, because our members are Republican, Democrat, and go across the spectrum. In fact, in the last 5 days, the kind of outpouring from our members, when they have heard and listened—mostly on NPR, because they don't all get C-SPAN—to the testimony, it has become even clearer to them that the record, the track record is what we are afraid of, and that the hearings and listening to Thomas have made them even more afraid of the potential that he would overturn some basic rights for women when he gets on the Court.

Ms. SMEAL. Frankly, the hearings brought up a new issue, and that is his credibility, because there is no question that some of the statements he has made have stretched any reasonable person's credibility. So, if anything, you see more determination and more feeling that this is a vote that is going to be extremely hostile to those women's rights that we hold so dear.

Ms. WOODS. Briefly, I found many women are offended, because, for example, in the whole issue of that White House report, where he responded very quickly on *East Cleveland* and said, oh, I wouldn't want that in. And when the question was, what about these other issues that are more related to women; it was hem, it was haw, it was finally saying, well, of course, I really feel they should have restricted this report; but it wasn't the same sensitivity or respect for those concerns and it reinforced the record which you might have assumed was sort of a get-along, go-along, that's what the administration wanted of the EEOC kind of thing. This now showed that he seemed to be really unresponsive on women's issues.

Senator SIMON. Molly Yard, you have the last word.

Ms. YARD. Senator Simon, what I think you need to understand about the National Organization for Women is that this decision was not made by me nor by our national board. It was made by our entire membership assembled in a national conference, a delegated body selected by their peers back at the grass roots level, and this decision was of the membership of NOW to oppose Judge Thomas.

Listening to the testimony, frankly, I was totally puzzled at the beginning as to why being born into poverty qualified anyone to sit on the Court, why was that such a big to-do. I suppose it may make a person more compassionate, which would be good, but I don't think it qualifies one to sit on the Court, and the more I listened, the less impressed I was with his possible promise for the Court.

Remember that the only people we really have had to count on on the Court are Brennan and Marshall. They are both gone and we need to have a replacement of that caliber, otherwise, women will not have any faith in the Court and we need to have that faith, so that we don't consider what is happening in this country to be a totally hopeless situation as far as women are concerned.

We are discriminated against everywhere, constantly, and now we are being told by the Court that we can't even control our own lives, because of the abortion question. What is going on here is really a very serious development, in terms of our futures and the future of our children, and we are dead serious when we say we want the Judiciary Committee of the U.S. Senate to lead a revolu-