

The CHAIRMAN. Thanks, Mr. Moffitt.

It is kind of fascinating, whether or not Judge Thomas intended it or not, that the two things most prominently promoted by everyone who supports Judge Thomas—not alone, but prominently—are the fact that it would keep a black man on the Court and his humble beginnings. I never thought of it quite in the terms you just stated it, in terms of his standard—although I am not sure that's what he is suggesting.

I also want, Professor Williams, to indicate—and I have been derelict in my duty—that Senator Kohl wanted me to expressly state that he wished he could be here, but he had a scheduling conflict as well that prevents him from being here at the committee hearing.

You all are very articulate and passionate in your views as to why Clarence Thomas should not be on the Court, and I think you capture at a minimum the dilemma that a lot of us, who truly have not made up our minds, are wrestling with. Your comment, professor, about the Philadelphia Inquirer, your reference to it—the Philadelphia Inquirer chose to take a chance and endorsed him; others are going to choose not to take a chance, those who are not sure. But hopefully we'll be able to reach a resolution of that in this committee by next week's end, after I have conferred with my senior Republican colleague as to when we'll schedule this markup.

I thank you all very, very much for taking the time to come and for your continued interest.

It is good to see you, Mr. Burns; welcome back.

Mr. BURNS. Thank you, Senator.

The CHAIRMAN. Thank you all very much.

Now, we have our last-but-not-least panel, who have waited a long time to testify. This is a panel of individuals who have come to testify on behalf of Judge Thomas. The final panel will be testifying in support of Judge Thomas and it includes the following people: Ms. Ellen Smith, on behalf of Concerned Women for America; Dr. George Dumas, national chairman of the Republican Black Caucus; George Jenkins, chairman of the Montgomery County Black Republican Council. It is not a county council, it is a part of the organization?

Mr. JENKINS. Part of the organization.

The CHAIRMAN. I see. Mr. Celes King, on behalf of the Professional Bail Agents; and Connie Mack Higgins, chairman of the D.C. Black Republican Council. I have not had the privilege to be before so many Republicans other than on this committee. It is an honor to have you all here and we are anxious to hear your testimony, and I would implore you all to keep it to 5 minutes.

We will, unless the panel has otherwise decided, begin with you, Ms. Smith, if that is okay.

**STATEMENTS OF A PANEL CONSISTING OF ELLEN SMITH, CONCERNED WOMEN FOR AMERICA; CELES KING, PROFESSIONAL BAIL AGENTS; GEORGE L. JENKINS, JR., CHAIRMAN, MONTGOMERY COUNTY BLACK REPUBLICAN COUNCIL; AND GEORGE C. DUMAS, NATIONAL CHAIRMAN, REPUBLICAN BLACK CAUCUS**

Ms. SMITH. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Ms. SMITH. My name is Ellen Smith. I am legislative counsel for Concerned Women for America, the largest grass-roots women's organization in the country.

The CHAIRMAN. Is that right?

Ms. SMITH. I am here on behalf of Beverly LaHaye, our founder and president, who is unable to be with you today, and I am here on behalf of hundreds of thousands of CWA members across the Nation who do not imbibe the orthodoxy of the feminist establishment and who do support the appointment of Clarence Thomas as Associate Justice to the U.S. Supreme Court.

Judge Thomas' character, temperament, jurisprudence, and professional qualifications clearly show that he should sit on the highest court in the land. To begin with, let me recall the wisdom of George Mason, the author of the Virginia Declaration of Rights. In 1776, he wrote, "No free government or the blessings of liberty can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles."

Throughout his career, and indeed throughout his life, Judge Thomas has reflected these ideals. No one can credibly deny that he is a man of character, compassion, hard work, and uncompromising integrity. These qualities help to explain the level of success he has already achieved at the young age of 43.

And at the same time, as we have witnessed in these hearings, Judge Thomas never fails to acknowledge his personal gratitude and debt for those individuals who encouraged, trained, and assisted him along the way, as well as those larger-than-life heroes who have gone before.

Similarly, the most notable hallmark of Judge Thomas' jurisprudence has been, in Mason's words, a recurrence to fundamental principles. In 1987, Judge Thomas, then Chairman of the Equal Employment Opportunity Commission, wrote, "But what is the ultimate American principle but that contained in the Declaration of Independence: that all men are created equal."

He further argued that the first principles of equality and liberty should inspire our political and constitutional thinking. In so stating, Judge Thomas placed himself in the philosophical company of such distinguished Americans as Thomas Jefferson, Abraham Lincoln, Judge John Marshall Harlan, Frederick Douglas, and Dr. Martin Luther King, Jr.

Judge Thomas recognizes that our fundamental constitutional rights rest upon immutable principles inherent in the very nature of things, not upon personal biases, sentimentality, political majorities, or the musings of would-be social engineers. Sadly, the language of rights has been trivialized by some special interest groups solely concerned with their own narrow political agenda. This certainly is true in the case of some within the so-called women's movement who claim to speak on behalf of American women.

Judge Thomas understands that true rights are a matter of law rather than politics. In this regard, I would note that Judge Thomas has expressed profound appreciation and respect for religious liberty guaranteed by the first amendment. This is of great encouragement to CWA and to other organizations working in both

the legislative and judicial arenas to ensure that our long-cherished first liberty continues to be secured and vigilantly defended.

Some have expressed concern that Judge Thomas' belief in natural law or, if you will, the laws of nature and of nature's God would cause him to disregard court precedent and time-tested constitutional jurisprudence, but such fears are unjustified.

As surely as Judge Thomas' belief in natural law inspires his vigorous defense of individual liberty and equality, it impels his adherence to the rule of law, his high regard for judicial restraint, and his respect for the constitutional scope of judicial authority. In short, Judge Thomas recognizes that it is the duty of a judge to interpret and to state the law, not to propound his or her own pet notions of sound public policy. In his own words, he has no agenda.

Finally, Judge Thomas has professional qualifications that will serve the Court and the Nation well. Having served as an aide to Senator John Danforth, as Assistant Secretary for Civil Rights in the Department of Education, as Chairman of the Equal Employment Opportunity Commission, and currently as a judge on the U.S. Court of Appeals for the District of Columbia, Judge Thomas has distinguished himself in all three branches of the Federal Government.

Mr. Chairman, at the beginning of my testimony I recited an exhortation delivered by George Mason in 1776. His wisdom is no less fitting in 1991, and perhaps more so. Because the character, temperament, judicial philosophy and qualifications of Judge Thomas are in keeping with that wisdom, I respectfully urge the members of this committee to support his confirmation as Associate Justice to the United States Supreme Court.

Thank you.

[The prepared statement of Ms. Smith follows:]