

It is a dilemma. I understand. I have some sense of both sides of the dilemma, but as you said, in a perfect world we wouldn't need affirmative action, at least not in the context it is used now.

Thank you both very, very much, particularly since you were the crossover panel. You were here, the record should show, until after 10 o'clock last night, and you were here at 9 o'clock this morning. So that goes not only to your interest as public-spirited citizens, but also your physical constitution, to spend so much time with us all. Thank you very, very much.

Mr. PALMER. Mr. Chairman, thank you for the opportunity to return, particularly after the benefit of a good night's sleep.

The CHAIRMAN. Thank you very much.

Now, we will move to what was scheduled to be our first panel: Dr. Benjamin J. Hooks, the executive director of the NAACP; the Reverend Dr. Amos Brown, the National Baptist Convention, U.S.A., Inc.; and Rev. Archie Le Mone, Progressive National Baptist Convention.

Gentlemen, welcome.

Mr. HOOKS. Good morning, Senator.

The CHAIRMAN. Good morning, Mr. Hooks, Reverend Brown, Reverend Le Mone. Are you Reverend Le Mone? We have got to move your nameplate down. Sit over there to make it easier, if that is OK. Or if you would rather sit there, it doesn't matter where you sit, actually. They just had your nametag there.

Why don't we begin, gentlemen, in the order in which you were called. We will begin with you, Mr. Hooks. It is a pleasure to have you back here before this committee.

**PANEL CONSISTING OF BENJAMIN L. HOOKS, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE; REV. DR. AMOS C. BROWN, THE NATIONAL BAPTIST CONVENTION, U.S.A., INC.; AND REV. ARCHIE LE MONE, THE PROGRESSIVE NATIONAL BAPTIST CONVENTION**

Mr. HOOKS. Thank you, Senator. Mr. Chairman and members of the committee, I am testifying on behalf of the National Association for the Advancement of Colored People, the Nation's oldest and largest civil rights organization. We oppose the confirmation of Judge Thomas to the Supreme Court. My name is Benjamin Hooks, and I am the executive director and chief executive officer of the NAACP.

In a purely narrow sense, the immediate business before the committee is the nomination of Judge Clarence Thomas to be an Associate Justice of the Supreme Court. But in the broader sweep of our domestic history, there is at hand here a unique, transcendent moment which will significantly define America in our time, what America is, what America can be, what America shall be.

Twenty-five years ago when Justice Marshall became a member of the Supreme Court, our hearts were thrilled and our spirits came alive with renewed hope. We believed then and to this day that out of the bloody trench of collective struggle a fellow child of bondage would help light our future with the glow of progress and to fan the flame of human freedom.

African-Americans for 20 generations have cried vainly for the simple, decent entitlements of the most elemental civil rights, only to be denied. Yet more than any people in this Nation, we fervently believed in the promise that all of us are created equal. Thirty-five years ago, Justice Marshall stood before that Court and prevailed with them, and they, after 150 years, yielded. We thought the long nightmare was over, and yet there were still problems.

We do not speak here of ancient folklore but of a period of time entirely within the lifetime of Judge Thomas, whose nomination to the Supreme Court we must firmly resist. We did not come to this opposition lightly or recently. We opposed Judge Thomas' renomination to the Equal Employment Opportunity Commission, and when he became very hostile to our aspirations, we asked for his resignation. We did not oppose or support him for the appellate court but hoped that he would serve sufficiently long in that position that we might further evaluate his record. But we put it on record then that if he were a nominee for the Supreme Court we would reexamine his record very closely.

We all know affirmative action is a strong, unwavering national policy of inclusion in the vital pursuit of everyday necessities—a home, an education, a job, a promotion. In other words, all that affirmative action requires is a fair break. It is not a quota system nor, in its highest application, a preference system. It guards sharply against a quota system, and we believe that these are the fundamental guarantees of the American Constitution. And yet Judge Thomas has consistently expressed his steadfast opposition.

Now, if the committee pleases, I would like to summarize very briefly our major points of opposition.

First, Judge Thomas in his statements and actions as a Government official has rejected class-based relief as a major element of the solution to both past and present racial discrimination. He has overly emphasized individual relief. We support individual relief, but this is not enough. Does every black have to apply to the police department and be turned down? Does everyone have to be a Rosa Parks and sit on the streetcar and be arrested? Do we have to have a million James Merediths or Arthur Luciuses applying to the University of Alabama or Ole Miss? Or should we have class action relief?

This was a carefully crafted NAACP legal strategy, effectively promulgated by Thurgood Marshall, and we have trouble with the concept that we must get rid of it.

Second, we have trouble with the effects test that he has tried to talk against in the Voting Rights Act because we know that—we believe that without that, the Voting Rights Act was dead.

Third, he has opposed many of the court cases that labored to bring about school desegregation.

Fourth, in 1985, when Executive Order No. 11246 was under attack by Attorney General Meese, Judge Thomas allied himself with Attorney General Meese.

Finally, Judge Thomas' record as a public official at the Department of Education and as Chairman of the Equal Employment Opportunity Commission demonstrate a disrespect for the enforcement of the law. Yes, we appreciate his rise from poverty, but that rise can be exemplified by millions of black Americans. And we be-

lieve that based on the record, we must and we do oppose his confirmation as a Supreme Court Justice.

[The prepared statement of Mr. Hooks follows:]