

CITIZENS FOR LAW AND ORDER, INC.*"dedicated to law and order with justice for all"***TESTIMONY OF****JOHN A. COLLINS****EASTERN REGIONAL DIRECTOR****CITIZENS FOR LAW AND ORDER****BEFORE THE JUDICIARY COMMITTEE OF THE UNITED STATES SENATE****ON THE NOMINATION OF JUDGE CLARENCE THOMAS****AS****ASSOCIATE JUSTICE OF THE SUPREME COURT****SEPTEMBER 19, 1991****OFFICERS**

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Mr. Chairman and Members of the Committee:

My name is Jack Collins and I am the Eastern Regional Director of Citizens for Law and Order (CLO). Our organization was founded twenty-one years ago in Oakland, California, by four concerned citizens who were deeply troubled by the steady growth of violent crime in both their city and nation. For the past two decades, CLO has successfully encouraged ordinary citizens to actively involve themselves in the support of law enforcement agencies. We are committed to reducing violent crime, bringing about a fair and balanced criminal justice system, and rooting out inequities from our judicial processes. We also hold a very special concern for victims and survivors of violent crime and strive constantly to insure for them a central position within the justice system. I, myself, am a victim/survivor -- our nineteen year old daughter, Suzanne, was brutally murdered six years ago.

Against this backdrop of concern and commitment, it is clear to us that the United States Supreme Court plays a telling role in insuring a healthy, fair, and balanced criminal justice system. Its decisions on criminal law impact not only on individual litigants, but they resonate forcefully throughout the Federal and State court systems for years to come. Given this key role of the Court and its individual Justices, CLO was naturally interested in learning as much as possible about the character, views, and legal approach of Judge Clarence Thomas.

Accordingly, we commissioned Barbara K. Bracher, a Litigation Attorney for a major Washington, D.C. law firm, to prepare a report for us on the judicial philosophy of Judge Thomas, as it is reflected in his opinions on criminal law and procedure during his tenure on the United States Court of Appeals for the D.C. Circuit.

Our own research, combined with our reading of Ms. Bracher's report, lead us to the conviction that Judge Thomas will bring to the Supreme Court a voice of reason, fairness, and balance in the area of criminal justice. He is a thoughtful jurist who possesses both a keen intellect and a restrained judicial temperament. With these qualities, he will very likely help to bring much needed certainty and predictability to this area of the law.

Judge Thomas has demonstrated a common sense approach to questions of criminal law and procedure, consistently recognizing the practical problems faced by law enforcement officials on the streets. He has shown throughout all his opinions his firm commitment to established rules of law. He is scrupulous in his observance of controlling precedent and in his careful observation of the proper jurisdiction of the court. He complies with accepted principles of statutory construction using confirmed and traditional tools in construing applicable statutes. Throughout all his opinions, it is evident that he sees his charter as construing and interpreting the law and not shaping it to fit his own predilections or private agenda. While

he has repeatedly expressed concern for protecting the rights of criminal defendants, his open-mindedness and innate sense of fairness and balance promise that he will be as equally forthright in protecting the rights and concerns of victims and the community at large.

But even beyond his legal opinions, it is evident that Judge Thomas has thought deeply and carefully about the scourge of violent crime and its victimization of law abiding citizens. In a 1985 symposium, Judge Thomas was asked about ways to help the inner cities. He responded, "The first priority is to control the crime. The sections where the poorest people live aren't really livable. If people can't go to school, or rear their families, or go to church without being mugged, how much progress can you expect in a community? Would you do business in a community that looks like an armed camp, where the only people who inhabit the streets after dark are the criminals?" Similarly, in a 1987 speech, Judge Thomas returned to this broad theme and noted, "We should be at least as incensed about the totalitarianism of drug traffickers and criminals in poor neighborhoods as we are about totalitarianism in Eastern bloc countries."

Another element which argues for Judge Thomas' sensitivity towards victims of crime is his own history of victimization in a segregated society, where the pain and hurt of discrimination was a daily feature of life. Judge Thomas knows what it is like to be a victim. We are convinced that he will carry these memories

with him to the Supreme Court, along with the sense of injustice they engendered. It is our expectation that with Judge Thomas victims will not be forgotten and invisible players relegated to the margins of the criminal justice system, but rather figures central to the process whose legitimate rights, needs and concerns must be heeded and honored.

Noting these positive judicial attributes of Judge Thomas, along with the fine qualities of character reflected in his background, personal history, and career to date, Citizens for Law and Order, is proud to endorse Judge Thomas' nomination to the United States Supreme Court. Joining us in this endorsement are four Victim organizations from around the country who have come under our "umbrella" configuration for this purpose. Those organizations include: Justice for Murder Victims, San Francisco, California, Survival, Inc., Sault Ste. Marie, Michigan, Memory of Victims Everywhere, Irvine, California, and Citizens Against Violent Crime, Charleston, South Carolina. These organizations, together with CIO, represent more than forty thousand individuals who are actively concerned with criminal justice issues.

Thank you Mr. Chairman and Committee Members for your courtesy and attention.