

The CHAIRMAN. Thank you, Ms. Bryant.  
Ms. Avery.

#### STATEMENT OF BYLLYE AVERY

Ms. AVERY. Thank you. Good morning. I am Byllye Avery, founder and president of the National Black Women's Health Project, and our organization opposes the nomination of Judge Clarence Thomas and we base that position on the following areas: first, the area of self-help.

The National Black Women's Health Project is a self-help advocacy organization committed to improvement of conditions that affect the health status of black women. The organization's philosophy is based on the concept and practice of self-help and mutual support through which members obtain vital information on the prevention and treatment of illness, as well as emotional support and practical assistance. It is largely composed of those sisters who struggle on lower incomes in our society.

Judge Thomas' reference to public statements about self-help as the answer to social ills for black people implies that we have not been using self-help approaches to problem-solving. Rather, the achievement of African American people and the history of self-help development in this country are inextricably bound.

Black people extensively practice self-help today and have done so throughout our history. Slaves worked together to buy each other out of slavery. The first black hospitals were the result of black people pooling their resources to assure the availability of medical care. The list goes on and on; schools, trade and credit unions, banks, newspapers, and other basic services were initiated by black people.

There are many new forms of self-help today, like the ones of our organization. They are a part of a growing tradition. It is not self-help we are lacking, but commitment to the vigorous enforcement of laws protecting our freedoms. That is the piece that is not in place.

Those of us who promote self-help and practice it daily recognize that such activities cannot secure rights and freedoms. No one can self-help themselves to employment, housing, education, or health care when basic access is denied based on discriminatory practices or employers.

The second area is affirmative action. As chairperson of the EEOC, Clarence Thomas was openly hostile to the guidelines developed during the 1960's to prohibit employer practices which have a disparate impact on minority workers and applicants and that cannot be justified as measures of job performance.

These guidelines were also the basis for hundreds of class action suits in the 1970's and 1980's attacking systemic barriers to job opportunities. Thomas said he believed the guidelines encouraged too much reliance on statistical disparities as evidence of employment discrimination, and although he didn't carry through on his threat to repeal the guidelines, he did muzzle efforts by the EEOC to enforce them through suits attacking institutionalized practices of discrimination.

The third area is age discrimination. Hundreds of senior African-American women have suffered in silence as the result of Judge Thomas' violation of the rule of law in failing to act on over 13,000 age discrimination cases. These senior African American women are our mothers and our grandmothers, women who have traditionally held the dirtiest jobs, worked the longest hours for the lowest wages, and received the least amount of praise and recognition, and who have paid a heavy price in order that we might stand here today, and indeed a heavy price that Judge Thomas would be able to sit before you.

The fourth area is reproductive rights. Clarence Thomas' stated belief in—and advocacy of—natural law, which historically has been used to limit the lives and opportunities for women in crafting and applying law principles, and his expressed hostility to the fundamental right to privacy embodied in the *Griswold v. Connecticut* and the *Roe v. Wade* decisions, which protect and guarantee the right of married couples to use contraceptives and for women to choose abortion, is cause for great concern for all women in general and poor African-American women, in particular.

Historically, African-American women have had the least control of their reproductive choices, including if, when, where, and by whom we would have children. Before abortion was legalized in this country, the majority of women who died gruesome deaths from illegally performed abortions, or bore more children than they could adequately care for, were women of color.

Clearly, the right to safe, legal, and inexpensive abortions is critical to the health of African-American women and their families. Given the extreme nature of Judge Thomas' views, the possibility that, if confirmed, he will endorse extreme limitations on women's most fundamental, important right—the right to make their own reproductive choices—is alarming, and his nomination must be vigorously opposed.

The current health crisis in the United States is forcing the Nation to look to health care reforms. African-Americans need public servants who will ensure that health care is protected as a right, and that includes the right to abortion, and ensured by the nature of our birth. We need public servants who will enact legislation that will holistically improve the quality of life for African-Americans.

We reject Judge Thomas and strongly encourage you to reject others that are sent up until we get the right person for the job. We refuse to accept this person because he might be the best of the worst. We are Americans; we deserve to have the very best there is, and we demand that.

Thank you.

[The prepared statement of Ms. Avery follows:]