

Statement of
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Before the
Committee on the Judiciary,
United States Senate

Concerning the Nomination of
Clarence Thomas
as Associate Justice of
the Supreme Court of the United States

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Mr. Chairman, thank you for affording me this opportunity to address you and your colleagues on the Judiciary Committee. I am Beverly LaHaye, founder and President of Concerned Women for America (CWA). I am here today on behalf of hundreds of thousands of CWA members across the nation who do not imbibe the orthodoxy of the feminist establishment, and who support the appointment of Clarence Thomas as Associate Justice to the United States Supreme Court. Judge Thomas' character, temperament, jurisprudence and professional qualifications clearly show that he should sit on the highest court in the land.

First, let me recall the wisdom of George Mason, 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, indeed, his entire 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 enjoyed at the age of forty-three. At the same time, as we have witnessed in these hearings, Judge Thomas never fails to acknowledge his personal gratitude 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, his "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 "[t]he 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, Justice John Marshall Harlan, Frederick Douglass, 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 is certainly true in the case of those within the so-called "women's rights" 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 my organization and others 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.

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.