

Senator HATCH. We will put all statements in the record as though fully delivered. We will make sure the record is open for additional comments.

Ms. Jones, we will turn to you.

Ms. JONES. Thank you, Senator Hatch, for indicating that my statement will be made part of the record.

Senator HATCH. It will.

#### STATEMENT OF ELAINE JONES

Ms. JONES. And I just want to indicate that the Legal Defense Fund is well aware that *Rogers v. Lawrence* was a constitutional case and not based on the statute, section 2. So with that amendment, I want our statement accepted in the record.

Senator HATCH. Without objection, that will be fine.

Ms. JONES. You know, I think it will be more productive for me to take my 3 minutes and really address some of the concerns that the Senators seem to have been raising over the course of the past couple of days.

I mean, you—others, you know, have talked about the continuum, how Mr. Rehnquist and how law clerk Rehnquist and lawyer Rehnquist and Justice Rehnquist are all part of a continuum.

But, you know, you have asked the question about symbol; you know, what kind of symbol would he make. And I have been trying to give some thought to that because the term—it is hard to explain because a lot of these values are amorphous that we are trying to explain to you

And I thought that an explanation might be, in our Nation, that the Chief Justice is the human symbol of the scales of justice; that is what he is; that is what he is. That is the perception.

And it would also, I dare say, be the feeling in the large majority of the black community that with Mr. Rehnquist as the Chief, that those scales would appear to be tipped.

Now, the question has come up about dissent, how many dissents. I do not think the issue is one of the number of dissents. I think the issue is one of the positions that Mr. Justice Rehnquist has been taking in these cases.

Now, we can look at Bob Jones, you know, and we can look at *Batson v. Kentucky*. Now, look at Bob Jones. Certainly, that was dissent. That is not the issue. The Chief Justice of the United States, Mr. Justice Burger, authored that decision.

Now, there are certain kinds of cases that come before the Court that make it clear that we do need a consensus builder on the Court.

*Brown v. Ford* was such a case. What is a consensus builder? What does it take for the Chief to build that consensus? The consensus builder, in my view, means taking Justices who have different points of views and who are from all over the range, and sitting down, finding out areas of agreement, fashioning and crafting an opinion that brings the Nation behind that opinion. And give us the understanding that the opinion we need to respect and follow, and it is an especially important and difficult decision.

In Mr. Justice Rehnquist's case, that's not the kind of consensus builder he would be. For Mr. Justice Rehnquist to build a consen-

sus, he has to have other Justices who think as he thinks. That is quite different.

Senator HATCH. Ms. Jones, your time has expired.

Ms. JONES. Well, thank you very much.

Senator HATCH. Thank you.

[Statement follows:]