

ADVIR

AGE DISCRIMINATION VICTIMS REPARATIONS REGISTRY
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Statement of the
 Age Discrimination Victims Reparations Registry
 to the Senate Judiciary Committee
 Against the Confirmation of Clarence Thomas
 to the Supreme Court of the United States

I appear here today on behalf of the Age Discrimination Victims Reparations Registry. I believe the name of our organization says it all, but we will get into a little more detail about ADVIR, the acronym by which we are known. We hope ADVIR will soon become a household word.

Judge Thomas has been promoted as a conservative. Sounds good but what is it? Conservatism conserves the wealth of the wealthy. Conservatism conserves the power of machine politicians and their handpicked patronage judges, all of whom serve the wealthy at everybody else's expense. Conservatives, and especially Judge Thomas, protect the violators of human rights laws and their profits, and they protect especially age discrimination which is the most profitable form of violation and the most devastating for the victims. Minorities and women can frequently relocate but nobody is out looking to hire age victims. Conservatism is wonderful and should be supported without hesitation by all the wealthy and their judges and politicians, all of whom together are about 1% of the population. But why should the unrich, and we are 99% of the population, support conservatism and conservatives, or even tolerate their abuses any longer? Are we the only victims who recognize our senseless and needless plight? Judge Thomas is a conservative alright, but we should all realize that the word conservative should be the most damning word in the language, and not a code word nor an excuse for human rights abuses.

Growing numbers of people realize that patronage justice is the opposite of justice. Throughout history, patronage justice has been a political tool for protecting the excessive wealth of the wealthy and the abuse of power by the politically powerful. Like all politicians, patronage judges are far from independent or objective. They simply

serve the regime. Were it not so, judges could have long ago awarded damages in effective deterrent amount against one or two major age discriminators, but they did not. We also know from the personal experience of several of our registrants that judges who appear to be sympathetic to the plight of age discrimination victims are simply not assigned any more age discrimination cases. It doesn't matter much, really, because any pro-victim decision, judgment or order is sure to be overturned by appellate patronage judges, which brings us to the nominee at hand. Having bared his teeth on numerous occasions on the public record, his patrons can now trust him to uphold the absolute right of age discriminators to violate the civil and human rights laws with impunity.

Since patronage nominees are politically selected and utilized, it is not only proper but imperative to ask them the most probing and specific questions on issues that will or may come before the Supreme Court, although here we should make an exception because Clarence Thomas's age discrimination record is only too well known to the nation and mankind from his chairmanship at the counterproductive U.S. Equal Employment Opportunity Commission. Others have and will detail the chamber of horrors into which the nominee converted the EEOC and the 145 state and local agencies EEOC finances to emotionally batter and to discourage the few complaining victims from pursuing their cases. In his opposition to the Thomas nomination, Congressman Edward Roybal, chair of the House Select Committee on Aging, summarized the nominee's misdeeds just in the field of age discrimination, under five headings:

1. Judge Thomas allowed thousands of age discrimination complaints to expire and to run afoul of the statute of limitations;
2. Judge Thomas issued unsupervised waiver regulations to enable age violators to coerce or to trick older workers into signing away their basic rights and nominal protections under the Age Discrimination in Employment Act of 1967;

3. Judge Thomas failed to take action to prohibit employers from discriminating against older workers with regard to pension benefits;
4. Judge Thomas defended the use by violators of coercive forced early retirement programs that were age discriminatory; and
5. Judge Thomas supported the use of age limits in apprenticeship and job training programs that exclude older workers.

Detached viewers could say that Clarence Thomas was the answer to the prayers of human rights violators, and he was. But those prayers were directed to Reagan and Bush and not to heavens. Verbal contortions, pretenses and mendacity notwithstanding, we hope it is obvious to all that Thomas is a Big Business front man serving his masters for a patronage judgeship. The NAACP Legal Defense and Education Fund, Inc., study (N.Y. Times, 8/14/91 p.A14) even pinpoints when he became this way: in 1986, when he began assailing Supreme Court decisions upholding affirmative action. Thus he sealed his Faustian bargain with the Reagan regime.

Of all his achievements in protecting and encouraging civil and human rights violators, Supreme Court nominee Clarence Thomas has achieved greater results in age discrimination than in any other field, because that is by far the most profitable of all forms of job discrimination. You cannot replace a black or Hispanic or woman by a comparably qualified white male at half pay. But you can replace a 50 or 60-year old managerial or professional employee with a youngster at half as much pay and less than half as costly fringe benefits. In fact, this has been done many millions of times in recent years, and Thomas has been one of the violators' most effective defenders and protectors.

The N.Y. Times reports that "It was [Thomas's] opposition to preference programs for members of minority groups, friends say, that first brought him into the orbit of a small group of black conservatives who delighted in questioning the views of the traditional civil rights groups. Eventually he came to the attention of the Reagan Administration" (7/2/91 p.A15). Clearly Thomas is one of a small group

waiting to strike a Faustian bargain, charitably put. More frankly, he is a hypocrite who is selling himself as a racism victim to cover for his "conservative" misdeeds in violating the civil rights laws he swore to enforce. Directly and indirectly, Thomas is responsible for an estimated 10 million victimizations by age discrimination alone.

Since everybody in this room knows everything that I have said so far, only decorum prevents me from calling these hearings a charade. On second thought some people take offense when someone belabors the obvious.

At the risk of restating the obvious, it is essential to defeat not only Thomas but also the whole farm system of future judges and politicians subservient to the human rights violators and exploiters of the American people. It is true that the President has the right to nominate anyone he chooses but it is equally true that the Senate has the obligation to confirm only such nominees as will serve the public interest, not just the wealthy and the powerful. With Thurgood Marshall gone, we now have eight injustices just on the Supreme Court, and we cannot afford another injustice. We expect the Senate to muster the courage to send Judge Thomas to join Judge Robert Bork. We believe firmly that the Supreme Court needs to be purged of conservatives, not packed further with the likes of Clarence Thomas.

And here is another thing to consider. So far the Bush regime has vetoed 21 pieces of major social legislation, that were not overridden. For this, we believe the Senate owes Bush a rejection and should send Judge Thomas scurrying to join Judge Robert Bork.

As for America's age victims, our claims are fully documented beyond dispute in the Social Security database and should not require litigation in patronage courts. The monies taken from us illegally and wrongfully have been invested by the discriminators and are in the violators' retained earnings accounts together with profit and interest they earned on our money, and thus available immediately for the payment of reparations at no public expense. In contrast to Willy Lohman, we will not relent nor rest until we collect our due. Thank you.

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 **Letters****THOMAS HITS OLD AGERS**

Age Discrimination Victims Reparations Registry (ADVIR), New York City: Publication of Earl Ofari Hutchinson's opinion on Clarence Thomas (Aug. 28) was a great disservice to your readers and the nation. Verbal contortions, pretenses and mendacity notwithstanding, it should be obvious that Thomas is a big business front man serving his masters for a patronage judgeship. The NAACP Legal Defense and Education Fund study, reported in the *New York Times* (Aug. 14), also shows when he became this way: in 1986, when he began assailing Supreme Court decisions upholding affirmative action. Thus he sealed his Faustian bargain with the Reagan regime.

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protectors. Directly and indirectly, Thomas is responsible for an estimated 10 million victimizations by age discrimination alone.

We have written Sen. Joseph Biden asking that we be scheduled to testify at the Thomas confirmation hearings, and we have a postal return receipt from Biden's office. We doubt that Biden or the regime has the courage to let us testify and to let the whole truth out for all the nation to see.