

The CHAIRMAN. Well, I say to our colleagues from the other body, welcome. Maybe it is more often from your perspective than you would like to think that you have had to come over here and sit around and just wait, and I appreciate it very much. I hope my colleagues understand that we have not been able to, with great precision, indicate when any one panel would be up.

And I want to thank my Republican friends on the committee because we have been going back and forth, a pro panel, a negative panel, a pro again, et cetera. But understanding the incredible constraints on the time of each of our five colleagues from the House side, our Republican friends have agreed to take out of order in the sense that we would have two pro panels in a row.

And we have a genuine array of talent, and also of power on the House side. It is not often we get you before us like this to have all of you there. We are going to keep you 5 or 6 hours, ask you a lot of questions about things that don't have anything to do with this nomination, and I am going to put Conyers under oath and make sure we find out what we do on some of this stuff. He is the toughest ally and toughest opponent on the Judiciary Committee. I know it is not going anywhere unless I get his agreement before it goes.

But at any rate, testifying are the Honorable John Conyers, Jr., from Detroit, MI, representing the 1st District; the Honorable Louis Stokes from Shaker Heights, OH, representing the 21st District; the Honorable Major Owens from Brooklyn, NY, representing the 12th District of New York; the Honorable Craig A. Washington from Houston, TX, representing the 18th District; and the Honorable John Lewis from Atlanta, GA, representing Georgia's 5th District.

Gentlemen, we are indeed honored to have you here and we know how difficult it is for your time because you have equally as many calls upon your time as any member of this committee. Obviously, it is important to you or you wouldn't be here.

Let me yield to the panel and suggest however you all would like to begin, it is up to you. Do you have any preferred order of who would go first?

Mr. CONYERS. No.

The CHAIRMAN. All right. Congressman Conyers, welcome, and we are anxious to hear what you have to say.

STATEMENTS OF A PANEL CONSISTING OF HON. JOHN CONYERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN; HON. LOUIS STOKES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO; HON. MAJOR OWENS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK; HON. CRAIG WASHINGTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS; AND HON. JOHN LEWIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA, ON BEHALF OF THE CONGRESSIONAL BLACK CAUCUS

Mr. CONYERS. Thank you very much, Chairman Biden. It is a pleasure and honor for us to appear here today. We represent here, with myself and Louis Stokes and Major Owens, Craig Washington and John Lewis, the Congressional Black Caucus, which was estab-

lished 21 years ago to protect and advance the interests of African-Americans here in Congress.

We have been democratically chosen to represent the views of our constituents for quite a number of years. We chair 5 full committees and 13 subcommittees, and we come here today as a group sorry to report that our assessment of Judge Thomas' stewardship of key agencies administering civil rights laws is that he has flunked the test.

The record is clear. While at EEOC, the Equal Employment Opportunity Commission, Judge Thomas was, in fact, a lawless administrator, failing to enforce civil rights laws and substituting his own vision for civil rights enforcement. This has been documented in his extraordinary 56 appearances before the Congress. Most of these appearances were controversial, and much of the record expressed exasperation of members of House committees with his administration of the law, as documented in the several General Accounting Office reports on his stewardship.

There are several major issues. One is the issue of credibility, and let me get straight to the point. You are confronted with the dilemma of the enigma of Clarence Thomas. Is he the pugnacious conservative who didn't hesitate to espouse his hostility to traditional civil rights remedies, his support for natural law, his opposition to abortion, his contempt for Congress? Or he is really the moderate trying to get confirmed to the Supreme Court who is retreating from virtually every controversial statement that he has ever made?

It is an important issue, this one of credibility. He couldn't remember personally ever engaging in a discussion about *Roe v. Wade* since 1972. However, in 1987, in a news article in the Chicago Defender, Judge Thomas stated that there was a tremendous overlap of the conservative Republican agenda and black beliefs on abortion, however incorrect that statement may be.

In the 1989 Harvard Journal of Law on Public Policy, in a critique of judicial activism he wrote that the current case provoking the most protest from conservatives is *Roe v. Wade*. Is it credible, then, to believe that he has never discussed this case?

On the issue of the South Africa connection, he told the committee that he was not aware of the representation of South Africa by Mr. Jay Parker, a friend whom he has described as a mentor or hero. But Newsday has reported that in an EEOC staff meeting in 1986, Judge Thomas entered the meeting with a newspaper outlining Parker's relationship with South Africa and discussed for 45 minutes the representation of South Africa by Parker.

In 1987, again, according to the Foreign Agents Registration Act, Judge Thomas attended a dinner for the South African ambassador arranged by Mr. Parker's agency to permit the Ambassador to influence Judge Thomas and other black officials. If Parker was at the dinner, the act requires that Parker inform Thomas that Parker was a paid agent, and I think this issue deserves quite a bit more attention.

There is the whole question of stonewalling before this committee. We have the additional issue of the attack on equal employment opportunity and affirmative action. We are dealing here with a nominee who has literally no private legal experience. He has

only 18 months on the bench, and the most that we have from his record is about 9 years in the executive branch. We ask that our statement be incorporated and reproduced fully into the record.

The CHAIRMAN. Without objection, it will be.

Mr. CONYERS. Thank you. We go to the heart of this matter of his resistance not only before the congressional committees, but even before courts where he was brought for noncompliance. The General Accounting Office has documented very critically many of the acts that he has committed that resist the implementation of law and lead us to conclude that we might not be safe with him as a guardian of those laws that seek enforcement derived from the Constitution.

I close on this point, many have dwelled on the fact that he is an African-American nominee. I would like to point out to you that if, contrary to the views of the Congressional Black Caucus, the Progressive Baptist Church organization, the Convention of Baptist Organizations, the NAACP, State black caucuses of elected officials, the labor movement which includes many African-American leaders—if he were to go on the bench, it is unlikely that any administration within our lifetime would appoint another African-American jurist to this high post.

And so we come here to ask you to apply the same standards that we had to apply. This debate has elevated the critical evaluation of blacks in America about how we choose to support our leaders, and it seems to me that we have made this decision without reference to his race. We come to this conclusion independently, and we urge, as a result of our examination of the record, our experiences with him as members of Congress, that you very definitely reject the nomination of Judge Clarence Thomas.

Thank you very much for this opportunity.

[The prepared statement of Mr. Conyers follows:]