

Senator HATCH. We are limiting the testimony to 3 minutes. However, we will be fair to everybody.

Mr. Mitchell, we will begin with you.

TESTIMONY OF A PANEL CONSISTING OF: CLARENCE MITCHELL III, PRESIDENT, NATIONAL BLACK CAUCUS OF STATE LEGISLATORS, WASHINGTON, DC; ELAINE JONES, ASSOCIATE LEGAL COUNSEL, LEGAL DEFENSE FUND, NEW YORK, NY; ESTELLE ROGERS, LEGAL DEFENSE AND EDUCATION FUND, NATIONAL ORGANIZATION FOR WOMEN, NEW YORK, NY; BENJAMIN L. HOOKS, CHAIRPERSON, LEADERSHIP CONFERENCE ON CIVIL RIGHTS, WASHINGTON, DC; AND JOSEPH RAUH, LEADERSHIP CONFERENCE ON CIVIL RIGHTS

Mr. MITCHELL. Mr. Chairman and distinguished members of the Senate Judiciary Committee, my name is Clarence Mitchell III. I have been a Maryland State legislator for 24 years, all of my adult life, and I testify today as president of the National Black Caucus of State Legislators on the nomination of Associate Justice William Rehnquist to be Chief Justice of the United States.

I come to you with certain deep emotions because it was not too long ago that I sat in a room like this while my father, the late Clarence Mitchell, Jr., testified before this committee in opposition to the nominations of supposed Justices Haynesworth and Carswell.

And I come to you in certainly a spirit of optimism because my father had such great faith in the ability of the U.S. Senate to respond in justice and in fair responses when conditions were perceived to be unfair.

The National Black Caucus of State Legislators, an organization of some 396 black State legislators from 42 States, opposes this nomination because Mr. Justice Rehnquist's entire public career, both on the Court and off the Court, demonstrates unmitigated hostility to the interest of minority Americans.

Even the perception of this Justice's actions leads us to believe that he is racist, that he is antifemale, and that it sends a dangerous message to black America if this committee confirms that appointment.

It sends a dangerous message at a time when we are in the forefront of efforts on South Africa to end apartheid in South Africa, when across the length and breadth of judicial appointments over the last few years a very subtle message is being sent that black America can no longer begin to rely on the Federal courts for relief; that women can no longer rely on the Federal courts for relief.

I commend this committee for the action you took in rejecting the nomination of Jefferson Beauregard Sessions III, who used the tools of the Justice Department to harass blacks in the Black Belt of Alabama—black elected officials, black civil rights leaders—in an effort to intimidate the overwhelming turnout of blacks in those areas just when they were beginning to make progress.

I suggest to you that this appointment is just as dangerous. I suggest to you that the perception of the Chief Justice is important.

Had it not been important, I suggest Abe Fortas would have been the Chief Justice of the Supreme Court.

I say to you perception is important and you ought to know whether or not a Justice—how a Justice feels on the presumption of innocence when the U.S. Attorney General suggests that the presumption of innocence in this country, the very foundation of the building of this country, ought to be done away with.

My written statement is here. I apologize for going over. I have been in and out over the last 3 days because we consider this to be a very important nomination.

Senator HATCH. We understand.

Mr. MITCHELL. Thank you

[The prepared statement follows:]