

The CHAIRMAN. Thank you.
Ms. Axford.

STATEMENT OF NAIDA AXFORD

Ms. AXFORD. Thank you.

Mr. Chairman, members of the committee, thank you for this privilege. I would like to address three points—the obstacles that individual employees have to getting their jobs done, earning a living, and pursuing happiness.

The concern that the American public must have about this committee's inability to receive straight answers from this candidate and the necessity for an open forum for discussion of issues, issues that will be in the employment area, critical issues to the life and liberty of American workers.

Our membership of the National Employment Lawyers Association—we call ourselves NELA—is made up of lawyers who represent the people who are hurt when employment laws are violated. The people that we talk to call us, come to see us, seek out legal advice, and legal counsel because they are confused, disoriented, anxious, nervous, depressed, they are losing weight, they have difficulty sleeping, they are unable to concentrate, they have lost their jobs, they have lost their will and they need help.

We have to send them to the Equal Employment Opportunity Commission in order to have certain laws enforced and I believe that our lawyers are in a prime position to tell you what happens to those people when they go to an agency that does not administer the law, as you, the Congress has created it.

The laws protecting our clients include the title VII, the Age Discrimination and Employment Act, pension laws, OSHA, wage and hour regulations and a variety of issues that are probably going to be addressed by the future Court. There are fundamental employment rights that we consider basic—a safe work place, the right to organize, the retention of fundamental rights so that our clients, your constituents do not have to exchange their liberties and their freedoms for a day's wage.

We would like to have our clients have a Supreme Court that will enforce employment contracts and role expectations in a work place. The civil rights that have been discussed by members coming before this panel may be in jeopardy. And employees are now, with the kind of technology that we face, looking at potential unreasonable encroachments on privacy.

To me, as an employment lawyer representing individual employees, I can liken this situation to those of any American worker. As you can see, Justice Thomas is in an interview process for a job, and just like our employees and anyone who goes for a job, there has been an employment application filled out and filed with the Senate. That employment application lists all of his jobs, all of his information about where he lives, et cetera, just like any American worker.

But unlike any American worker, the employment evaluations that come before a job interview are, in this case, recorded in the annals of many of the congressional reports. And as was noted by one of the people who testified this morning, Judge Thomas ap-

peared before committees 56 times, reporting about controversial, highly critical efforts about his experience before the Equal Employment Opportunity Commission role of leadership.

I urge you to take a look at his job performance. The President has recommended a candidate to you. He has filed his application and now you are in the interview process. You have talked with him and you are looking at the people who make recommendations to you, those of us who can come. I urge you to ask yourself, in this interview process, who is in charge here?

If an applicant came to any other employer and said that they would not answer questions, it would be extremely disturbing to the potential employer. I think the American public is very disturbed. Your constituents deserve some more answers.

We all have common enemies. Those of you who support this candidate, those of us who do not support this candidate—those enemies are fatigue, pressing matters, rush, urgency, competing priorities, family and personal needs. And there are even greater enemies—lack of faith in the legal process, suspicion of Government, and one another, and fear of being harmed.

But we are family and this is a Government of balance and separation of powers. We are governed by a system which recognizes, tolerates and encourages diversity of ideology. Uniformity of thought is the antipathy of our independent minds.

Please let us know, there are many issues likely to be addressed by this Court—privacy rights, dress codes, sexual harassment, disabilities, limitations of damage awards—many, many issues in the employment setting.

But it is not about agreeing with this judge's views. We have a right to know, your constituents have a right to know. The process already exists. I implore you to slow down, take stock, take your time, it is a big decision. This man will have this job for 40 years or more perhaps. Only the hand of God can remove him from his position.

I urge you, ask him more questions, bring him back, make him tell us, make him tell your constituents. Sirs, this has been a deeply moving experience to see the civil rights community bitterly divided on this issue. You need to bring him back, make him answer the questions. And we hope and pray, many of us on this panel, that he will change our minds.

Thank you.

[The prepared statement of Ms. Axford follows:]