

REMARKS OF

THE HONORABLE LOUIS STOKES (D-OH)

BEFORE THE

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
CONFIRMATION HEARINGS ON JUDGE CLARENCE THOMAS

SEPTEMBER 19, 1991

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. I ALSO DEEM IT
A PLEASURE TO APPEAR BEFORE YOU THIS AFTERNOON. OUR APPEARANCE
HERE TODAY, WHILE BORNE IN NECESSITY, IS ALSO BORNE IN PAIN.

WHEN JUDGE THOMAS SHARED WITH YOU THE TOUCHING EXPERIENCE
OF HIS BOYHOOD IN PINPOINT, GEORGIA, HE EVOKED IN EACH OF US THE
MEMORY OF SIMILAR BOYHOODS IN OUR OWN FAMILIES. WHILE WE
WEREN'T BORN IN PINPOINT, WE SHARE WITH HIM THE LIKE AND SIMILAR
CIRCUMSTANCES OF ILL HOUSING, POVERTY, MOTHERS WHO WERE MAIDS,
AND GRANDPARENTS WITHOUT WHOM WE AND OUR MOTHERS COULD NOT HAVE
MADE IT.

NOT JUST JUDGE THOMAS AND MEMBERS OF THE CONGRESSIONAL
BLACK CAUCUS HAVE SHARED THIS COMMON EXPERIENCE. THE MAJORITY
OF BLACK AMERICANS WHO HAVE ACHIEVED IN THIS SOCIETY HAVE SHARED

BOTH THE POVERTY, SEGREGATION AND THE RACIAL INDIGNITIES WHICH EMOTIONALLY OVERCAME JUDGE THOMAS WHEN HE TESTIFIED. THE DIFFERENCE BETWEEN JUDGE THOMAS AND MOST BLACK AMERICANS WHO HAVE ACHIEVED IN SPITE OF POVERTY, ADVERSITY AND RACISM IS THAT MOST OF THEM HAVE NOT FORGOTTEN FROM WHENCE THEY HAVE COME.

WHENEVER POSSIBLE, THEY HAVE USED THEIR EDUCATIONS AND POSITIONS OF ACHIEVEMENT TO HELP ELIMINATE FROM OUR SOCIETY THESE BARRIERS TO EQUAL OPPORTUNITY, LIBERTY AND JUSTICE. IT IS ALMOST UNHEARD OF TO SEE THEM UTILIZE THEIR EDUCATIONS AND POSITIONS TO IMPEDE THE PROGRESS OF THOSE LESS FORTUNATE THAN THEY.

WHEN JUSTICE THURGOOD MARSHALL RETIRED, SENATOR BIDEN WAS QUOTED AS SAYING, "THE SUPREME COURT HAS LOST A HISTORIC

JUSTICE -- A HERO FOR ALL TIMES. I HOPE THE PRESIDENT WILL
NOMINATE A REPLACEMENT WHO IS WORTHY OF THIS GREAT MAN'S PLACE
IN THE COURT AND IN OUR HEARTS."

AS AFRICAN AMERICANS WE NOT ONLY WANTED TO SEE ANOTHER
WORTHY PERSON REPLACE HIM, WE WANTED TO SEE ANOTHER QUALIFIED
BLACK AMERICAN REPLACE HIM. JUSTICE THURGOOD MARSHALL IS A
LEGEND IN AMERICA. AS THE NAACP'S TOP LAWYER, HE TRAVELLED THE
LENGTH AND BREADTH OF THIS NATION WINNING HUNDREDS OF CIVIL
RIGHTS VICTORIES IN ONE COURTROOM AFTER ANOTHER.

HE WAS AMERICA'S GREATEST CONSTITUTIONAL LAWYER, HAVING
WON 29 OF THE 32 CASES HE ARGUED IN THE UNITED STATES SUPREME
COURT. EACH CASE HE WON WHITTLED AWAY AT SOME BARRIER TO
EQUALITY AND JUSTICE CONFRONTING AFRICAN AMERICANS. AS NAACP

LAWYER, SOLICITOR GENERAL, JUDGE OF THE COURT OF APPEALS, AND SUPREME COURT JUSTICE, THURGOOD MARSHALL BECAME A GIANT IN AMERICAN LAW.

I SAID TO YOU EARLIER THAT OUR APPEARANCE HERE, WHILE BORNE IN NECESSITY, IS ALSO BORNE IN PAIN. WE ARE PAINED BECAUSE AS MUCH AS WE WOULD LIKE TO SEE THE DIVERSITY THAT ANOTHER BLACK AMERICAN WOULD BRING TO THE COURT, JUDGE THOMAS IS NOT THE MAN.

OUR OPPOSITION TO JUDGE THOMAS IS NOT DERIVED FROM HIS BEING IN A DIFFERENT POLITICAL PARTY. INDEED, WE EXPECT THE PRESIDENT TO NOMINATE A PERSON FROM HIS OWN PARTY. IN FACT, A WELL RESPECTED REPUBLICAN, GARY FRANKS, IS A MEMBER OF THE CONGRESSIONAL BLACK CAUCUS.

WE DO NOT BELIEVE OR EXPECT THAT IDEOLOGICAL CONFORMITY OR

STRATEGIC AGREEMENT IS REQUIRED OF AFRICAN AMERICANS IN PUBLIC SERVICE.

WHAT IS REQUIRED IN OUR FIGHT FOR JUSTICE IS A DEMONSTRATED COMMITMENT TO THE BROAD BI-PARTISAN APPROACHES THAT HAVE BEEN ADOPTED BY REPUBLICANS, DEMOCRATS, BLACKS, WHITES, HISPANICS, WOMEN AND MANY OTHERS ALIKE.

THE RECORD OF JUDGE THOMAS SHOWS HIS FIRM AND CONSISTENT OPPOSITION TO MANY OF THOSE THINGS OUR PEOPLE NEED MOST URGENTLY. WE CANNOT IGNORE OR EXCUSE CLARENCE THOMAS' RECORD, VIEWS, AND VALUES MERELY BECAUSE HE IS AN AFRICAN AMERICAN.

HIS VIEW OF CONSTITUTIONAL RIGHTS AS HE HAS ARTICULATED THEM AS JURIST, ADMINISTRATOR AND BEFORE THE NATION'S PRESS ARE INCONSISTENT WITH THE INTERESTS OF THE PEOPLE WE SERVE.

AMERICANS IN GENERAL CANNOT AFFORD TO INVEST THEIR FUTURE IN THE HOPE THAT CLARENCE THOMAS WILL CHANGE ONCE HE SITS ON THE SUPREME COURT.

WE WOULD NOT BE CREDIBLE IF WE HAD A STANDARD BUILT UPON THE RACE OF THE NOMINEE. WE BELIEVE THAT THE SAME STANDARD MUST BE APPLIED TO THOMAS THAT WE APPLIED TO ROBERT BORK WHEN WE OPPOSED HIS NOMINATION.

AS MEMBERS OF CONGRESS, WE KNOW JUDGE THOMAS AND WE KNOW HIS RECORD. HE HAS TESTIFIED BEFORE CONGRESSIONAL COMMITTEES MORE THAN 50 TIMES. MOST OF HIS APPEARANCES WERE CONTROVERSIAL AND MUCH OF IT EXPRESSED THE EXASPERATION OF HOUSE COMMITTEES WITH HIS ADMINISTRATION OF THE LAW. HOW JUDGE THOMAS HAS VIEWED HIS LEGAL RESPONSIBILITIES IN THE PAST IS THE BEST EVIDENCE OF

HOW HE WOULD PERFORM AS A SUPREME COURT JUSTICE.

THE CONCLUSION THAT WE HAVE REACHED IS THAT JUDGE THOMAS FAILED OVER THAT PERIOD OF TIME TO CARRY OUT THE CONSTITUTIONAL OBLIGATION OF MEMBERS OF THE EXECUTIVE BRANCH TO "TAKE CARE THAT THE LAWS ARE FAITHFULLY EXECUTED" AND THAT HE EXHIBITED A PERVASIVE DISRESPECT FOR CONGRESS AND FOR THE LEGISLATIVE PROCESS.

OUR CONCLUSION, WHICH IS AMPLY SUPPORTED BY THE EVIDENCE, IS THAT HIS NINE YEARS IN THE EXECUTIVE BRANCH IS ALMOST ALL OF THE EXPERIENCE THAT CLARENCE THOMAS HAS TO OFFER IN SUPPORT OF THE PROPOSITION THAT HE IS QUALIFIED TO SERVE ON THE SUPREME COURT. FAR FROM ASSISTING HIS CANDIDACY, THE PERFORMANCE OF JUDGE THOMAS AS A FEDERAL OFFICIAL PROVIDES POWERFUL REASONS WHY

HE SHOULD NOT BE CONFIRMED.

IN ASKING YOU TO REJECT HIS NOMINATION, WE MUST ASK YOU TO
HOLD PRESIDENT BUSH TO THE SAME STANDARD DEMONSTRATED BY
PRESIDENT LYNDON B. JOHNSON WHO WHEN TIME CAME FOR A BLACK
APPOINTEE TO THE COURT NOMINATED THE BEST CONSTITUTIONAL LAWYER
IN AMERICA. MOREOVER, HIS NOMINEE HAD A DEMONSTRATED COMMITMENT
TO THE VALUES OF THIS NATION IN PROTECTING THE LESS FORTUNATE IN
OUR SOCIETY. JUDGE THOMAS DOES NOT MEET THIS CRITERIA.