

bellion on the committee, and I am not suggesting you should value my chairmanship, it would be helpful to me that you not make me look bad, in light of Simon's chairing of this committee.

All kidding aside, your entire statements will be placed in the record. We have a number of questions for you, so to the extent you can come close to keeping the limit, I would appreciate it.

Has the panel determined how they would like to proceed? Congressman, why don't you begin first, and we will work our way across, that is how we will do it.

**STATEMENT OF A PANEL CONSISTING OF JOHN H. BUCHANAN, JR., POLICY CHAIR, PEOPLE FOR THE AMERICAN WAY; JULIUS CHAMBERS, NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.; JOSEPH L. RAUH, JR., LEADERSHIP CONFERENCE ON CIVIL RIGHTS; ANTONIA HERNANDEZ, ON BEHALF OF THE MEXICAN-AMERICAN LEGAL DEFENSE AND EDUCATION FUND AND THE ALLIANCE FOR JUSTICE; AND WILLIAM LUCY, COALITION OF BLACK TRADE UNIONISTS**

Mr. BUCHANAN. Thank you, Mr. Chairman.

First, People for the American Way Action Fund has additional material we would like to submit for the record.

The CHAIRMAN. Without objection, it will be placed in the record.

Mr. BUCHANAN. Mr. Chairman and Senator Thurmond, it is neither easy or pleasant to come before this committee to testify against the nomination of Clarence Thomas. We do not take this step lightly. In fact, the People for the American Way Action Fund has only once before opposed a Supreme Court nominee.

Like Judge Thomas, I grew up in the Deep South in the bad old days of segregation, discrimination and white supremacy. My profound empathy and identification with black Americans is the reason I became a civil rights activist, as a Representative of Birmingham, AL, in the U.S. Congress. For 16 years, I served as a Representative to many families like Judge Thomas' and have served and do serve as a pastor to black Americans. I am keenly aware of the experience he shares with generations of African-Americans, and I understand the burden they have carried and the road they have traveled.

But in evaluating this nomination to the Supreme Court, the committee knows it must look beyond background and character, for character alone does not tell us what type of a Justice Clarence Thomas would make. Indeed, Mr. Chairman, I would submit that character is a threshold requirement for such a nomination, something that should be a granted and a given. We agree that it is vital to examine Clarence Thomas' record as a public official. That is what the People for the American Way Action Fund did, after Judge Thomas was nominated—reading every speech he made available and every article he had authored, and examining his service at the Office of Civil Rights and the EEOC.

After that searching and thorough process, we concluded that Judge Thomas' record reveals hostility to numerous Supreme Court precedents involving individual liberties and civil rights. In short, Mr. Chairman, Judge Thomas' troubled tenure in the executive branch, his obvious animosity toward Congress, and his oft-ex-

pressed, strongly held views on the vital constitutional issues that will come before the Court suggest that he would join forces with those Justices who would substitute their own judgments for the written law and who willingly disregard legislative directives.

I wish I could say his testimony before this committee had convinced us we were wrong. But nothing in Judge Thomas' 5 days of testimony led us to believe that we had made a mistake. In fact, the testimony only added to our concerns.

As a former Member of Congress, I know that one who aspires to high public office cannot simply disavow his or her prior actions and prior statements. Yet, that is precisely what Judge Thomas did for 5 days. He offered one excuse and evasion after another:

He had not read the document or he did not agree with statements he explicitly endorsed; or he did not mean what he said, it was only rhetoric designed to appeal to his audience; or he had no opinion on, indeed he had never thought about or discussed it; or he was only acting as an advocate for the administration and he would leave what he said in speech after speech in that capacity at the door of his chambers.

Sometimes, Judge Thomas asked the committee to ignore the plain meaning of his statements and writings, especially in the area of natural law. In other instances, Judge Thomas simply stonewalled on matters of great importance to the committee and the country, most notably a woman's right to choose.

Simply stated, Judge Thomas refused to engage in a dialog about his past record or even his view of the Constitution.

It is the Senate's constitutional responsibility to exercise meaningful advice and consent, a role coequal to that of the President. We agree with Senator Thurmond's statement in 1968 at another Supreme Court nomination hearing, when he said: "To contend that we must merely satisfy ourselves that the nominee is a good lawyer and a man of good character is to hold to a very narrow view of the role of the Senate, a view that neither the Constitution itself nor history and precedent have prescribed."

Judge Thomas' disavowals, equivocations, denials and stonewalling are no doubt part of a strategy to advance the nominee's chances for confirmation.

It is not just the liberals who have been concerned about this. One conservative activist said she wished he would be more specific and not try to ride the fence on these issues. Another said it is irritating that the White House strategists apparently feel he has got to go to such lengths to deny that he has a position comparable to the one that the President openly defended during his campaign.

Mr. Chairman, you mentioned the Souter standard might now become the Thomas standard. I would suggest it is the Bush standard, because the real question here is how far the White House will go in seeking to derail the Senate's constitutional obligation of advice and consent.

Whether the committee votes to put a liberal or a moderate or a conservative on the Court, at the very least you should be able to determine which it is you are getting. You should not have to take it on faith alone.

The question the members of this committee must ask is: Am I confident this nominee will protect American's fundamental liber-

ties. That question could not be answered in the affirmative before Judge Thomas' testimony. I would say we have heard in these hearings nothing that would overcome the worrisome aspects of his public record, and I think those questions remain.

It is our deepest hope, therefore, Mr. Chairman, the Senate will not approve this nomination and the erosion of the Court's historic role in protecting individual rights and liberties that it represents.

Thank you.

[The material referred to follows:]