

TESTIMONY

by

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Mr. Chairman, Members of this Distinguished Committee of the U.S. Senate, Judge Thomas, Ladies and Gentlemen:

My name is Niara Sudarkasa, and I am pleased to have the opportunity to appear before you today in my capacity as an individual scholar who supports the nomination of Judge Clarence Thomas for the U.S. Supreme Court.

In my view, Judge Thomas has the education and experience, as well as the intelligence, integrity and high ideals necessary to serve on the nation's highest court. But much of the debate over Judge Thomas' nomination has focused on his ideology, rather than his qualifications.

Many who oppose Judge Thomas and some who support him seem to assume that his ideology can be pigeonholed, and used to predict the positions he will take on cases that will come before the Supreme Court.

From what I have read by and about Judge Thomas, and from what I have heard this week, I believe that he is an open-minded and independent thinker, not one with rigid pre-packaged views. He has been characterized as insensitive to the concerns of African Americans. But I think that because of his independence, and his keen sense of justice and fairness, Judge Thomas looks at all sides of issues when others might be content to examine only one.

For example, Judge Thomas wrestles with the issue of individual rights when considering group entitlements because he knows that fairness and justice are not one-sided concepts. He struggles with the points of conflict between the principle of equality and the practice of affirmative action. But because of his open-mindedness, I believe Judge Thomas can be persuaded to see that in order to redress past discrimination, the concept of equity, rather than strict equality, must be applied. The Constitution speaks of equality, but it also speaks of justice, and under various circumstances, the principle of equity must be applied to insure that justice and fairness will be the end result.

Leaders must be understood in the context of the times that spawn them. This is as true of Judge Thomas as it is of others. As African Americans, we have been fortunate in having a long line of leaders who, in retrospect, seem right for their times. These leaders did not always have the same ideology or agree on strategies, but they all agreed that the goal was to secure freedom and justice for our people, and thereby help to insure freedom and justice for all. Who can say that we are not the better off for having had the benefit of their separate and distinct voices?

In the 1850s, there was Frederick Douglass fighting for the abolition of slavery, for voting rights for free blacks and for what we now call integration. But, there was also Martin Delaney, an equally strong abolitionist, who sought freedom and prosperity through economic and political linkages with Africa, including the establishment of African American settlements on the African continent. The legacy of Douglass is the fight for equal rights; that of Delaney, the struggle for economic empowerment for blacks in America and in Africa.

At the turn of the 20th century, there was Booker T. Washington speaking for vocational education for the masses, self-reliance in the black community, and co-existence with segregation. At the same time, W.E.B. DuBois advocated a liberal education for the "talented tenth", economic interdependence and an end to segregation. Booker T. Washington left us Tuskegee University, a healthy respect for black colleges and other black institutions, and an appreciation of the value of self-help. On the other hand, DuBois' legacy is that of the NAACP, admonition to "the talented tenth" to reach back to help the less fortunate, and the demand that America help those upon whose backs this country was built.

The decade of the 1920s saw the rise and fall of Marcus Garvey, the nationalist, who preached "Africa for Africans" and "Back to Africa", while envisioning a black-owned economic network spanning the Atlantic. In the same decade, A. Philip Randolph, the socialist, emerged as the leading spokesman for jobs and justice here in America. Both Randolph and Garvey were geniuses at mass mobilization and mass organization. Garvey left us a legacy of racial pride, and a commitment to cooperation among Africans "at home and abroad." A. Philip Randolph, who disavowed socialism and became one of the country's greatest labor leaders, taught us the effectiveness of direct action and planted the seeds for fair employment practices legislation.

In more recent times, there was Martin Luther King and Malcolm X, both committed to justice, equality and empowerment, but while Dr. King chose the path of integration, Malcolm chose separation, at least until near the end of his life. Both of them were taken from us in a flash, leaving a legacy of work unfinished and a job to be done.

Different leaders have "brought us thus far on our way." Different voices have spearheaded the crusade for freedom and justice.

Now, in the judicial arena itself, we see the great legacy of Thurgood Marshall, the brilliant architect of legal desegregation and the undefeated champion of civil rights. Thurgood Marshall--a man of and for his times.

Today, as we anticipate the appointment of Clarence Thomas to the Supreme Court, we see in him a leader with a different voice, for a different time. We who have put our faith and confidence in him, now come forth to challenge him to choose well the means by which he will carry on the quest for justice and equality. We ask him to be ever mindful of the words of Robert Hayden, the celebrated African American poet, who suggested that we must not rest until "it is finally ours, this freedom, this liberty...needful to man as air, useable as earth...".

Senators, Judge Thomas: As a nation we must not rest until Dr. King's dream becomes a reality. We cannot rest until we as a people have overcome.