

Senator BROWN. If I may, Mr. Chairman—I see the red light—I would like to ask one followup question.

Senator KENNEDY. It is fine with me if Senator Thurmond agrees.

Senator THURMOND. We have to move on, but go ahead this time.

Senator BROWN. Just briefly, putting aside goals and timetables, obviously that is an area of disagreement. My impression of the judge is that he has a heartfelt commitment to civil rights, acknowledging that there is a significant disagreement in your mind over goals and timetables. But aside from that, at least my impression was he had a heartfelt commitment to civil rights.

Would you share that view or do you disagree in that area as well?

Mr. HOOKS. I disagree, sir. Respectfully, I maintain the experiences are neutral. He talks about his experiences, his grandfather being called a boy. He talks about prejudice and discrimination. But those experiences did not leave him with the lessons of how to overcome that. We have yet to hear from the judge in his official actions basically—with one or two exceptions, of course—how he would overcome that.

He went to the right school, the university of hard knocks, the school of discrimination and prejudice, but he learned the wrong lesson. He seemed to be saying that we do not need Government help, we only need self-help.

We maintain, the NAACP and the Baptist Conventions and the great mass of black people, that we need both self-help and Government help. And Judge Thomas seems to always emphasize only self-help, and that bothers us as to a sincere commitment to the eradication of the problems. He understands and enunciates very well the problem, but the question is: How do we get by the problem? That requires some affirmative action, which he seems to disavow.

Senator BROWN. I appreciate that.

Mr. Chairman, thank you for your indulgence.

Senator KENNEDY. Thank you very much.

Senator Kohl.

Senator KOHL. Thank you very much, Mr. Chairman.

Gentlemen, in a 1959 article for the Harvard Law Review, William Rehnquist wrote that the Senate has the obligation to "thoroughly inform itself on the judicial philosophy of a Supreme Court nominee before voting to confirm him."

Do you feel that we are thoroughly informed on the philosophy judicially of Clarence Thomas?

Mr. HOOKS. I do not think that his testimony has informed you as to his judicial philosophy, and I would have hoped that in his testimony he would have informed you. But I do not think he has.

I hope I have answered your question.

Reverend LE MONE. Following these hearings, Senator, we have seen or read or heard no indication of understanding the judicial philosophy of Clarence Thomas. We have, at best, had vague, elusive, flexible answers to many key issues. And permit me to add that this issue, this nomination, is not about affirmative action only. It is more complicated and complex and comprehensive than that. That is certainly a key issue, but not the sole issue. We do not

want to be interpreted as being here sitting at this table representing one issue that is supposed to be something concerning minorities and women. That is an issue, but not the issue.

Reverend BROWN. I would respectfully say, Senator, that Judge Thomas, in my estimation, has not been forthright in dealing with the issues. And let me say parenthetically here that we must be careful as to how we accept these polls as being gospel truth regarding the position of African-Americans on Judge Thomas.

I happened to stand in a bank on the day before yesterday, and a man came up to me panhandling, wanting the money. And before I gave him the money, I said to him, "What do you think about Clarence Thomas' nomination to the Supreme Court?" He said, "Well, you know, yeah, a brother ought to be up there; yeah, a brother should be up there." I said, "You mean that if this brother is talking against affirmative action, if he has problems with minimum wage, if he misrepresented his sister's status in terms of her being on welfare, if he is in alliance with a socio-religious-political gang that is attempting to turn back the clock on all of our rights, would you support that man?" He said to me, "Rev, you laid something on my brain. No, I don't think he should be on the Supreme Court."

Senator KOHL. Are you then all saying that it is not that we don't know his philosophy—are you saying that we do know his philosophy and that is why you are advocating that we vote against him?

Reverend BROWN. That is right. Now, on some other technical legal question is not an answer to you—

Senator KOHL. Is that what you are saying, Mr. Hooks?

Mr. HOOKS. I am saying, sir, that we opposed him because we thought his judicial philosophy was not what was the basic broad stream of American thought, and particularly African-American thought; that nothing in this confirmation hearing has changed that. He has not expressed, in my judgment, any judicial philosophy except to simply say he can't give an answer to this, he cannot give an answer to that. So we are convinced that his judicial philosophy is wrong for this time, yes, sir.

Senator KOHL. So that he has one, but it is not acceptable.

Mr. HOOKS. That is our position—

Reverend LE MONE. Or entirely understandable.

Mr. HOOKS. Before he testified, and nothing in his testimony, in my judgment, has changed it.

Senator KOHL. All right. I would like to go on.

In an article in last Sunday's Washington Post, Juan Williams said that when Thomas came to Washington in 1982, he was a far more liberal person, even anxious to talk with civil rights groups, but that they snubbed him. And as a result, Thomas became more conservative, and the groups lost an opportunity to have an influence on his development and growth.

Do you have any comment on that?

Mr. HOOKS. My comment is that snubbing and failure to be included is a two-way street. I have served as a public official in Washington. I met some antagonism when I came here, but I made a conscious effort to associate with all of the leaders so that they

could know who I was and what I stood for. And I think that effort was successful.

If Judge Thomas felt he was snubbed, he was a high-ranking Government official, at one time one of the highest ranking in the administration. And I think he had a right and a duty to seek out. I don't think he did that as he should have, and I think that whether or not he was snubbed or not should not change his basic philosophy if he believed in the things that we have been talking about, that he should not have changed that because he felt personally snubbed.

Reverend LE MONE. Senator, in my testimony, I indicated that if the allegation is true that he was snubbed, then certainly a man born and raised in Georgia would go to a black church where acceptance is the order of the day, no matter what your philosophy. He didn't seek out the black church during that time. Had he done so, he would have been educated and would have been in a position to educate. Why he didn't choose that option I don't know, and I think it is his loss.

Reverend BROWN. If I might put it in some homespun wisdom from Mississippi, and maybe from Pin Point, GA, grandmom and granddaddy said he or she who would have friends must first be a friend.

Senator KOHL. Are you saying that this man has walked away from his roots?

Reverend BROWN. He has not been in touch with those old rich roots.

Senator KENNEDY. I think the time is up, Senator. I think we have to express our appreciation to—oh, excuse me. Senator Simpson.

Senator SIMPSON. Mr. Chairman, I thank you and I thank the panel. I was listening to your remarks, and I came over and wanted to participate, to try to do that.

It has been dramatic. I think that is what you intended, to be dramatic. I think it is important to say that Mr. Thomas' responses to questions, at least as I heard them here in several days, indicated that he believes in affirmative action in this respect: He believes in reaching out to increase the applicant pool, increasing the applicant pool, then choosing from that pool the best qualified applicant without regard to race. And I think that that is what most Americans view as—you know, their view is they are against racial preference. They are not against affirmative action. And there is a difference. I know the flashwords don't fit well, but there is a difference.

But, Dr. Brown, in your written statement you say the group wants a nominee who has experienced discrimination. You write that his views reflect hostility toward the African-American community. You write that he is against equality, equal rights, and justice. You claim that he doesn't understand the history of the African-American community.

I can tell you, sir, it is most difficult to reconcile your written and your oral testimony with the Clarence Thomas that we or this committee or this country saw and who we questioned and listened to for 5 days, or with the Clarence Thomas described to us over the