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TESTIMONY AT THE JUDGE CLARENCE THOMAS HEARINGS

September 20, 1991

Russell Senate Building

by

The Progressive National Baptist Convention, Inc.

Mr. Chairman, Members of the Senate Judiciary Committee,

Thank you for the opportunity to testify at today's hearing concerning the nomination of Judge Clarence Thomas. I am officially representing the Progressive National Baptist Convention, Inc., (PNBC). My denomination is one of the historic African-American churches. The Progressive National Baptist Convention has just over 2,000,000 members in approximately 2,300 congregations throughout the United States. Many of our churches are located in states with large urban centers and are attempting to meet the needs that impact on our cities.

It is not uncommon to find as many as 1,500 to 5,000 people who belong to one of our congregations. I think it can be stated that

an African-American Baptist church is made up of a variety of people coming from diverse socio-economic, educational, and varying regional backgrounds. The church in typical African-American life has been and is a place not only for worship but serves the real, unmet needs of our communities. The church represents a place where our human rights and values are reconfirmed as a counterpoint, even today, to the historical and contemporary indignities that have been part of our life experiences in this country.

The Progressive National Baptist Convention, Inc., wishes this testimony to be viewed as speaking analytically and not critically concerning the nomination and possible confirmation of Judge Clarence Thomas. Because of the unique sensitivity surrounding the Thomas nomination, the Convention has not taken lightly the position it has officially adopted at its 30th Annual Session in Pittsburgh, Pennsylvania, in August of this year. Permit me to read the relevant paragraph of the Convention's resolution:

"BE IT THEREFORE RESOLVED that the Progressive National Baptist Convention opposes the nomination of Judge Clarence Thomas to the U.S. Supreme Court until or unless in his Senate hearings he expresses support of the Constitutional rights won in our hard fought struggles for civil rights "

Subsequent to the above, the Convention has concluded that it is not in favor of the confirmation. There are reasons for this and I wish to be brief in explaining them. However, I hope that clarity will not be sacrificed on the altar of brevity.

According to public testimony during the course of these hearings, there has been no convincing statement on the part of Judge Thomas that satisfied our concern as expressed in the relevant paragraph as cited from the resolution adopted by the PNBC last month. Indeed, we have not had answers to questions that are of paramount importance to us as a Christian body made up of citizens who are of African ancestry. We do not and can not accept responses that are cleverly crafted in terms that are just that -- responses, not answers. For example, what is the nominee's real position on capital punishment? His willingness to just look at final judgments handed up to the (Supreme) court is insufficient. Is he, like retiring Associate Justice Thurgood Marshall, opposed to capital punishment? Is the nominee radically concerned, as a human being, with not just the question of human rights, but the right to be human?

The nominee has not answered nor was the question raised about something that goes beyond personal considerations and values, and that question has to do with ecology. Our world is being systematically eroded due to improper stewardship of our natural

and human resources. The former has to do with toxic contamination of land, water and air, and the latter with the right to earn a fair and decent wage for one's work; that an employee, whether female or male, should be paid the same salary and enjoy the same benefits for the same job(s).

Additionally, those people who have spent their productive years earning a living and raising families should not be discriminated against because they are more expensive to employ than someone who is much younger and entering the job market for the first time. This is called age discrimination, and it is uncomfortable to know that an overwhelming amount of complaints concerning age discrimination were unattended to during the nominee's tenure as the head of EEOC. More than that, the statute of limitations has run out and the complainants no longer have any redress or course of action.

It has been said that during his time as a top government official, Clarence Thomas was ostracized by the established civil rights community. Perhaps that was so -- perhaps not. If it was true, the nominee certainly should have gone to the Black church(es) in order to find a forum in which to express his ideas and views. The Black church(es), especially the Baptist church, represent a community wherein a wide range of ideas and positions can be easily

found. He could have, indeed should have, sought out a community in which he would have been welcome because he was a part of that community. He still is.

There are too many critical questions that remain unanswered. Repetition for emphasis, responses are no synonyms for answers to those questions that still linger. That is all we are faced with in these hearings: questions, questions, questions, questions. When in any human situation the dialogue, the conversation, the debate, or when any other interchange takes place, there cannot be more questions at the end than there were at the beginning. Therefore, in good conscience, even in view of the nominee's singular achievements, his sitting on the United States Supreme Court would not be in the best interest of all groups and communities that need progressive jurisprudence in order to ensure, as well as enhance, an egalitarian society under law.

There are those who claim that if Judge Thomas is not successful in these confirmation proceedings, the next nominee may hold regressive views on constitutional rights and liberties. That is not of major concern, neither is the nomination of another minority to the Court a matter of priority. Our concern and the reality that has to be met is that justice must serve the poor, the unhappy, the children, and the aging. It has been said and manifested in a form of a statue that justice is "blind". For those in this society and the world, the blindfold should be lifted

from justice's eyes so it can clearly see that all is not well and the scale in its hand is tilted. That scale needs to be balanced - made equal. That can only be arrived at if justice can see the human needs that confront our modern era.

The Progressive National Baptist Convention was founded in 1961 over the issue of civil rights in keeping with one of its most widely known pastors, Rev. Dr. Martin Luther King, Jr. It is in his spirit and memory that our Convention maintains a progressive outlook on life.

We are not convinced, there are too many unanswered questions for us to support the confirmation of Judge Clarence Thomas at this time.

Supreme Court justices cannot be recalled.

Thank you Mr. Chairman, and members of the committee.

Statement delivered on behalf of the Progressive National Baptist Convention, Inc., by Rev. Mr. Archie Le Mone.