

The CHAIRMAN. Thanks, Mr. Moffitt.

It is kind of fascinating, whether or not Judge Thomas intended it or not, that the two things most prominently promoted by everyone who supports Judge Thomas—not alone, but prominently—are the fact that it would keep a black man on the Court and his humble beginnings. I never thought of it quite in the terms you just stated it, in terms of his standard—although I am not sure that's what he is suggesting.

I also want, Professor Williams, to indicate—and I have been derelict in my duty—that Senator Kohl wanted me to expressly state that he wished he could be here, but he had a scheduling conflict as well that prevents him from being here at the committee hearing.

You all are very articulate and passionate in your views as to why Clarence Thomas should not be on the Court, and I think you capture at a minimum the dilemma that a lot of us, who truly have not made up our minds, are wrestling with. Your comment, professor, about the Philadelphia Inquirer, your reference to it—the Philadelphia Inquirer chose to take a chance and endorsed him; others are going to choose not to take a chance, those who are not sure. But hopefully we'll be able to reach a resolution of that in this committee by next week's end, after I have conferred with my senior Republican colleague as to when we'll schedule this markup.

I thank you all very, very much for taking the time to come and for your continued interest.

It is good to see you, Mr. Burns; welcome back.

Mr. BURNS. Thank you, Senator.

The CHAIRMAN. Thank you all very much.

Now, we have our last-but-not-least panel, who have waited a long time to testify. This is a panel of individuals who have come to testify on behalf of Judge Thomas. The final panel will be testifying in support of Judge Thomas and it includes the following people: Ms. Ellen Smith, on behalf of Concerned Women for America; Dr. George Dumas, national chairman of the Republican Black Caucus; George Jenkins, chairman of the Montgomery County Black Republican Council. It is not a county council, it is a part of the organization?

Mr. JENKINS. Part of the organization.

The CHAIRMAN. I see. Mr. Celes King, on behalf of the Professional Bail Agents; and Connie Mack Higgins, chairman of the D.C. Black Republican Council. I have not had the privilege to be before so many Republicans other than on this committee. It is an honor to have you all here and we are anxious to hear your testimony, and I would implore you all to keep it to 5 minutes.

We will, unless the panel has otherwise decided, begin with you, Ms. Smith, if that is okay.

**STATEMENTS OF A PANEL CONSISTING OF ELLEN SMITH, CONCERNED WOMEN FOR AMERICA; CELES KING, PROFESSIONAL BAIL AGENTS; GEORGE L. JENKINS, JR., CHAIRMAN, MONTGOMERY COUNTY BLACK REPUBLICAN COUNCIL; AND GEORGE C. DUMAS, NATIONAL CHAIRMAN, REPUBLICAN BLACK CAUCUS**

Ms. SMITH. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Ms. SMITH. My name is Ellen Smith. I am legislative counsel for Concerned Women for America, the largest grass-roots women's organization in the country.

The CHAIRMAN. Is that right?

Ms. SMITH. I am here on behalf of Beverly LaHaye, our founder and president, who is unable to be with you today, and I am here on behalf of hundreds of thousands of CWA members across the Nation who do not imbibe the orthodoxy of the feminist establishment and who do support the appointment of Clarence Thomas as Associate Justice to the U.S. Supreme Court.

Judge Thomas' character, temperament, jurisprudence, and professional qualifications clearly show that he should sit on the highest court in the land. To begin with, let me recall the wisdom of George Mason, the author of the Virginia Declaration of Rights. In 1776, he wrote, "No free government or the blessings of liberty can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles."

Throughout his career, and indeed throughout his life, Judge Thomas has reflected these ideals. No one can credibly deny that he is a man of character, compassion, hard work, and uncompromising integrity. These qualities help to explain the level of success he has already achieved at the young age of 43.

And at the same time, as we have witnessed in these hearings, Judge Thomas never fails to acknowledge his personal gratitude and debt for those individuals who encouraged, trained, and assisted him along the way, as well as those larger-than-life heroes who have gone before.

Similarly, the most notable hallmark of Judge Thomas' jurisprudence has been, in Mason's words, a recurrence to fundamental principles. In 1987, Judge Thomas, then Chairman of the Equal Employment Opportunity Commission, wrote, "But what is the ultimate American principle but that contained in the Declaration of Independence: that all men are created equal."

He further argued that the first principles of equality and liberty should inspire our political and constitutional thinking. In so stating, Judge Thomas placed himself in the philosophical company of such distinguished Americans as Thomas Jefferson, Abraham Lincoln, Judge John Marshall Harlan, Frederick Douglas, and Dr. Martin Luther King, Jr.

Judge Thomas recognizes that our fundamental constitutional rights rest upon immutable principles inherent in the very nature of things, not upon personal biases, sentimentality, political majorities, or the musings of would-be social engineers. Sadly, the language of rights has been trivialized by some special interest groups solely concerned with their own narrow political agenda. This certainly is true in the case of some within the so-called women's movement who claim to speak on behalf of American women.

Judge Thomas understands that true rights are a matter of law rather than politics. In this regard, I would note that Judge Thomas has expressed profound appreciation and respect for religious liberty guaranteed by the first amendment. This is of great encouragement to CWA and to other organizations working in both

the legislative and judicial arenas to ensure that our long-cherished first liberty continues to be secured and vigilantly defended.

Some have expressed concern that Judge Thomas' belief in natural law or, if you will, the laws of nature and of nature's God would cause him to disregard court precedent and time-tested constitutional jurisprudence, but such fears are unjustified.

As surely as Judge Thomas' belief in natural law inspires his vigorous defense of individual liberty and equality, it impels his adherence to the rule of law, his high regard for judicial restraint, and his respect for the constitutional scope of judicial authority. In short, Judge Thomas recognizes that it is the duty of a judge to interpret and to state the law, not to propound his or her own pet notions of sound public policy. In his own words, he has no agenda.

Finally, Judge Thomas has professional qualifications that will serve the Court and the Nation well. Having served as an aide to Senator John Danforth, as Assistant Secretary for Civil Rights in the Department of Education, as Chairman of the Equal Employment Opportunity Commission, and currently as a judge on the U.S. Court of Appeals for the District of Columbia, Judge Thomas has distinguished himself in all three branches of the Federal Government.

Mr. Chairman, at the beginning of my testimony I recited an exhortation delivered by George Mason in 1776. His wisdom is no less fitting in 1991, and perhaps more so. Because the character, temperament, judicial philosophy and qualifications of Judge Thomas are in keeping with that wisdom, I respectfully urge the members of this committee to support his confirmation as Associate Justice to the United States Supreme Court.

Thank you.

[The prepared statement of Ms. Smith follows:]

Statement of  
Beverly LaHaye  
President, Concerned Women for America

Before the  
Committee on the Judiciary,  
United States Senate

Concerning the Nomination of  
Clarence Thomas  
as Associate Justice of  
the Supreme Court of the United States

September 20, 1991

Mr. Chairman, thank you for affording me this opportunity to address you and your colleagues on the Judiciary Committee. I am Beverly LaHaye, founder and President of Concerned Women for America (CWA). I am here today on behalf of hundreds of thousands of CWA members across the nation who do not imbibe the orthodoxy of the feminist establishment, and who support the appointment of Clarence Thomas as Associate Justice to the United States Supreme Court. Judge Thomas' character, temperament, jurisprudence and professional qualifications clearly show that he should sit on the highest court in the land.

First, let me recall the wisdom of George Mason, author of the Virginia Declaration of Rights. In 1776 he wrote, "No free government, or the blessings of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles."

Throughout his career, indeed, his entire life, Judge Thomas has reflected these ideals. No one can credibly deny that he is a man of character, compassion, hard work and uncompromising integrity. These qualities help to explain the level of success he has already enjoyed at the age of forty-three. At the same time, as we have witnessed in these hearings, Judge Thomas never fails to acknowledge his personal gratitude for those individuals who encouraged, trained and assisted him along the way, as well as those larger-than-life heroes who "have gone before."

Similarly, the most notable hallmark of Judge Thomas'

jurisprudence has been, in Mason's words, his "recurrence to fundamental principles." In 1987 Judge Thomas, then Chairman of the Equal Employment Opportunity Commission, wrote, "But what is the ultimate American principle but that contained in the Declaration of Independence: that all men are created equal." He further argued that "[t]he first principles of equality and liberty should inspire our political and constitutional thinking." In so stating, Judge Thomas placed himself in the philosophical company of such distinguished Americans as Thomas Jefferson, Abraham Lincoln, Justice John Marshall Harlan, Frederick Douglass, and Dr. Martin Luther King, Jr.

Judge Thomas recognizes that our fundamental, constitutional rights rest upon immutable principles inherent in the very nature of things, not upon personal biases, sentimentality, political majorities or the musings of would-be social engineers. Sadly, the language of "rights" has been trivialized by some special interest groups solely concerned with their own, narrow political agenda. This is certainly true in the case of those within the so-called "women's rights" movement who claim to speak on behalf of American women.

Judge Thomas understands that true rights are a matter of law rather than politics. In this regard, I would note that Judge Thomas has expressed profound appreciation and respect for religious liberty guaranteed by the First Amendment. This is of great encouragement to my organization and others working in both the legislative and judicial arenas to ensure that our long-

cherished, "first liberty" continues to be secured and vigilantly defended.

Some have expressed concern that Judge Thomas' belief in "natural law" or, if you will, the "laws of nature and of nature's God," would cause him to disregard court precedent and time-tested constitutional jurisprudence. But such fears are unjustified. As surely as Judge Thomas' belief in "natural law" inspires his vigorous defense of individual liberty and equality, it impels his adherence to the rule of law, his high regard for judicial restraint and his respect for the constitutional scope of judicial authority. In short, Judge Thomas recognizes that it is the duty of a judge to interpret and to state the law, not to propound his or her own pet notions of sound public policy. In his own words, he has "no agenda."

Finally, Judge Thomas has professional qualifications that will serve the Court and the nation well. Having served as an aide to Senator John Danforth, as Assistant Secretary for Civil Rights in the Department of Education, as Chairman of the Equal Employment Opportunity Commission, and currently as a judge on the U.S. Court of Appeals for the District of Columbia, Judge Thomas has distinguished himself in all three branches of the federal government.

At the beginning of my testimony I recited an exhortation delivered by George Mason in 1776. His wisdom is no less fitting in 1991, and perhaps more so. Because the character, temperament, judicial philosophy and qualifications of Judge

Thomas are in keeping with that wisdom, I respectfully urge the members of this committee to support his confirmation as Associate Justice to the United States Supreme Court.



The CHAIRMAN. Thank you, Ms. Smith. We appreciate it very much.

Mr. King.

#### STATEMENT OF CELES KING

Mr. KING. Thank you very much, Senator Biden. I guess we are here to wrap this up, and that you will go home and we will go home. I came in on the red-eye special this morning, and let me tell you it has been an interesting day, but these lights are pretty tough. So I am going to see if I can't stay within—

The CHAIRMAN. You came from California?

Mr. KING. Yes, sir. I am going to stay within—

The CHAIRMAN. Well, I hope neither of us go home on bail. [Laughter.]

Mr. KING. Well, that is the business that I am in. It is a business that I have become involved in as a result of self-help. When I came along, there was no private nor public kind of help, and I think to a degree many people in the black community have been able to have that as a background.

I can remember when I was a young person and my dad opened up a store, and that meant that he had to go and buy the lumber and he had to put the nails in himself, and there was no bank to help and there never was any thought about public assistance. We can make it out there and we are going to make it, and I certainly like some of the ideas of Judge Thomas.

In our own community, we have established many businesses and we have done a considerable job, not as good as I would like to see. I will mention that I am at some odds with some of my contemporaries. I am the past president of the Los Angeles chapter of NAACP, having served there during those rather turbulent 1960's. For the last 6 years, I have been national president of the Bail Agents Association. There are some 5,000 to 6,000 of us that are there that are licensees, and we are talking about the agencies, and for each one of those agencies we are talking about 8 or 10 people.

We are trying to do a good job, and long ago in this business the question of gender, the question of race is absolutely secondary to the quality of service that you deliver. If you are willing to work 60 to 70 hours a week year in and year out, you do not have those kinds of things as a problem in our industry.

Of course, our principal competitor is you, meaning the governmental services that are out there. But we do want to point out very much that as far as minorities are concerned, there are some businesses that are out here where we have overcome most of these problems, and we have worked at it very hard.

I am also the State chairman of the Congress of Racial Equality in California, and I serve in one other capacity. I represent the county of Los Angeles on the Century Freeway Affirmative Action Committee, and I can tell you that no affirmative action program is going to work unless the people have a self-actualizing approach. They have got to do some self-help or they are not going to be able to do it.

Many of us went to school and we had to work at the same time. I had the GI bill when I came out of the Air Force. I was a pilot in

the Air Force, but after that was over with I paid for every dollar of it because it had not come to the point at which I could reach out and get those types of assistance.

The CHAIRMAN. It was kind of helpful, though, when you had it, wasn't it?

Mr. KING. I am sorry?

The CHAIRMAN. The GI bill was kind of helpful when you had it, though, wasn't it?

Mr. KING. It was, and it was for all of us.

The CHAIRMAN. Right.

Mr. KING. And that is exactly the way that I think that affirmative action should happen. It should be for whoever needs it to the extent that we as taxpayers can afford it. Our industry has to do what we can in order to reduce taxes that people have to pay.

I am coming in under the light. I would like to call that to the chairman's attention. Well, I came in on target anyway.

[The prepared statement of Mr. King follows:]

## TESTIMONY OF CELES KING, III

U.S. SENATE JUDICIARY COMMITTEE  
SEPTEMBER 20, 1991

SENATOR BIDEN, OTHER DISTINGUISHED MEMBERS OF THE SENATE JUDICIARY COMMITTEE. I AM CELES KING III OF LOS ANGELES CALIFORNIA.

I BRING YOU GREETINGS FROM THE CALIFORNIA BRANCH OF THE CONGRESS OF RACIAL EQUALITY, FOR WHICH I AM STATE CHAIRMAN; AND FROM THE PROFESSIONAL BAIL AGENTS OF THE U.S., OF WHICH I AM NATIONAL PRESIDENT.

I AM PROUD TO COME BEFORE YOU THIS MORNING TO PLACE AN EXCLAMATION POINT ON THE EVER INCREASING SUPPORT FOR THE CONFIRMATION OF JUDGE CLARENCE THOMAS TO THE UNITED STATES SUPREME COURT.

IN THE BAIL BOND BUSINESS LONG AGO, WE BEGAN THE PRACTICE OF SELF-HELP AND REMOVED RACIAL AND GENDER GAPS BASED ON THE QUALITY AND QUANTITY OF WORK. OF THE 5,000-PLUS LICENSED PEOPLE IN THE INDUSTRY, WE MUST WORK 60-70 HOURS A WEEK AND WHEN PEOPLE ARE RELEASED FROM CUSTODY, THEY COULD CARE LESS WHO EVER POSTED THE BOND.

I AM ALSO PROUD TO SAY THAT I NOT ONLY SUPPORT JUDGE THOMAS AS AN UNASKED AFRICAN-AMERICAN AND BLACK REPUBLICAN, BUT ALSO AS A PERSON, WHO LIKE MYSELF, EMBODIES THE UNAPOLOGETIC SOUND PRINCIPLES OF HARD WORK AND SELF-HELP.

JUDGE THOMAS' CAREER, IN MY OPINION, IS A GREAT MODEL FOR AMERICAN YOUTH.

I ALSO COME BEFORE YOU NOT ONLY AS A PROPONENT OF THE SELF-HELP PRINCIPLES THAT JUDGE THOMAS EXPOUSES, BUT ALSO AS A PERSON THAT AGREES WITH SOME FORMS OF AFFIRMATIVE ACTION. MY SUPPORT FOR BOTH IS NOT A CONTRADICTION IN TERMS.

AS YOU KNOW, JUDGE THOMAS' NOMINATION FOR SUPREME COURT JUSTICE HAS REIGNITED THE WHOLE AFFIRMATIVE ACTION DEBATE. AS I SAID, I AGREE WITH JUDGE THOMAS' BELIEF THAT MINORITIES MUST UNDERTAKE SELF-HELP TO IMPROVE THEIR ECONOMIC AND SOCIAL WELL BEING.

BUT I ALSO BELIEVE THAT SOME AFFIRMATIVE ACTION PROGRAMS ARE BENEFICIAL AND ESSENTIAL TOWARD ACCOMPLISHING RACIAL EQUALITY AND ECONOMIC EMPLOYMENT.

IN THE LOS ANGELES AREA, THE CENTURY FREEWAY AFFIRMATIVE ACTION COMMITTEE IS AN EXAMPLE OF AN AFFIRMATIVE ACTION PROGRAM WHICH WORKS BUT SELF-HELP IS NECESSARY.

WHILE THE CENTURY FREEWAY POSSESSES ONE OF THE MOST AMBITIOUS AFFIRMATIVE ACTION PROGRAMS IN THE NATION, IT ALSO HAS A NUMBER OF RESOURCES WHICH, WHEN PROPERLY UTILIZED, CONSTITUTE THE FORMS OF SELF-HELP WHICH JUDGE THOMAS HAS LONG PROMOTED.

I BELIEVE THAT ALL AMERICANS, NOT JUST MINORITIES AND WOMEN, SHOULD HEED JUDGE THOMAS' ADVICE OF HELPING OURSELVES, BUT WE MUST ALSO SUPPORT CONSTRUCTIVE AND EFFECTIVE AFFIRMATIVE ACTION PROGRAMS LIKE CFAAAC WHICH ENSURE THAT RACIAL EQUALITY IN EMPLOYMENT AND BUSINESS ARE ACHIEVED.

AGAIN, SEN. BIDEN, I WANT TO THANK YOU AND YOUR COMMITTEE FOR INVITING ME TO PARTICIPATE IN THESE HISTORIC CONFIRMATION

HEARINGS

I AM CONVINCED THAT THE CANDIDATE OF THE HOUR, JUDGE CLARENCE THOMAS, WILL MAKE AN HONORABLE ADDITION TO THE SUPREME COURT. I WILL BE HONORED AND HAPPY TO ENTERTAIN ANY QUESTIONS YOU MAY HAVE.

CELES KING, III  
1530 W. MARTIN LUTHER KING, JR. BLVD  
LOS ANGELES, CALIFORNIA, 90062  
(213) 299-1234  
FAX: (213) 290-KFAX

The CHAIRMAN. Thank you very much.

Chairman Jenkins. By the way, are you one of the fellows I would have to appear before if I wanted to be a candidate in Montgomery County?

Mr. JENKINS. Well, I would hope not. [Laughter.]

The CHAIRMAN. Well said, Mr. Jenkins. Thank you for your testimony. Dr. Dumas. [Laughter.]

Chairman Jenkins.

#### STATEMENT OF GEORGE L. JENKINS, JR.

Mr. JENKINS. Well, thank you, Mr. Chairman and Senator Thurmond. My name is George Jenkins and I am chairman of the Montgomery County Black Republican Council of Montgomery County, MD, an organization composed of African-American businessmen and businesswomen, lawyers, teachers, professionals, retired professionals, civic leaders, and involved citizens. We are one of the significant organized African-American chapters of Republicans in this country.

I appear before you today to testify in support of the nomination of Judge Clarence Thomas to serve as an Associate Justice of the U.S. Supreme Court. We as an organization are affiliated with the Montgomery County Republican Central Committee. This committee consists of 19 members elected to represent the 120,807 registered Republican Party voters who live in Montgomery County.

Our committee has unanimously passed a resolution supporting the nomination of Judge Thomas and I would like to submit that at this point for the record.

The CHAIRMAN. Without objection.

[The information referred to follows:]

## NEWS RELEASE

Melissa Martin Cartano, Chairman of the Montgomery County Republican Central Committee, announced today that the Committee has passed a resolution supporting President Bush's nomination of Judge Clarence Thomas to the United States Supreme Court. As a part of their endorsement the members stated:

We are proud of his personal and professional past and feel confident that his experience within the American scheme has created an individual to be admired and respected. We believe that he is an honorable and well qualified individual who is deserving of the appointment. His experience, objectivity and knowledge will benefit all Americans. Therefore, we believe that Judge Clarence Thomas deserves confirmation for appointment to the Supreme Court.

The Montgomery County Republican Central Committee consists of 19 members elected to represent the 120,807 registered Republican party voters who live in Montgomery County.

August 28, 1991

**Mr. JENKINS.** The Montgomery County Black Republican Council voted unanimously in support of Clarence Thomas to the Supreme Court. We commend President Bush for his selection of a fiercely independent-minded individual who has demonstrated many qualities that distinguish him as a person who is highly qualified to serve on the highest court in the land.

Judge Thomas has a broad and diversified legal career, including assistant attorney general in Missouri, corporate lawyer for Monsanto Co., congressional staffer, Assistant Secretary for Civil Rights for the Department of Education, and appellate judge for the District of Columbia court. Throughout his life and legal career, he has modeled himself on the American dream by progressing through increasingly challenging assignments and carrying out each one very effectively.

During the early years of his life in Georgia, Judge Thomas did not have many of life's comforts and material possessions. However, and perhaps more importantly, he was blessed to have grandparents and religious counselors who taught him the value of hard work, personal integrity, self-discipline, and obdurate perseverance.

In taking to heart these lessons and seizing all available opportunities provided by law, Judge Thomas achieved much of his dream and now stands as a paragon of success in his community and the Nation.

Reflecting on the various experiences and values ascribed to Judge Thomas, we find that many Americans share with him some of the same basic values—respect for and belief in family, religious commitments, dedication to education and being well prepared for opportunities when they come to you, lifelong appreciation of family and teachers who help develop one's character, and an abiding sense of self-help when challenges occur.

Judge Thomas said in a previous confirmation hearing that he had become a lawyer to ensure that minorities were not excluded from opportunities to prosper in our society. He also said that he may differ with others on how best to do that, but the objective has always been to include those who have been excluded.

We have done some research and there are a number of his actions that we would want to submit and include for the record.

The **CHAIRMAN.** They will be included.

**Mr. JENKINS.** There have been many articles in the media concerning Judge Thomas. Some have been supportive and some have been critical, and an issue of whether blacks would support his nomination has been ever-present. It is noteworthy that some have opposed this nomination, and based on recent polls there have been indications that at least 58 percent of American—blacks approve the nomination of Judge Thomas to the Supreme Court. I represent a group of African-Americans that unanimously support Judge Thomas.

Gentlemen, Clarence Thomas, a product of the unique American experience, now seeks your confirmation. We, the Montgomery County, Maryland, Black Republican Council, support the nomination of Judge Thomas as an Associate Justice of the Supreme Court, and believe that he has the moral fortitude, intellect, breadth of experience, and regard for the appropriate interpretation of the Constitution. In view of these prime requirements for a

Supreme Court Justice, we urge the Senate to confirm Judge Thomas.

Thank you for the opportunity.

[The prepared statement of Mr. Jenkins follows:]



STATEMENT OF  
GEORGE L. JENKINS, JR

CHAIRMAN  
MONTGOMERY COUNTY BLACK REPUBLICAN COUNCIL  
MONTGOMERY COUNTY, MARYLAND  
BEFORE THE  
SENATE JUDICIARY COMMITTEE  
U.S. SENATE

20 SEPTEMBER, 1991

Mr. Chairman and Members of the Committee:

My name is George Jenkins and I am Chairman of the Montgomery County Black Republican Council of Montgomery County, Maryland, an organization composed of African American businessmen and businesswomen, lawyers, teachers, professionals, retired professionals, civic leaders, and involved citizens. We are one of the significant, organized African American chapters of Republicans in this country. I appear before you today to testify in support of the nomination of Judge Clarence Thomas to serve as an Associate Justice of the United States Supreme Court.

The Montgomery County Black Republican Council voted unanimously in support of Clarence Thomas to the Supreme Court. We commend President Bush for his selection of a fiercely independent-minded individual who has demonstrated many qualities that distinguish him as a person who is highly qualified to serve on the highest Court in the land. Judge

Thomas has had a broad and diversified legal career including Assistant Attorney General in Missouri, corporate lawyer for Monsanto Company, Congressional staffer, Assistant Secretary for Civil Rights for the Department of Education, and Appellate Judge for the District of Columbia Circuit. Throughout his life and legal career, he has modeled himself on the American dream by progressing through increasingly challenging assignments and carrying out each one very effectively.

During the early years of his life in Georgia, Judge Thomas did not have many of life's comforts and material possessions. However, and perhaps more importantly, he was blessed to have grandparents and religious counselors who taught him the value of hard work, personal integrity, self-discipline, and obdurate perseverance. In taking to heart these lessons and seizing all available opportunities provided by the law, Judge Thomas achieved much of his dream and now stands as a paragon of success in his community and the nation. Reflecting on the various experiences and values ascribed to Judge Thomas, we find that many Americans share with him some of the same basic values: respect for and belief in family; religious commitments; dedication to education and being well prepared for opportunities when they come to you; life-long appreciation of family and teachers who help develop one's character; and an abiding sense of self-help when challenges occur.

Judge Thomas said in a previous confirmation hearing that he had become a lawyer to ensure that minorities were not excluded from opportunities to prosper in our society. He also said that he may differ with others on how best to do that, but the objective has always been to include those who have been excluded.

When he was chairman of the Equal Employment Opportunity Commission (EEOC) Clarence Thomas compiled an outstanding record of accomplishments. He revitalized the agency, making it proactive rather than reactive, and emphasized its law enforcement mission. Judge Thomas' philosophy on affirmative action has been stated in many speeches -- every American should have the affirmative opportunity to advance and succeed on his or her merit in our society.

Notably, under the leadership of Clarence Thomas, the Commission:

\*\*\*secured over a billion dollars in relief for victims of discrimination;

\*\*\*filed more than 3,000 legal actions in U.S. District Courts during his tenure. In 1983, the Commission filed 195 lawsuits; by 1990 that annual figure had more than tripled to 640;

\*\*\*instituted policies to insure that every charge filed was fully investigated and litigated with full relief sought for

victims of discrimination;

\*\*\*transformed and revitalized the work environment at EEOC and revamped and improved the case processing system;

Under Judge Thomas, the EEOC championed the rights of older workers by:

\*\*\*fully investigating and prosecuting charges of age discrimination under the Age Discrimination and Employment Act (ADEA);

\*\*\*securing a total of \$389.7 million in benefits under the ADEA from 1982-1990;

\*\*\*filing 781 ADEA lawsuits from 1982 - 1990;

\*\*\*filing pattern and practice/class action lawsuits that represented annually between one-third and three-fourths total ADEA lawsuits; and

\*\*\*establishing standards and procedures to reconcile older workers' ADEA rights and benefits achieved through collective bargaining.

There have been many articles in the media concerning Judge Thomas. Some have been supportive and others have been critical, and an issue of whether blacks would support his nomination has been ever present. It is noteworthy that while certain institutions, notably the NAACP and the Congressional Black Caucus, have opposed Judge Thomas' nomination, recent polls have indicated that at least 58% of American blacks approve of the appointment of Judge Thomas to

the U.S. Supreme Court. I represent a group of African Americans that unanimously support Judge Thomas.

We believe that Judge Thomas is an independent thinker and a highly qualified and able jurist. He has personal integrity, compassion, and intellectual honesty. Notably, Judge Thomas has stated that he has no intention of sacrificing his principles to accommodate others or because it would be expedient. We believe that Clarence Thomas is a fair judge who will interpret our constitution rightly and properly, and make decisions consonant with the intentions of our forefathers, instead of engaging in judicial legislating. We also believe that Judge Thomas is deeply committed to individual rights and will bring a broad and unique experience and perspective to the Court not shared by the other Justices.

Finally, we believe that Clarence Thomas has committed himself to hard work and excellence. As a product of a great and diversified American work ethic, Clarence Thomas should be applauded for his personal and professional achievements in spite of enormous difficulties. Because of his personal background, the offices he has held in government service, and his life's experiences, Judge Thomas understands the needs of all Americans including minorities, women, the elderly and the handicapped.

Distinguished Senators, Clarence Thomas, a product of a unique American experience, now seeks your confirmation. We, the Montgomery County (MD) Black Republican Council, support the nomination of Judge Clarence Thomas as Associate Justice to the United States Supreme Court and believe that he has the moral fortitude, intellect, breadth of experience, and regard for the appropriate interpretation of the constitution. In our view, these are the prime requirements for a Supreme Court Justice and we urge the Senate to confirm Judge Thomas.

Mr. Chairman, this concludes my prepared statement. Thank you for the opportunity to appear before you to offer this testimony.

The CHAIRMAN. Thank you very much, Mr. Jenkins.

Dr. Dumas, the honored spot; after 90 witnesses, you will be the last witness to be heard on the subject of Judge Thomas. It is an honor to have you here and thank you for your patience.

#### STATEMENT OF GEORGE C. DUMAS

Mr. DUMAS. Thank you, Mr. Chairman. Mr. Chairman, members of the Committee on the Judiciary, my name is George Dumas, national chairman of the Republican Black Caucus, RBC. We, the members of the Republican Black Caucus, would like to place in the record our organization's unanimous support of the nomination of Judge Clarence Thomas for confirmation as an Associate Justice on the Supreme Court of the United States.

Mr. Chairman and members of this committee and each Member of the full Senate, we respectfully request each of you to fully support the confirmation of this great American, one of America's brightest and most devoted public servants. Our country needs his experience, his wisdom, his judicial and constitutional expertise, as well as his ability to rise above politics of party, of race, of sex, of religion, or national origin.

In our opinion, Judge Clarence Thomas is a national role model, a splendid example of accomplishments despite insurmountable odds. His life mirrors my life. I was born in Eupora, MS, where picking cotton was a way of life. During my early childhood, my parents moved our family to East St. Louis, IL, and shortly after arriving there they separated.

My mother struggled to rear and educate four children on welfare, which at that time was called Aid to Dependent Children, ADC. By the grace of God, hard work, self-help, education, church and community role models, such as black ministers, doctors, lawyers, business leaders and teachers that lived in our community, we succeeded against the odds. Today, I am a successful entrepreneur. Because of this background, I can identify with Judge Clarence Thomas.

Some past national role models that immediately come to mind are Presidents Abraham Lincoln, John F. Kennedy, Lyndon B. Johnson, all great men. President Abraham Lincoln is credited with abolishing slavery. Today, Abraham Lincoln is honored as one of our country's greatest Presidents.

President John F. Kennedy said, "Ask not what your country can do for you, but ask what you can do for your country." Judge Clarence Thomas is reviving that spirit of service ignited by President Kennedy. Over 24 years ago, President Lyndon B. Johnson nominated Judge Thurgood Marshall, a truly great American, to the Supreme Court of the United States. Today, President George W. Bush has nominated Judge Clarence Thomas to the Supreme Court of the United States. President Bush continues that tradition of recognizing the best person for the position by nominating Judge Thomas.

Each of these Presidents dared to dream great dreams, and they dared to be different. Their ability to dream great dreams and stand by their commitments, to see their dreams become a reality, is the essence of the elements that have made America great.

Judge Thomas also dares to dream great dreams and to be different.

Our Nation owes these great Presidents and the great Justice Thurgood Marshall much gratitude. Our U.S. Senate owes President Bush and the American people a vote of confirmation of Judge Clarence Thomas to the Supreme Court of the United States.

An ABC poll presented last Monday night, September 16, 1991, revealed that 63 percent of all Americans approve of the confirmation of Judge Clarence Thomas, including 61 percent of African-Americans and 61 percent of women. This is an approval rating increase of 5 to 7 percentage points for African-Americans.

Mr. Chairman and members of this committee and the full Senate, you have heard a great volume of testimony in favor and against this nomination. Some individual testimony has caused confusion. However, the central issue is that the President of the United States has nominated Judge Thomas, a highly qualified jurist of high moral character with integrity and independence.

We do not know why some people are against him. We do not now need to know how he will vote in the future. The fact is the American people have approved of this confirmation, as indicated by the latest ABC poll. We ask of you to vote to confirm this great American judge, this positive role model for our Nation.

We, the members of the Republican Black Caucus, RBC, thank you for this opportunity to testify before you during these historical proceedings. God bless Judge Thomas. God bless this committee and the full Senate. God bless the President of the United States, and God bless America.

[The prepared statement of Mr. Dumas follows.]





**Republican Black Caucus (RBC)**

4716 LEEHIGH COURT - SUITE 3 - FAIRFAX, VIRGINIA 22030-5636

**The Nomination of Judge Clarence Thomas as an Associate  
Justice on the Supreme Court of the United States**

Testimony of

**Dr. George C. Dumas  
National Chairman  
Republican Black Caucus (RBC)**

Before

**United States Senate  
Committee on the Judiciary  
The Honorable Joseph R. Biden, Jr.  
Chairman**

on

**Friday, September 20, 1991**

MR. CHAIRMAN, members of the Committee on the Judiciary, my name is Dr. George Dumas, national chairman of the Republican Black Caucus (RBC). We, the members of the Republican Black Caucus, would like to place in the

- 2 -

record, our organization's unanimous support of the nomination of Judge Clarence Thomas, for confirmation as an associate Justice on the Supreme Court of the United States.

Mr. Chairman and members of this committee and each member of the full Senate, we respectfully request each of you to fully support the confirmation of this great American, one of America's brightest and most devoted public servants. Our country needs his experience, his wisdom, his judicial and constitutional expertise as well as his ability to rise above politics of party, race, sex, religion or national origin.

In our opinion, Judge Clarence Thomas is a national role model. A splendid example of accomplishments despite insurmountable odds.

His life mirrors my life. I was born in Eupora, Mississippi, where picking cotton was a way of life. During my early childhood, my parents moved our family to East St. Louis, Illinois and shortly after arriving there, they separated. My mother struggled to rear and educate four children on welfare, which at that time was called, Aid to Dependent Children (ADC).

- 3 -

By the grace of God, hard work, self help, education, church and community role models such as black ministers, doctors, lawyers, business leaders and teachers, that lived in our community, we succeeded against the odds. Today, I am a successful entrepreneur. Because of his background, I can identify with Judge Clarence Thomas.

Some past national role models that immediately come to mind are Presidents Abraham Lincoln, John F. Kennedy, Lyndon B. Johnson, all great men. President Abraham Lincoln is credited with abolishing slavery. Today, Abraham Lincoln is honored as one of our country's greatest Presidents.

President John F. Kennedy said, " Ask not what your country can do for you, but ask what you can do for your country. " Judge Clarence Thomas is reviving that spirit of service ignited by President Kennedy.

Over 24 years ago, President Lyndon B. Johnson nominated Judge Thurgood Marshall, a truly great American, to the Supreme Court of the United States.

Today, President George W. Bush has nominated Judge Clarence Thomas to the Supreme Court of the United States. President Bush continues that tradition of recognizing the best person for the position, by nominating Judge Thomas.

- 4 -

Each of these Presidents dared to dream great dreams and they dared to be different. Their ability to dream great dreams, and stand by their commitments to see their dreams become a reality is the essence of the elements that have made **America great**. Judge Thomas also dares to dream great dreams and to be different.

Our nation owes these great Presidents and the great Justice Thurgood Marshall much gratitude. Our United States Senate owes President George Bush a vote of confirmation of Judge Clarence Thomas to the Supreme Court of the United States.

An ABC poll presented last monday night ( Sept 16, 1991 ) revealed that 63 % of all Americans approve of confirmation of Judge Clarence Thomas including 61 % of African Americans and 61 % of women. This is an approval rating increase of 5 to 7 percentage points for African Americans.

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- 5 -

Thomas, a highly qualified jurist, of high moral character, with integrity and independence. We do not know why some people are against him.

We do not now need to know how he will vote in the future. The fact is the American people approve of his confirmation as indicated by the latest ABC poll. We ask each of you to vote to confirm this great American Judge, this positive role model for our nation. We, the members of the Republican Black Caucus (RBC), thank you for this opportunity to testify before you during these historical proceedings.

**God bless Judge Thomas;**

**God bless this Committee and the full Senate;**

**God bless the President of the United States; and**

**God bless America.**

Senator THURMOND [presiding]. The chairman will be back in a moment. He asked me to proceed.

I want to take this opportunity first to welcome you here. I think it is very thoughtful of you and very considerate to appear here and use your talent and time to express yourself on a very important nomination.

There is no more important nomination that could be made in the United States than to the Supreme Court. These nine individuals have unusual power. Next to the President of the United States, they are the most influential people in this country, and I appreciate your coming here and expressing yourselves.

Now, I believe, Ms. Ellen Smith, you are with Concerned Women for America, is that correct?

Ms. SMITH. Yes, Senator.

Senator THURMOND. Your representatives have testified here on a number of appointments and have done a fine job.

Mr. King, you are with the Professional Bail Agents?

Mr. KING. Yes, sir.

Senator THURMOND. Just what is that organization?

Mr. KING. Sir, our responsibility is to save taxpayers money.

Senator THURMOND. Is what?

Mr. KING. Save taxpayers money.

Senator THURMOND. To get people out on bail, so they don't have to keep them in jail? [Laughter.]

Mr. KING. We take them out and we see to it that they get back.

Senator THURMOND. See that they return.

And the third is Mr. Jenkins. You are chairman of Montgomery County Black Republican Council?

Mr. JENKINS. Yes.

The CHAIRMAN [presiding]. Why don't you ask what his responsibility is? [Laughter.]

Senator THURMOND. How many members of the county council are there?

Mr. JENKINS. There are 19 members of the Montgomery County Central Committee, and they represent 120,000 Montgomery County voters.

Senator THURMOND. 120,000 voters.

Mr. JENKINS. Yes.

Senator THURMOND. How many black members and how many white members?

Mr. JENKINS. We have 56 members of the Black Republican Council.

The CHAIRMAN. If I could interrupt for a minute, he represents a party organization, not an elected public organization. It is not the county council.

Senator THURMOND. So, yours is a party organization and not the county council?

Mr. JENKINS. That's right.

Senator THURMOND. I see. Thank you very much.

Dr. Dumas, you are the national chairman of the Republican Black Caucus, as I understand.

Mr. DUMAS. That is correct, sir.

Senator THURMOND. How many members have you in that?

Mr. DUMAS. At this time, Senator, we have several hundred members and we are a grassroots organization and we are trying to make sure that African-American people get a chance to participate in the democratic process in this country by belonging to more than the Democratic Party. We believe that we should have more African-Americans in the Republican Party, and so our mission is to make that happen.

At this juncture, sir, I would like to thank you and your staff. Your staff was really tremendous in assisting me in being able to be at this hearing today, so I would like to thank you and the chairman so much.

Senator THURMOND. We are very glad to be of assistance.

Now, where do you live?

Mr. DUMAS. Sir, I live in Fairfax, VA.

Senator THURMOND. Fairfax County?

Mr. DUMAS. Yes, sir.

Senator THURMOND. Now, I am not going to ask you a lot of questions. It all boils down to this, whether or not this man is qualified to be on the Supreme Court. You can say what you please about all other questions, but that is all that counts.

Now, I am going to start with you, Ms. Smith: In your opinion, is Judge Clarence Thomas, by reason of integrity, professional qualifications and judicial temperament and other qualities you feel important to be on the Supreme Court, is he qualified to be on the Supreme Court?

Mr. SMITH. Senator, without hesitation, I can say that we believe that Judge Thomas is qualified to serve on the Supreme Court.

Senator THURMOND. The answer is yes?

Ms. SMITH. Yes.

Senator THURMOND. Mr. King.

Mr. KING. The answer is yes, and we see many, many judges.

Senator THURMOND. Mr. Jenkins.

Mr. JENKINS. Yes, Senator.

Senator THURMOND. Dr. Dumas.

Mr. DUMAS. The answer is yes, Senator.

Senator THURMOND. As I understand, all of you feel that he is qualified to be on the Supreme Court.

Mr. DUMAS. That is correct.

Senator THURMOND. The next question is: Do you know of any reason why this committee and the Senate should not confirm him for the Supreme Court? Ms. Smith.

Ms. SMITH. I know of no reason, Senator.

Mr. KING. None, Senator.

Mr. JENKINS. No, I do not, Senator.

Mr. DUMAS. I know of no reason, Senator.

Senator THURMOND. As I understand, all of you say no, that you know of no reason why he shouldn't be.

Well, you have answered the questions correctly. [Laughter.]

You have given good answers, and I have a feeling that the committee and the Senate, too, will confirm the position you have taken.

I want to thank you again for your presence. I wish you well, and God bless you.

The CHAIRMAN. Before the Senator starts asking me questions, what I will do is thank you, as well, and particularly you, Mr. King, for making the long trip. Obviously, you feel strongly about the nomination. It is good to have you here and all of you here.

I am not going to dismiss the committee, but I will dismiss this panel. Thank you very much.

Now, we have no more public witnesses. The Senator from South Carolina is recognized.

Senator THURMOND. Mr. Chairman, as we come to the conclusion of this hearing, I want to make a few observations: First, I want to congratulate you, as chairman of this committee, for the fair manner in which you have conducted the hearings. I appreciate the equitable, thorough job that you have done throughout these 2 weeks.

The CHAIRMAN. Thank you, Senator.

Senator THURMOND. Next, I want to say that these hearings, in my opinion, have been comprehensive. Judge Thomas was before the committee for 5 days, testifying for some 25 hours. We have heard from approximately 100 witnesses and, without question, the hearings, in my opinion, have been very thorough and complete.

Next, I want to comment on the testimony given by Judge Thomas. Judge Thomas displayed the intellectual capacity to sit on the Supreme Court. His answers showed a keen sense of fairness and a sincere willingness to be open minded.

He has substantial experience. He served as assistant attorney general in Missouri, he served as Assistant Secretary for Civil Rights at the Department of Education, he served as Chairman of the Equal Employment Opportunity Commission, and he has served 18 months on the D.C. circuit court of appeals.

I want to say, too, that Judge Thomas deserves a lot of consideration. He has overcome difficult circumstances early in his life, and this gives him a clear understanding of and sensitivity to the plight of minorities and the less fortunate.

I think he is a man of great compassion. Then, too, the testimony of Judge Thomas and those who testified on his behalf convince me that he should be confirmed for a position on the Supreme Court.

Finally, Mr. Chairman, I again want to commend you for your efforts to insure that these hearings were conducted fairly, and I look forward to swift committee action, so that the full Senate can act on this nomination as soon as possible.

Thank you.

The CHAIRMAN. Thank you very much, Senator, for those kind remarks and for your summary.

Let me conclude these hearings by stating a few things:

I would like to thank my colleagues for how attentive they have been to the hearings, and the attendance over, by what I think, by anyone's standards, would be a relatively long period of time, has been exemplary.

I would also like to thank the staff. You get to see a lot of the staff that advises us sitting behind us who go into great detail and have worked with us for literally tens, if not hundreds of hours in preparation for these hearings on both sides of the aisle.

But there are staff persons who are in the back there who actually mechanically have kept this whole operation going, as well as



doing a good deal of work, and I would like to take this opportunity to mention just some of their names:

Stacey Ainsbinder, Peter Bynum, Sean Kleeg, Ken Dean, Anthony Dunn, Tammy Fine, Kevin Howard, David Kowal, Don Long, Lisa Rothenberg, Ann Rung, Phil Shipman—and Phil is the fellow who has kept this all rolling, including keeping the doors open and closed and moving people in and out, thank you, Phil—Justin Tillinghast, Ben Turner, Joel Vengrin, Pam Yonkin. I have left out somebody here, Kathleen Sakelaris, as well.

I also want to publicly thank—no pun intended—public broadcasting for covering these hearings, from the beginning to the end, allowing what I am told is millions of Americans to make their own judgments about the nominee, about the witnesses who have testified and about the committee, in terms of whether or not the process is fair or adequate.

So, I would like to thank, on behalf of the Senate, public broadcasting, both public TV and National Public Radio, for their willingness to do what they have done. It is getting harder and harder for television networks to cover a lot of things, because of costs and judgments they have to make, and I think public television and public radio and CNN is of great service to the people of this country, and I want to thank them.

Last, there will be a number of questions by folks, as well as the press, as to when we are going to move on the nomination. Senator Thurmond and I will confer on that, but it is my hope and expectation that the Judiciary Committee will have what we refer to as an executive session.

That is a fancy way of saying we will sit down and hash out the nomination and actually vote, each of us will vote and make a recommendation to the Senate, whether to report favorably or unfavorably the nomination to the Senate, and I hope we can do that by next Friday, although that is not a certainty at this point, because of Senate schedule and because of committee rules and regulations relating to how much time must pass between the end of a hearing and an executive session, but I expect we will be able to do that.

After that point, the committee will then report to the floor of the Senate this nomination, one way or another, one way or another meaning favorably or unfavorably, and, depending on the Senate schedule and the constraints of time to file minority and majority reports, so the Senate has not only the record, but also the reports of the members of the committee and their recommendations.

I have spoken to the majority leader and, in a timely fashion, it will be taken up, although it is too early to predict when that will occur. But we are not looking way into the future, by any stretch of the imagination.

Again, I thank everyone from the public to the staff to the press to my colleagues for their cooperation, especially to the camera persons who are up there. They are probably so happy what I am about to do.

This hearing is adjourned.

Senator THURMOND. Mr. Chairman.

The CHAIRMAN. This hearing is reconvened. [Laughter.]

I am so accustomed, having been the chairman for so long, he would rather say the last word.

The Senator from South Carolina.

Senator THURMOND. Thank you. I don't think I can get in the last word with you around, but I will try. [Laughter.]

Mr. Chairman, in addition to expressing my appreciation to the people that you have mentioned, and I do so, I would also like to express my appreciation to some of my Judiciary Committee staff who have worked diligently on this nomination: Terry Wooten, Melissa Riley, and John Grady were here throughout the entire hearings and have been dedicated throughout this nomination process.

I would like to thank Duke Short, my administrative assistant and chief of staff, who also did double duty, by looking after my office as well as assisting here and overseeing the proceedings of the hearing.

In all of these instances, I appreciate the work of the staff. The Senators have so much work to do now that they could not get along without competent and dedicated staff members, and we appreciate the service of yours and mine, both.

The CHAIRMAN. The committee is adjourned.

[Whereupon, at 3:10 p.m., the committee was adjourned.]

[Additional documents submitted for the record are contained in Part 4, Appendix.]

