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September 17, 1991

The Honorable Joseph Biden
 Chairman
 Senate Judiciary Committee
 Office of the United States Senate
 Room 224
 Dirksen Office Building
 Washington, DC

RE: Confirmation of Judge Clarence
 Thomas as an Associate Justice of
 the U.S. Supreme Court

Dear Senator Biden:

As a former President of the National Bar Association, I share with you my wholehearted support for the confirmation of Judge Clarence Thomas as an Associate Justice of the Supreme Court of the United States.

Your committee, over the last week, has conducted its confirmation hearings for Judge Thomas' appointment to the Supreme Court. The world has been poised for the drama that has been unfolding. The hearings have been a real education in the modern politics of judicial appointments. For certain they have been an unforgettable lesson on the constitution and jurisprudence. We are indeed hopeful that if there are no disqualifying factors in existence and that his legal credentials remain as impeccable as they are, the committee will recommend Judge Clarence Thomas to the full Senate for confirmation. So far, I have not seen anything that would disqualify Judge Thomas. This is a view that is shared by many, many Americans. He is well qualified to assume the awesome responsibility of a Justice on the Supreme Court of the United States.

We are not unmindful of many subsisting questions that loom on the horizon raised by various and sundry individuals and groups as to why the nominee should not be confirmed. Fortunately, we have heard them all and find them devoid of any substance. We admit that the individuals and groups themselves are substantive, but the questions posed by them are not. At best they all articulate subconscious fears of the unknown based on their dislike for the sponsors of our nominee and/or their intellectual inertia to a new agenda for Civil Rights. As was spoken in the gospels: "Can there be any good thing out of Nazareth?... Come and see."

Unfounded fears abound in the minds and hearts of many highly intelligent people. All manner of paranoid imaginations are conjured up. None of those fears is justified in fact. Nothing suggests that Judge Thomas, if allowed to become Justice Thomas, would not take a legal and scholarly approach to any matter up for decision based on the facts and law as applied to that particular case in the context of the constitution. He will bring a commitment to fairness, openness and justice to the deliberations before the U.S. Supreme Court.

Under the Constitution of the United States, the Advice and Consent of the Senate are a must before this nominee or any nominee is confirmed to assume the public office to which he or she has been appointed. We are well aware that the Senate sacredly guards the authority and

scrutinizes nominees with the utmost care. During the course of the hearings, you have, I believe, sought to carry out your constitutional mandate in a responsible and fair manner.

The great furor over Judge Clarence Thomas's nomination to the Supreme Court of the United States centers around the fact that the "civil rights" issues are no longer in the forefront of American politics. This fact or turn of events did not come into being because of Clarence Thomas, one way or the other. In Harold Cruse's book, "Plural But Equal," page 385, he expresses the matter thusly:

"Civil rights justice for all intents and purposes of the United States Constitution have been won; there are no more frontiers to conquer; no horizons in view that are not mirages that vanish over the hill of the next court decision on the meaning of equal protection."

This fact creates an exasperating situation for the agenda in the traditional Black Establishment. In the whole of the "Eighties," they have literally been trying to "reinvent the wheel" so far as Civil Rights justice is concerned. And yet, there are other durable and legitimate options and approaches for the cause of justice and equality. For them, there is no other course of action to follow. Frederick Douglas called it "delirium of enthusiasm with the inability to distinguish between the "see and real." As Douglas further said: "The pen is often mightier than the sword and the settled habits of a nation mightier than a statute."

Senator Biden, as Chairman of the Judiciary Committee, and to your fellow committee members, the most noble thing you could do to bring "Black Americans" into the mainstream of American life, is to recommend Judge Clarence Thomas for confirmation to the Supreme Court. Such is beneficial for all Americans, particularly minorities. Unfortunately, a substantial measure of astute individuals have demonstrated a confused and misdirected consciousness which remains detached from the body politic in America. Do for us and them what these individuals are incapable of doing for themselves, for your decision will wed to generations to come a proper relationship for those whose ancestry bore the burden of labor in the foundation of this democracy.

Very truly yours,

Thomas A. Suckinfield

¹William Murrow, New York, 1987.