

individuals or individuals as a class where they may be totally resistant and in opposition to that.

It is our strong view that these wholesale problems must be addressed in a wholesale way and not in a retail way, one by one. If it is done one by one, singly, after proven particularized cases of abuse have happened, and the remedy addresses only that case, no social problem will ever be competently addressed. And that applies to a whole range of issues, including all relations between the labor and management and the contest or the frequent tension between what is called property rights and individual workers' rights and human rights.

I don't know if I have answered it satisfactorily, sir, but that is my very strong view on it.

Senator SPECTER. I think you have answered it eloquently, Mr. Kirkland. I take it you are not only against Judge Thomas but against Local 28 in that particular circumstance.

Let me wrap up with one question which has quite a number of components—

Mr. KIRKLAND. And I trust that our learned counsel did not appear as a part in that case.

Mr. GOLD. No.

Senator SPECTER. Let me ask you one other question—and I can only ask the question and then leave, Mr. Kirkland, because we have about 4 minutes left in this 15-minute rollcall vote, but I will study your answer with care in the transcript.

You have been very emphatic in your statement that you oppose Judge Thomas and the efforts to put "nine persons who have the virtual power by interpretation to rewrite the Constitution for our times, the unchallenged preserve of a narrow and privileged segment of American opinion". My question to you—and this is more than one, but as I said, I'm going to have to wrap it up because we have to go vote—is how important is it in your view to have an African-American on the court? Others have testified, African-Americans have, that they prefer to have someone not African-American advancing their values as opposed to having someone who is African-American. But how important is it to have an African-American in your opinion on the court in the context of whether a replacement will do better than carry on the ideas which you disagree with as an appointee of this President?

Mr. KIRKLAND. Senator, I would be delighted if the Supreme Court were broadly representative of the entire spectrum of American society. I think it is rather outrageous that over so many years, there has been no representative of the black community on the Supreme Court, and then only one; and then that he should be replaced by a person whose views are so diametrically opposed, I believe, to the measures that have been designed in this country to address the problems of the afflicted and the underprivileged, and who has elected to align himself with the forces of privilege and of power in this country.

I believe that consideration overrides the question of ethnic representation. I would be delighted and I would support a Court made up of five, six, seven, eight or nine black Americans drawn from what is now a considerable body of distinguished jurists who are black and who represent within their views the spectrum of

opinion in society and who embody the possibility that those views, affecting everyone, of every race, creed, color and previous condition of servitude, are adequately and thoroughly debated.

Now, I firmly believe that the forces on that court whose decisions on issue after issue, and in controversy after controversy, are absolutely predictable and are becoming more predictable, I am quite confident, regrettably, that if Judge Thomas is appointed to that Supreme Court that he will join that group whose anticipated positions on these issues will be highly predictable. And I do not think that is good for the country or for the court.

Senator SPECTER. Thank you, Mr. Kirkland.

Thank you, Mr. Chairman.

Senator Heflin [presiding]. I have taken over as presiding officer due to the fact that there is a vote on the floor of the Senate and others have gone. I went and voted early and got back.

As I understand it, there are a group of Congressmen who are here that Chairman Biden wants to accommodate because they have duties in the House of Representatives. But he wants to be here when they start, and he should be back momentarily, in the next minute or 2, but since I have been requested to do it, I will declare about a 3- to 4-minute recess at this time, and we'll resume very shortly and proceed with the congressional group from the House of Representatives.

Thank you, Mr. Kirkland, for your testimony.

Mr. KIRKLAND. Thank you, Mr. Chairman.

[Recess.]

The CHAIRMAN. The hearing will come to order.

Senator HEFLIN. Mr. Chairman, Attorney General Jimmy Evans, Attorney General of Alabama, was scheduled to be a witness, but was unable to be here, and I ask that his remarks be placed in the record.

The CHAIRMAN. Without objection, they will be placed in the record.

[The prepared statement of Mr. Evans follows:]