

The CHAIRMAN. Thank you very much, Ms. Hernandez.  
Mr. Lucy.

### STATEMENT OF WILLIAM LUCY

Mr. LUCY. Thank you, Mr. Chairman, members of the committee. My name is William Lucy. I am here today as president of the Coalition of Black Trade Unionists, an organization of rank-and-file members of trade unions affiliated with the AFL-CIO. I am here to urge that the damage, the past injustices, and the insensitivity heaped upon workers in general and black workers in particular who sought redress and fairness before Mr. Thomas as a policy maker and implementor will not be disregarded.

For the past week, you have questioned the nominee. Like many of you, I sat while Mr. Thomas asked to be given high marks for his personal achievements, to be forgiven for his omissions, and for you to totally ignore any shortcomings in his record.

The American Bar Association, from among the options available, chose to designate Mr. Thomas as "qualified." While this is no small achievement, this rating for a Supreme Court vacancy would not be acceptable in a colorblind process. If "qualified" or "average" becomes acceptable, let us all understand that it is acceptable only because the candidate is black and replacing a black.

As we review some of Mr. Thomas' speeches and writings, we must be concerned about his views, views such as those expressed in his article in the Yale Law and Policy Review. Mr. Thomas wrote:

I continue to believe that distributing opportunities on the basis of race or gender, whoever the beneficiaries, turns the law against employment discrimination on its head. Class preferences are an affront to the rights and dignity of individuals, both those individuals who are directly disadvantaged by them and those who are their supposed beneficiaries.

While it is clearly possible for the nominee to be misquoted or misunderstood, Mr. Thomas' views in this case can't be faulted for lack of clarity. His is the bedrock argument used by those who raise the cry of reverse discrimination. It seems to me that you cannot hold the notion of reverse discrimination without accepting the fact of basic discrimination, which is what the EEOC was created to deal with.

And yet, while chairman of that agency, Mr. Thomas put far more emphasis on reverse discrimination than on its unavoidable root. According to Mr. Thomas, and I again quote,

The government cannot correct the wrongs of the past. There is no government solution to ending discrimination and we should not attempt to remedy longstanding, historic cases of discrimination against a group of people.

These words lead only to the conclusion that he does not believe that government should step in to help injured parties in cases of systematic and institutional discrimination, that individuals must seek legal redress strictly on their own.

Mr. Thomas cannot possibly believe that black people, women or other ethnic groups suffer systematic discrimination as individuals. His statement opposing class action remedies strongly suggests that he believes that institutions should not be held accountable for their discriminatory behavior and should not be forced by government to change that behavior. Mr. Thomas leaves us with this

absurdity: a wrong that affects millions should be dealt with on a one-by-one basis.

We further believe that Mr. Thomas has demonstrated a striking lack of understanding of women workers. His belief that women decide to fill jobs of lower status and lower pay than men in order to accommodate family life reflects a total lack of understanding of the realities of working women, and particularly those single parents who head households.

Women today, and particularly black women, are not exercising an option when they go to work. They work because they have to, and every dollar taken from them by gender-based wage discrimination denies them economic justice. The failure of the Equal Employment Opportunity Commission under Mr. Thomas' leadership to even investigate thousands of complaints alleging gender-based wage discrimination in violation of the Equal Pay Act and Title VI of the Civil Rights Act reflects flagrant disregard for the serious problems that Congress had sought to remedy.

Assuming Mr. Thomas believes what he says that government cannot correct the wrongs of the past and that there is no government solution to ending discrimination in the workplace, as a black male I have a difficult time and would have a difficult time placing before Mr. Thomas as a Supreme Court Justice the most critical question affecting blacks and other minorities—economic exploitation and systematic denial of opportunity.

During the last 10 or 12 years, we have witnessed implementation of policies designed to roll back progress towards the equality that our Nation achieved at great cost. In the course of this retreat, millions of hard-working Americans, without regard to sex, age, race or creed have sought the protection of the EEOC only to become frustrated by appointees who refuse to carry out the mission that Congress assigned the agency.

Mr. Chairman, you and members of this committee must evaluate a man who either did things he did not believe in or believed in things he did not do. Whichever the case, many workers have paid a high price in consequence.

Mr. Chairman, if the EEOC had been headed by a conservative who was white who so singly failed to uphold the mandate of that agency, that person's name would not be before you today as a nominee.

Thank you.

[The prepared statement of Mr. Lucy follows:]