

STATEMENT OF A PANEL CONSISTING OF HON. ROY ALLEN, STATE SENATOR, STATE OF GEORGIA; HON. GRIFFIN BELL, FORMER ATTORNEY GENERAL OF THE UNITED STATES; HON. JACK TANNER, FEDERAL DISTRICT COURT JUDGE, WESTERN DISTRICT OF WASHINGTON; AND MARGARET B. WILSON, FORMER CHAIR OF THE BOARD, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Mr. ALLEN. Mr. Chairman of this committee, 20 years ago, when I left Howard University and Catholic University, I always felt that I would return to this lovely city and Capitol Hill. In all candor, however, I never thought that I would be in this capacity as a witness in support of a Supreme Court nominee, and even less for a fellow school mate and altar boy.

As I sit here in this hallowed room named for one of your former monumental leaders and my fellow Georgian, I feel the spirit and presence of such luminaries as the late President Kennedy and President Johnson, Carl Vinson and Javits and Dirksen and Long and Bayh and so many others too numerous to mention.

As I look around this room and see the faces of Senators I have seen throughout these hearings of men that I have met on the campaign trail who have come to south Georgia, and many of those faces who belong to legendary families, I must say that at this moment I must push aside this awe and put in unequivocal thoughts and words of my support for my friend Judge Clarence Thomas.

Since July 1 of this year, many of us who consider ourselves as friends and associates and/or acquaintances of Clarence, I have had to read many descriptions of "boy" or Cousy, as we know him, and I have had to stop and wonder whether the many adjectives and characterizations of the man we know, we knew, and we still know are one and the same, and the answer is a resounding no.

I come here today as the great-grandson of slaves, as a guy who comes from the soil of south Georgia, a product of the 1950's and 1960's of the segregated South, a lad who watched his daddy teach school by the day and swept floors and cleaned bathrooms by night. I could not understand why I had to drink from a colored fountain, nor could I understand why my dad, with a near A average, could not go to medical school in Georgia and become a doctor. I could not understand why mom and dad had to pull over on the side of the road to relieve themselves, when we passed so many rest rooms.

I was bewildered as to why mom and dad referred to some people as Mr. or Mrs., and those same people called them Roy or Maggie, but the words of a song still ring true in my ears, and "God moves in mysterious ways, as one is to perform, He plants his foot out on the sea and he rides every storm; God is his own interpreter, and He will make it plain."

In hearing those who do not know Clarence to try and describe him, I am reminded of a verse in the New Testament. In Matthew, when he asked the disciples whom do men say that I am the son of man am? In response to this inquiry or dialog, they have called him Elias, Jeremiah, and John the Baptist. But only upon further

inquisition, did Simon Peter give the correct answer of who he really is.

The boy Clarence Thomas was an intense and serious student, a voracious reader, a faster than average runner, a basketball player with such moves that, on the playground of St. Benedict the Moore Catholic Church, that he was nicknamed Cousy, after the famous Celtic star.

Further descriptions of this fiercely competitive guy would reveal a student and an athlete who just plain hated to lose. Be it at a basketball game or a spelling bee, Clarence Thomas was a winner then, and certainly is a winner now, and I am firmly convinced that the words of Winston Churchill still ring incessantly in his ears, never give up, never give up, never, never, never give up.

A notion or a thought that Clarence has forgotten from whence he has come is ludicrous at worse and speechless at best. How does one forget drinking from a colored fountain or going to a colored beach? How does one forget walking by and being unable to use a first-class park, only because of the hue of one's skin? I can only imagine that my friend the judge feels the anguish and exasperation that another great Georgian felt, Dr. King, on April 16, 1965, when Christian and Jewish clergymen criticized his nonviolent activities, while he sat in a Birmingham jail. The very famous letter that he penned is still a literary work of art.

Nowhere am I recommending throughout this history or these proceedings that Judge Thomas should be canonized or recommended for sainthood. Sister Mary Catherine, may God bless her, would still be surprised to learn that not all of our trips were to the bathroom in the basement, but jumping the fence to go to Miss Nora's to buy snowballs and candy.

The many sisters, Sister Mary Catherine, Sister Mary Christum, Sister Mary Aquinas and so many other Franciscan Sisters of Newton, MA, were happy that he was faithful as an altar boy in serving mass, he was faithful in his homework, and he was faithful as a patrol boy, and he was faithful as a model student.

Yes, our lives had similar paths and seemingly different results. Clarence a Republican, me a Democrat, Clarence a Supreme Court nominee, myself a Georgia State senator.

Mr. Chairman and other members, his character, his integrity and his honesty, his intellectual ability and sense of purpose are unquestioned. The foundations of his childhood place him in the unique position to one day rank along side such names as John Jay of the Original Court of 1790, to rank along side Oliver Wendell Holmes, who brought a deep and abiding faith in America at the turn of the century, to social reformer Louis Brandeis in 1916, to Benjamin Cardozo, to William Douglas and to the man he hopes to replace, Thurgood Marshall.

Yes, Mr. Chairman, many of us know this man and his potential for true greatness on this Court, and we will not sit back and let his good name be criticized. We will never forget the words in the conversation of Orthello in act III, scene 3, "Who seals my purse steals trash to something, 'tis nothing, 'tis mine, 'tis his, and has been slave to thousands, but he who filters from me my good name, robs me of that which does not enrich him, but makes me poor indeed."

Second, Mr. Chairman, I focus on Clarence Thomas as an anomaly, or is he a representative voice? I like to focus on those critics, particularly in the black community who contends that Clarence Thomas is out of step with mainstream black thought. A number of these groups came out early on, even before they had a chance to know this nominee personally.

Since July 1, the terms "affirmative action, conservative and liberal" have been bandied about, with no true definition of terms. The Congressional Black Caucus and other so-called black leadership groups have operated like true kneejerk reactionaries, because they have not come to box in Judge Thomas or to fit him in a particular mold. Had some of these groups or persons had an opportunity to know some basic historical research, they might have learned that their seemingly strange views were espoused by such notable black figures as Frederick Douglas, Marcus Garvey, and Booker T. Washington.

They may have been pleasantly surprised that the famed Malcolm X was as true disciple of self-help and political and economic independence. The fact of the matter is, Mr. Chairman, that many of these standard bearers are still heavily dependent on corporate largess and they have no true solutions for the plight of these people and are slow to ingenious and creative thought, regardless of the political party.

Many of the leaders conveniently overlook the first major poll by USA Today, showing that the majority of black Americans are supporting Judge Thomas, not to mention the most recent poll conducted by our own Atlanta Constitution, where black southerners are supporting this man 2-to-1.

To you members, I doubt seriously if our Forefathers were whipped, chained, or murdered, so that all blacks could think alike, walk alike, talk alike, and act alike. No single individual or organization has an exclusive lock or insight into the black experience.

While Judge Thomas has left no clear definitive trail on the issue of choice or pro-life issues, just a few years ago, many so-called black leaders were arguing that those who were favorable to the issue of choice were promoting black genocide. Again, I raise the question, did the masses change, or just the leaders?

In the final analysis, a true historical perspective will reveal that there has never been a monolith of thought of leadership in the black community. There was Garvey and DuBois, there was King and Malcolm X, and a newly emerging dichotomy between Gov. Douglas Wilder and Jesse Jackson. But a lack of monolithic leadership is as healthy now as it has been throughout history. Black people, like any other ethnic group, can see through shams, spurious and insincere leaders and programs or the lack thereof.

In closing, Mr. Chairman, I submit that Clarence Thomas represents the true American spirit, the true American ethic and ethos, and should be judged accordingly. The standards by which he is judged should be no different than the standards used for Justice Scalia, Kennedy, Souter, and the many others who have preceded him.

Mr. Chairman, I thank you for this opportunity to come before you and to speak of one, not that I heard of, not one that I heard about, but one that I know, and in no way would I try to denigrate

the work of many organizations who have criticized him, but neither could we sit back and acquiesce to their false definition of this man.

Mr. Chairman and members of the committee, I thank you for this opportunity.

Senator SIMON. Thank you, Senator.

Judge Bell, good to have you back here with us again.

STATEMENT OF HON. GRIFFIN BELL

Mr. BELL. Thank you, Senator. I want to thank Chairman Biden for accommodating my schedule. He is very nice to do it.

I want to thank you for the opportunity to appear here today in support of my fellow Georgian, the Honorable Clarence Thomas. I came to Judge Thomas before he became a judge, when it came about as a result of his long-time friendship with one of my law partners, Larry Thompson, who was formerly the U.S. attorney for the northern district of Georgia. Larry will himself be here as a witness during these proceedings. Judge Thomas and Larry Thompson practiced law together at Monsanto in St. Louis. That is how they became acquainted.

As one who served on the Federal court of appeals for 14½ years, I was interested in seeing the evidence of the stewardship and scholarship of Judge Thomas as a member of the District of Columbia Court of Appeals. I have now read a number of his opinions. I found these balanced, moderate, scholarly, well written, reasoned, and careful. In sum, his opinions evidence the highest standards of judicial excellence.

I have also heard a substantial portion of the testimony in this hearing. In my judgment, Judge Thomas has done remarkably well. Only one who has been interrogated endlessly in such a hearing by a large group of Senators—I speak of myself—some of whom were even hostile, can fully appreciate the tremendous pressure and wear that one undergoes in such an ordeal. Surviving such a ritual with one's character, reputation, good humor, and dignity intact is a victory within itself.

Judge Thomas has clearly survived. His character, reputation, and particularly his dignity is intact.

I have heard no reason not to vote to confirm President Bush's choice of Judge Thomas as his nominee to the Supreme Court. He appears to be a man of balance, unquestioned integrity and independence, and generally good character, intelligence, compassion, and patriotism. I believe that he will uphold our Constitution. I would trust him with my fundamental rights.

No one can really know what the sum total of the experiences of Judge Thomas have been during his lifetime. His experiences have surely been different from those of us who were fortunate enough to be born into a favored group. It has occurred to me that his early life in a segregated, often hostile society has perhaps given him the patience and courtesy and dignity to withstand the withering and almost brutal cross-examination to which he has been subjected on occasion in this hearing. I do not see how any objective viewer or listener could conclude that such a long-suffering and