

could know who I was and what I stood for. And I think that effort was successful.

If Judge Thomas felt he was snubbed, he was a high-ranking Government official, at one time one of the highest ranking in the administration. And I think he had a right and a duty to seek out. I don't think he did that as he should have, and I think that whether or not he was snubbed or not should not change his basic philosophy if he believed in the things that we have been talking about, that he should not have changed that because he felt personally snubbed.

Reverend LE MONE. Senator, in my testimony, I indicated that if the allegation is true that he was snubbed, then certainly a man born and raised in Georgia would go to a black church where acceptance is the order of the day, no matter what your philosophy. He didn't seek out the black church during that time. Had he done so, he would have been educated and would have been in a position to educate. Why he didn't choose that option I don't know, and I think it is his loss.

Reverend BROWN. If I might put it in some homespun wisdom from Mississippi, and maybe from Pin Point, GA, grandmom and granddaddy said he or she who would have friends must first be a friend.

Senator KOHL. Are you saying that this man has walked away from his roots?

Reverend BROWN. He has not been in touch with those old rich roots.

Senator KENNEDY. I think the time is up, Senator. I think we have to express our appreciation to—oh, excuse me. Senator Simpson.

Senator SIMPSON. Mr. Chairman, I thank you and I thank the panel. I was listening to your remarks, and I came over and wanted to participate, to try to do that.

It has been dramatic. I think that is what you intended, to be dramatic. I think it is important to say that Mr. Thomas' responses to questions, at least as I heard them here in several days, indicated that he believes in affirmative action in this respect: He believes in reaching out to increase the applicant pool, increasing the applicant pool, then choosing from that pool the best qualified applicant without regard to race. And I think that that is what most Americans view as—you know, their view is they are against racial preference. They are not against affirmative action. And there is a difference. I know the flashwords don't fit well, but there is a difference.

But, Dr. Brown, in your written statement you say the group wants a nominee who has experienced discrimination. You write that his views reflect hostility toward the African-American community. You write that he is against equality, equal rights, and justice. You claim that he doesn't understand the history of the African-American community.

I can tell you, sir, it is most difficult to reconcile your written and your oral testimony with the Clarence Thomas that we or this committee or this country saw and who we questioned and listened to for 5 days, or with the Clarence Thomas described to us over the

past 4 days by persons, mostly African-Americans, who have known him well, some for many, many years.

I don't think anyone I have ever seen has come before this committee with more friends from around the country, by people who really know him. And the harsh and the intemperate and the nasty statements come from people who don't know him at all.

Now, you can't tell me—I don't care what race or color or creed that we are talking about—where there have been more friends and more people respond to a man than this man, Judge Clarence Thomas, without question. Never in my experience in 13 years. I would think that you would feel demeaned to hear white liberals telling blacks how blacks ought to feel. That can't be a very good experience. And the reason there is a huge, huge split and schism in the black community is because this man is splendid but he is a conservative Republican. So why don't we just cut the baloney and lay it out there and just say you don't like him because he is a conservative Republican, and that is what he is. That is his credentials. But the rest of this is really an exercise—and here is a white conservative speaking—is an exercise in why this is just dissembling before your eyes.

You have got a group of people who are on their own in the black community, and you have never had that before. And they are not going to be in locked step. And I heard from the NAACP group in California, and that was a tremendous lady. What a spirited and energetic lady, and, boy, she laid it out in spades as to why they didn't want to join in locked step.

These are the things that stun me, and I don't understand how you can say those things about a fellow Christian—you are a pastor of your flock—as to those things which are just plain not so, after listening to him for 5 days. And I would ask you how you came to that conclusion.

Reverend BROWN. Senator, if you read my text, I said Paul said that we are living epistles read of men and women. Judge Thomas' record speaks for itself.

Senator SIMPSON. It certainly does.

Reverend BROWN. Yes, before. The speeches he has given, the company he has kept. And I think that we are aware enough to know the implications of the political ideology that he espouses.

I don't mean to be too technical here, but when you talk about conservative views, I think we need to put that in perspective. African-Americans, in terms of their religious experience, have tended to be conservative when it comes to biblical truths and some doctrinal questions. We have been conservative as regards respecting our elders, though there appears to be a generation in these urban centers who have gotten away from that.

But when it comes to political conservatism, we have never been conservative. But we know that, taking a page out of the Bible, the pharisees and sadducees of Jesus' day were the political religious conservatives who would rather keep, hoard the blessings of the promise for themselves. Jesus was a man for the people of the land, and for that reason they put Him on the cross.

What we are saying conservatism means, from an African-American vantage point, the few profiting at the expense of the many, the rich getting richer and the poor getting poorer. And I think

that it is high time that we lay down these labels, right wing, left wing. As one brother said, we ought to be concerned about the bird, because if you have just got one wing you ain't going nowhere. You are just going around in circles. And if in this Nation we do not come together and talk to each other and get rid of this kind of rhetoric that has been afoot for the last 10 years—and it has been afoot. We have had these so-called conservatives who would be more concerned about a fetus or an unborn child. And we are concerned about reverence of life. But at the same time we embrace a political philosophy that would deny child care, a decent job, a good education, a spokesman who would even go to South Africa of that bent, where people have been gunned down and dehumanized for years, and called Bishop Tutu a phony.

It is that kind of conservatism that we have seen afoot in this Nation. And what we are saying is it is time that we get on with the business of putting our Nation back to work, of developing our infrastructure, of being involved with each other to keep this a strong nation.

We ought to take a lesson from Russia. Russia went around the world trying to acquire power but did not take care of home. And as the last 10 years have indicated, we have not taken care of home. We have been more concerned about how things—

Senator SIMPSON. I hear those things and they are passionately and sincerely said, but we are talking about Judge Clarence Thomas. That is who we are talking about.

Reverend BROWN. I know what he stands for and who he is with.

Senator SIMPSON. You know, I believe something about that teaching. I think it was about forgiveness and kindness and compassion. That is what it was about, too. Those were the words of Jesus Christ.

Reverend BROWN. I am talking about him, too.

The CHAIRMAN. Thank you very much.

Senator SIMON. Mr. Chairman, one more question, if I may.

The CHAIRMAN. Has Senator Brown asked any questions yet?

Senator BROWN. Yes.

The CHAIRMAN. All right. The Senator from Illinois.

Senator SIMON. Just one more question. In one of his writings, Judge Thomas, in outlining his legal theories, said the Constitution should be colorblind, and we don't argue with that. Then he goes on to denounce what he calls race-conscious legal devices.

One of the things that I helped to develop back when I was in the House, working with the late Dr. Patterson, was Federal aid for historically black colleges. That is clearly a race-conscious legal device. Now, he has not specifically denounced that but has denounced the race-conscious legal devices.

What would be the impact on historically black colleges if we were to have a Supreme Court saying that is unconstitutional to do that?

Mr. HOOKS. Senator Simon, two things, briefly. Justice Blackmun stated very eloquently that the only way we can advance beyond racism is to take racism into account. The only way we can advance beyond color is to take color into account. You can't have veterans' laws unless you recognize there are veterans. You cannot have laws for the disabled unless you recognize there are disabled.

I do not understand this business of not dealing with color when color was the problem. For that reason, as Justice Blackmun said in *Bakke*, we must take it into account.

Second, I think, in direct answer to your question, that the black colleges have been and are now a great cultural repository of help for this Nation. We would be much the poorer if we did not have black colleges. And if we were to adopt that suggestion that you talked about in totality—and that case, by the way, is before the Supreme Court, will be coming up soon—we will destroy historically black colleges.

It was never the intention of the NAACP to destroy black institutions. It was our intent to integrate all institutions. We think that black schools like Fisk have as much right to exist as white schools like Duke. But they must both be integrated. And we have found that black schools have integrated far more rapidly and far more totally than have the white institutions, and we do not want to see them destroyed, and we do not want to see this whole business of the colorblind society aid in the elimination of a great cultural institution which has been of help and is of help.

Finally, Senator Simon, when we look at the totality of the question that we face, it is important that we know we are the watershed, and as has been stated by one of the members of this panel, the present course of the Supreme Court must be reversed. This committee has a chance to reverse it now by not consenting to the confirmation of an African-American who is obviously opposed to that which is good for America and to that for which the great majority of Americans stand.

It has been stated these public opinion polls simply reflect that all African-Americans basically would like to see one on the Bench. If they do not know what he stands for, they favor it. When you ask them, as Reverend Brown has put it, about the reality of it, then it changes. And there has been a change in public opinion polls. A Werthlin poll indicated that not as many blacks were in favor as it first appeared.

So I am saying give the people light and they will find their way. This Senate has the light, and I am sure they are not going to be guided by public opinion polls which do not ask the right questions and therefore come up with the wrong answers.

Thank you, Senator.

The CHAIRMAN. Thank you very much, gentlemen.

Reverend Le Mone, I had not allowed you to continue because time was up, but now on my time was there anything you would like to say.

Reverend LE MONE. Thank you, Senator. With regard to Senator Simpson, I don't think that we speak the same language that was called English. We are not here for the dramatic, nor are we being overly dramatic. We are telling the truth based on history and experience and a crying human need for corporate justice for everybody in this country.

I notice that sometimes language is suggested when different panelists speak. It is very eloquent. It is informed. It is well thought out, et cetera. But the language applied to people of color is always dramatic, entertaining, and so on.

I think we can speak the same language once and only if we all have the same experience. Our position is simply this: We can't take the chance on this confirmation. The relationship between slaves and masters is not to be improved. We want the elimination of the categories in the first place so all people can live their God-given rights as human beings, men and women.

With regard to racism, racism unfortunately is alive and well in this country. About 3 months ago, perhaps a bit more, there were two surveys conducted—one in the city of Chicago, Senator Simon. One black man, qualified experience, same level of education, and his white male counterpart. The white male counterpart prevailed for the job application in terms of a ratio of 7 to 1. That is less than 5 months old.

The CHAIRMAN. Say that again, please.

Reverend LE MONE. The ratio was 7 to 1. The white applicant—

The CHAIRMAN. In the context of the—

Reverend LE MONE. Job applications for the same job requiring the same education—

The CHAIRMAN. A black man and a white man, same educational background.

Reverend LE MONE. And experience.

The CHAIRMAN. And experience.

Reverend LE MONE. And education.

The CHAIRMAN. And they filed a number of applications.

Reverend LE MONE. That is right. It was conducted by a company. Chicago was one site, and here in the District of Columbia was the second site. And the white applications were successful seven times to one time. Even a physical factor was injected into the data, physical factor of height, weight, and so on.

The Washington Post finally produced something of value to us.

The CHAIRMAN. Thank you very much, Reverend.

Are there any more questions for the panel?

[No response.]

The CHAIRMAN. Gentlemen, thank you very, very much for your testimony.

Mr. HOOKS. Thank you.

Reverend BROWN. Thank you.

Reverend LE MONE. Thank you.

[The prepared statement of Rev. Archie Le Mone follows:]



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TESTIMONY AT THE JUDGE CLARENCE THOMAS HEARINGS

September 20, 1991

Russell Senate Building

by

The Progressive National Baptist Convention, Inc.

Mr. Chairman, Members of the Senate Judiciary Committee,

Thank you for the opportunity to testify at today's hearing concerning the nomination of Judge Clarence Thomas. I am officially representing the Progressive National Baptist Convention, Inc., (PNBC). My denomination is one of the historic African-American churches. The Progressive National Baptist Convention has just over 2,000,000 members in approximately 2,300 congregations throughout the United States. Many of our churches are located in states with large urban centers and are attempting to meet the needs that impact on our cities.

It is not uncommon to find as many as 1,500 to 5,000 people who belong to one of our congregations. I think it can be stated that