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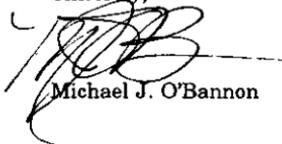
September 17, 1991

Senator Joseph R. Biden, Jr.
Chairman Judiciary Committee
224 Dirksen Building
Washington, D.C. 20510

Dear Senator Biden:

Attached is my testimony for the record. I was unfortunately called out of town before I could give my testimony orally. This testimony is of course pro Clarence Thomas.

Sincerely,



Michael J. O'Bannon

Enclosure

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STATEMENT BY MICHAEL J. O'BANNON
PRESIDENT, FEDERAL FOCUS, INC.
WASHINGTON, D.C.
BEFORE THE SENATE JUDICIARY COMMITTEE
SEPTEMBER, 1991

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I AM PLEASED TO APPEAR BEFORE THE COMMITTEE IN ORDER TO DISCUSS MY INDIVIDUAL AND PERSONAL REASONS FOR SUPPORTING THE CONFIRMATION OF JUDGE CLARENCE THOMAS TO THE SUPREME COURT OF OUR COUNTRY.

THE NATIONAL DEBATE SURROUNDING THE PRESIDENT'S NOMINATION OF JUDGE THOMAS TO SIT ON THE COURT AND THE NOMINEE'S QUALIFICATIONS TO DISCHARGE THE DUTIES OF ASSOCIATE JUSTICE ARE BOTH:

- OF GRAVE CONCERN TO ME ALONG WITH MANY OTHER AMERICANS, BUT ALSO
- INDICATIVE OF THE "PROGRESS" THE "MINORITY BODY POLITIC" HAS MADE IN THIS COUNTRY.

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WHEN JUSTICE THURGOOD MARSHALL WAS APPOINTED, AND LATER CONFIRMED, THERE WERE BUT A FEW THAT WORRIED ABOUT HIS POLITICAL PHILOSOPHY OR HIS LIKELY INTERPRETATION OF CONSTITUTIONAL ISSUES. HOWEVER, EVERYONE FOCUSED ON HIS RACE. WORDS HEARD THROUGHOUT THE COUNTRY WERE -- A NEGRO ON THE SUPREME COURT -- CAN YOU BELIEVE IT?

TODAY, THE MAJORITY OF THE MINORITY COMMUNITY OF THIS COUNTRY SUPPORTS JUDGE THOMAS. HOWEVER, THE LEADERS OF THE "MINORITY BODY POLITIC" LARGELY DO NOT SUPPORT HIM. THERE IS A GREAT DISPARITY BETWEEN THE WILL OF THE PEOPLE AND ITS LEADERSHIP.

THE "PROGRESS" IS THAT ALL AMERICAN'S (THE PEOPLE) UNDERSTAND JUDGE THOMAS'S STRUGGLE TO ACHIEVE RESPECT AND PERSONAL FREEDOM. AND IN SPITE OF THE OVERT RACISM AND PREJUDICE WHICH HE HAD TO OVERCOME, HIS NOMINATION TO THE SUPREME COURT IS NOW A REALITY.

MY GRAVE CONCERN IS THAT MANY STILL BELIEVE JUDGE THOMAS WAS APPOINTED BECAUSE HE IS AN AFRO-AMERICAN WITH A CONSERVATIVE PHILOSOPHY ANTTITHETICAL TO THE LIBERAL VIEW

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OF CIVIL RIGHTS. IT IS THIS ATTITUDE WHICH IS PREVALENT AMONG THE LEADERSHIP REFERRED TO EARLIER.

TO THE PEOPLE, THIS ATTITUDE AND BELIEF IS NOTHING MORE THAN DISRESPECT AND REFLECTS THE ASSUMPTION THAT JUDGE THOMAS IS NOT "FREE" AND THEREFORE NOT CAPABLE OF INDEPENDENT AND OBJECTIVE INTERPRETATION OF THE CONSTITUTIONAL ISSUES WHICH LAY AHEAD.

ON THE OTHER HAND, THE VIGOROUS DEBATE RAISES SUBSTANTIVE CONCERNS WITHIN THE MINORITY COMMUNITY WHICH CLEARLY HARKEN THE DAY THAT NO AMERICAN CAN ALLEGE THAT AFRO-AMERICANS LOOK, SOUND, OR THINK ALIKE! THE STRATIFICATION OF THOUGHT WITHIN THE "MINORITY BODY POLITIC" DEMONSTRATES THAT THE AFRO-AMERICAN COMMUNITY IS STRONG, VITAL, INDEPENDENT AND WORTHY OF EVERYONE'S RESPECT. THE AFRO-AMERICAN COMMUNITY IS NOT:

- REPULSED BY THE AMERICAN POLITICAL PROCESS ANY LONGER;
- HELD OUTSIDE OF THE AMERICAN POLITICAL PROCESS ANY LONGER;

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- **FEARFUL OF EXPRESSING DIFFERENT POINTS OF VIEW ANY LONGER; AND**
- **BEING CONTROLLED OR ENSLAVED BY CERTAIN PHILOSOPHICAL IMPERATIVES ANY LONGER.**

SO YOU CAN SEE WHY MY "GRAVE CONCERN" AND "OPTIMISM" BOTH APPEAR IN CONSIDERATION OF THIS PROCESS. THIS DEBATE SAYS THAT JUDGE THOMAS CAN BE CONFIRMED AS A JUSTICE OF THE SUPREME COURT BY A U.S. SENATE WHICH:

- **ACKNOWLEDGES HIS UPBRINGING;**
- **COMPREHENDS HIS PRACTICAL EXPERIENCE IN PURSUING THE IDEALS EMBODIED IN THE CONSTITUTION;**
- **UNDERSTANDS THE BENEFITS OF HIS TENURE IN THE PRIVATE SECTOR, STATE AND LOCAL GOVERNMENT; AND**
- **RECOGNIZES THAT THEY FOUND HIM QUALIFIED AND CONFIRMED HIM FOR HIGH GOVERNMENTAL OFFICE THREE TIMES BEFORE.**

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THE CONTROVERSY -- PHILOSOPHICAL DIVISION, PARTISAN DIVISION, AND RACIAL DIVISION -- THAT MANY RAISE IN CONJUNCTION WITH THIS NOMINATION IS IMMATERIAL TO ME AND OTHER AMERICANS KNOWLEDGEABLE OF THE RECORD JUST DESCRIBED. WE BELIEVE THAT JUDGE THOMAS IS WORTHY OF OUR RESPECT AND IS CAPABLE OF INDEPENDENT AND JUST INTERPRETATION OF OUR CONSTITUTION.

NATURAL LAW AS SOME SEEK TO USE IT IS ANTI-THETICAL TO ALL AFRO-AMERICANS WHO HOLD DEAR THEIR LOYALTY TO THE CONSTITUTION AND ITS INTERPRETATION THAT SET US FREE. INDEED, THOSE INTERPRETATIONS HAVE FACILITATED OUR CAPABILITY TO LEARN AND THINK AND DECIDE OUR INDIVIDUAL DESTINY WITHOUT INFRINGEMENT OF OUR RIGHTS.

YES, THE CONSTITUTION IS DEAR TO ALL AFRO-AMERICANS:

- WE KNOW ITS POWER;

- WE KNOW ITS INFLUENCE; AND

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- WE KNOW THAT IN SPITE OF IT THERE IS STILL SUBTLE DISRESPECT TO PERSONAL FREEDOM WHICH EMANATES FROM SOME WHO CHARGE THAT SOMEHOW NATURAL LAW COULD BE INTERPRETED TO RULE OUR THOUGHTS.

I SUGGEST THAT THE ISSUES OF NATURAL LAW, ABORTION, RACE, LIBERALISM, OR CONSERVATISM ARE SUBTERFUGE TO THIS CONFIRMATION PROCESS. THIS MAN, CLARENCE THOMAS, SHOULD BE ACCORDED THE SAME LEVEL OF RESPECT AS OTHER NOMINEES BEFORE HIM, SUCH AS DAVID SOUTER, SANDRA DAY O'CONNOR AND, YES, THURGOOD MARSHALL.

THE KEY QUESTIONS: DOES JUDGE THOMAS' BACKGROUND AND HIS RECORD AS AN AMERICAN DEMONSTRATE HIS LOYALTY TO OUR CONSTITUTION AND HIS KNOWLEDGE OF OUR SYSTEM OF GOVERNANCE -- OF, FOR AND BY THE PEOPLE? I HOPE YOU WILL ALL SAY YES, AS I DO.

SECOND, DOES HIS PERSONAL STRUGGLE, HIS FORMAL EDUCATION AND HIS PRACTICAL EXPERIENCE QUALIFY HIM TO INTERPRET THE CONSTITUTION AS JUSTICES GONE BEFORE? I HOPE YOU WILL ALL SAY YES, AS I DO.

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FINALLY, AS OUR ELECTED REPRESENTATIVES, WHO WILL SHORTLY VOTE ON THIS IMPORTANT NOMINATION, I LEAVE YOU WITH THIS CHARGE -- A CHARGE IN WHICH EVERY AMERICAN WOULD CONCUR -- DO NOT PRACTICE PARTISAN, RACIAL, OR PHILOSOPHICAL POLITICS WITH THIS CONFIRMATION PROCESS FOR THE SUPREME COURT. RATHER, REAFFIRM THE PROGRESS AND INTEGRITY OF THE "MINORITY BODY POLITIC" BY CONFIRMING CLARENCE THOMAS.

I WOULD BE PLEASED TO ANSWER ANY QUESTIONS YOU MAY HAVE. THANK YOU VERY MUCH FOR YOUR ATTENTION.