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September 17, 1991

BY HAND

Honorable Joseph Biden, Chairman
Honorable Strom Thurmond, Ranking Minority
U.S. Senate Judiciary Committee
Dirksen Senate Office Building
First and Constitution Avenues
Washington, D.C.

Dear Sirs:

I wish to go on record as supporting the nomination of Judge Clarence Thomas and urging a strong positive recommendation to the Senate as a whole.

I am living overseas and could not get my testimony delivered by mail quickly enough, so I have brought it by hand to the Committee office.

My determination to submit testimony for the record was triggered by the highly visible, vocal and widespread media coverage of civil rights groups' opposition to President Bush's nominee.

I have a long and well known record as a civil rights activist. I was the founder of the Western Christian Leadership Conference that supported Dr. Martin Luther King in 11 western states in the 1960's. I was a founding member and co-chairman of the National Republican Task Force on civil rights in the 1980's. The struggle for equal economic opportunity in the 1970's found me working as Executive Vice Chairman to Rev. Leon Sullivan and serving as National Coordinator of the Pilgrimage to Washington to put job training and employment on the minds and hearts of America.

I deeply resent the attempt to gloss over the fact that 59% of Black Americans have indicated their support for Judge Thomas' confirmation. The idea that the civil rights lobby can speak on behalf of all Black Americans is unfortunately an old-fashioned idea. It just is not true in 1991 in this particular case.

Honorable Joseph Biden
Honorable Strom Thurmond
September 17, 1991
Page -2-

Therefore I am writing to testify that the historical precedents clearly indicate that national elective office and Supreme Court appointment will shape a man and influence his growth beyond his previous level of thinking. I see Judge Thomas growing continuously and in the tradition of Justice Hugo Black and President Lyndon Johnson making history as an advocate for equal justice under the law. He is and will be his own man, dedicated to serving the American people -- preserving democracy and freedom and conserving the principles of the founding fathers and the legacy of the judicial history of the Supreme Court.

As a Black Jeffersonian Conservative, I stand 100% in favor of civil rights and constitutional rights. I served as a member of the advisory committee on constitutional rights to the Attorney General of California.

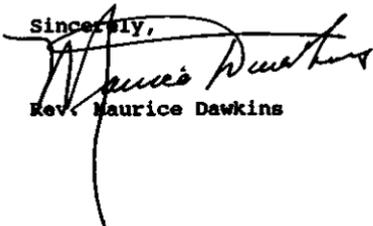
As a civil rights activist I want you to know that there are many like myself who will be grateful to you if you let the record show that this man has a sizeable vote of both Democrats and Republicans in favor of his confirmation. History should tell the next generation that his was not just a vote of response to a wide array of either right wing or left wing groups -- barely getting by with a small margin.

The nation should know that the mainstream thinking evaluating the man and his potential prevailed. The judgment of the Senate should reflect our faith that the democratic process can produce a product of which we can all be proud.

The President's nomination and the Senate's advice and consent works well when we respond to our faith rather than to our fears.

Thank you for your prayerful consideration.

Sincerely,



Rev. Maurice Dawkins

"AN ANTI-RACIST, ANTI-SEXIST, ANTI-AGEISM ACTIVIST TESTIMONY

for

J U D G E C L A R E N C E T H O M A S

ADVOCATING CONFIRMATION".

Presented to:

THE SENATE JUDICIARY COMMITTEE
UNITED STATES SENATE
WASHINGTON, D.C.

By

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President, The United States Partnerships Company
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From the Commonwealth of Virginia

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An Anti-racist, Anti-sexist, Anti-ageism Activist testifiesfor Judge Clarence Thomas Confirmation

My name is Maurice Dawkins, I am a militant black patriot whose life has been dedicated to fighting racism and sexism. I am 70 years young, advocate of equal opportunities for senior citizens. My track record in the 1960's was one of fighting the good fight for civil rights with A. Phillip Randolph, Adam Clayton Powell, Roy Wilkins, Whitney Young, Martin Luther King, Dorothy Height Franklin Williams, Walter Reuther and the Leadership of the National Council of Churches, the American Jewish Committee and the National Catholic Conference of Social Welfare.

I cite my own personal experience in the struggle to gain equal justice under the law because a strong civil rights lobby has chosen to oppose Judge Clarence Thomas confirmation by the Senate Judiciary Committee.

An unsung hero of the American Civil Rights Movement, the West Coast Executive Director of the NAACP nominated me to be named as a member of the Advisory Committee to the Attorney General of California when I served as the West Coast Chairman of the NAACP Regional Convention and President of the Los Angeles NAACP Branch.

-2-

I cite this particular role that I played in those days to indicate my orientation with the legal realities that the judiciary branch of State government must deal with. This particular Attorney, Stanley Mosk, went on to become a member of the State Supreme Court. Like many Californians, I maintained my contact and followed the record of his decisions at that time.

This kind of personal involvement and commitment is relevant I believe to justify my coming forward at this time to defend President Bush's Nominee to fill the vacancy of what we in the Civil Rights Movement regard with genuine reverence, the historic Thurgood Marshall seat on the Supreme Court of the United States.

Like Ben Hooks and the membership of the largest, oldest and most effective civil rights organization in America, The National Association for the Advancement of Coloured People, I have deep emotional feelings about the fantastic contribution to Black Progress and the Democratic process that Judge Marshall has made. Like many of the traditional Civil rights advocates, I agree that Judge Clarence Thomas is no Thurgood Marshall. Unlike many of these fellow freedom fighters however I do not feel that this disqualifies him or prevents him from doing a good, or even an excellent job as a judge on the Supreme Court.

-3-

Having lived through the debates about Justice Hugo Black, former Klu Klux Klan member who became a strong and respected advocate for equal justice under the law, I do not buy the theory that a man's actions and public position on issues prior to his appointment to the Supreme Court prevent him from becoming a new man or born again civil rights champion.

None of us in the movement will ever forget how this same civil rights lobby, then under the leadership of our revered hero, the 101st Senator Clarence Mitchell, opposed Lyndon Johnson as the nominee of the late President Kennedy and the Democrat Party for the Vice Presidency.

As the Senate's records will show, I testified for the nomination of President Gerald Ford to the Vice Presidency when this same civil rights lobby campaigned and testified against him because of his checkered civil rights record.

I remember saying then, as I think should be stated now - Lyndon Johnson became a champion for the rights of black Americans and the late Adam Clayton Powell Jr., who had supported him in 1960 couldn't get into the White House to see him without stumbling over the civil rights leadership who had opposed him in 1960.

I cite this story to illustrate how history has shown that men are often made and their attitudes and decisions shaped by the position to which they are elected by the American People or appointed with the advice and consent of the United States Senate.

Mr. Chairman, my testimony is designed to remind the members of the Committee that we have no reason to believe, based on historical precedent, that Judge Clarence Thomas could not or would not become an outstanding Supreme Court Judge.

Judge Warren Burger was not appointed by a Democratic President, yet Democrats recognize that his record was an honourable one that Americans can understand even though there may be differences of opinion about specific decisions.

When President Johnson appointed Judge Tom Clark, Republicans were not rejoicing, but they recognized that the President has the right and the responsibility to exercise his own best judgement in his nominations for a seat on the Supreme Court.

Put another way democracy works best when we have faith in a process that produces a unity that permits diversity.

We can agree to disagree agreeably in our American Democracy. We can debate and win or debate and lose. Yet once the debate is over we can come together and work together for a common cause.

The debate in Congress concerning the Gulf War against Saddam Hussein is a case in point. There are always extremists on the right and the left who go all out to show how the nation will be endangered unless their extreme position prevails. However the mainstream provides a balance representing a majority of the citizens which through the years has given us the best democracy in the world.

Mr. Chairman, today I strongly recommend that the majority of your committee look objectively at the legal requirements for a Supreme Court Judge and dispassionately at the human rights record of Judge Thomas. I urge the Confirmation of this nominee of President George Bush as a demonstration of our faith in democracy and the Christian principles which have undergirded our government since the founding Fathers and the Declaration of Independence promised future Americans, all Americans an equal opportunity to secure the rights of liberty and justice.

-6-

Surely a Clarence Thomas can be granted an equal opportunity with the other nominees who have become members of the Supreme Court. His record is not perfect. His detractors say he was judged 'qualified' by the A.B.A. rather than 'well qualified', and Judge Bork, Judge Souter, Justice Rhe..quist, were all given this highest possible rating. The Committee should call the role in their minds of other Justices who were not given the 'highest possible' rating by A.B.A. They served and served democracy well and the Nation has survived and succeeded in maintaining a balance through the years, the decades, the generations.

Some of our Justices have been appointed by Democrat Presidents, some by Republican Presidents. Some have been more conservative than others. Some have been more liberal than others - But through it all we have come to trust our system of Presidential nomination and Senatorial advice and consent.

To the members of the Committee I would also like to point out some of the flaws in some of the arguments that are being used to try and persuade you to reject this President's nominee.

I do not claim that some of their arguments are not valid - However I strongly submit to you that all of them are not valid and some of them are half truths and distortions of the truth and on balance the positive record outweighs the negative criticism. Let us look, together for a moment at a few illustrations.

His opponents cite his "Hostility to the Civil Rights Movement", this is a broad generality. He has vigorously opposed that part of the leadership of the movement which marches lock-step with liberal ideology because he is a conservative. But gentlemen, believe it or not there are legitimate, fully committed, 100% Civil Rights Advocates who are conservative on fiscal policies, foreign policy, social welfare policy and political philosophy. I am a Black Conservative. I call myself a Jeffersonian Conservative or a Bob Dole Conservative. Yet Thomas Jefferson gave us the guidelines for democracy. Cabinet members Jack Kemp and Senator Robert Dole are consummate practitioners of Democracy. They have earned blue ribbons or gold medals or whatever the symbols of appreciation Black Americans can give to proven fellow-fighters for freedom.

-8-

His opponents say he was a beneficiary of affirmative action and yet condemns such programs for others. This is a specious argument, partly true, leaving out important dimensions of his track record with reference to affirmative action. Surely the voluntary adoption of fair employment practices by corporations has worked well. The Thomas Chairmanship and tour of duty at EEOC does not show him tearing down this pragmatic demonstration of determination to provide corrective medicine for past injustices. However his position on "class action suits" or dependence on legal appellate approach to solving the problem of racial injustice is one about which has always been differences of opinion, within the civil rights movement, within the EEOC Agency, the U.S. Civil Rights Commission and within the rank and file grassroots of Unions and Management in America.

Isn't that what makes America great - Honest Differences of Opinion - hammered out on the Anvil of Debate.

Surely Judge Thomas has a right to take a position and debate it as an individual. My knowledge of him as a person of integrity and commitment to principle makes me know that he would not as a member of the highest court in the land fail to abide by principles and refuse to compromise the fundamental principle of equal justice under the law.

-9-

I do not believe that as a ~~man~~ of principle he will be found supporting racism, sexism or ageism. If I thought for a moment he would disappoint me, a veteran in the wars against racism and the battles to win equal rights for women and older Americans - I would be arguing against his Confirmation.

It is my view that too many people have made up their minds that a conservative can't be honestly and sincerely in favor of equal Justice under the law. They do not want to be confused by any new facts. They are not willing to reexamine and reevaluate their own positions in the light of new discoveries and new information. They only want to use scientific method of analyzing when it suits their purpose. They simply look for data to support their originally pre-conceived idea about a man or an argument.

Before I die I would like to see a new dimension to the Civil Rights Movement - A recognition that two-party politics provides a racial minority with the best opportunity to get the best results in a democratic society. Such recognition would lead to the admission that you don't have to be a liberal democrat to be 100% committed to civil rights and you can be a conservative Republican and be 100% committed to civil rights.

-10-

I see myself as an illustration of this dimension. I see Judge Thomas as a catalyst and these confirmation hearings as a catalytic force making people look more closely at the issues involved. The National Urban League looks more closely when it takes a position of neutrality on the nomination because they see 'blackness' as more important in the long run than conservative or liberal ideology when black progress is the goal.

The 59% of minority reported by Jet Opinion Poll as supporting Judge Thomas nomination and the 41% reported as opposing it reflect what I am talking about. Black Americans or Afro-Americans as Thurgood Marshall prefers to call us, are not monolithic in their thinking. Both the 59% and the 41% are sincere, they sincerely disagree. Their votes and their letters to the editors indicate that they are just like white Americans; they have varieties of opinions on almost everything.

This becomes an important factor when you are making your deliberations. You as committee members should be able to rise above the temptation to think you will have a better chance to get black voter support if you oppose or support Thomas.

You should be able to rise above the temptation to oppose the Thomas Nomination either because a wide array of right wing groups are in favor or a wide array of left wing groups are opposed to the nomination.

You should be able to rise above the temptation to base your decision on the attitudes, biases, or judgements of various Deans of various Law Schools.

I submit that you must look at the man. Here ye him. Consider where he comes from. He is a product of our democratic process - yours and mine and all Americans. He is a man of sensitivity and courage who is not afraid to take a stand, even if it is unpopular and he may be misunderstood. As long as he is consistent with his principles he is at peace with himself. Perhaps poetically he fits the Admonition "To Thine Ownself Be True and Thou Canst Not Be False to any Man".

I have talked to this man personally - I have heard him say proudly I am not in a popularity contest. I have heard him protest vigorously against the highly visible failure of the U.S. State Department to have enough black Ambassadors, Deputy Chiefs of Mission, Political and Economic officers and equal opportunity for Civil Service and Foreign Service Employees.

-12-

I know this man just as Adam Powell knew Lyndon Johnson. I know that given a choice between two sets of facts regarding equal justice he can be trusted to come down on the right side..

I do not expect you, gentlemen to know him as I do. I do not expect you to have the same amount of faith in him that I have. However I do hope that my testimony will help you assess objectively the merit of granting your consent to the President's Nomination.

Surely this President these past years and especially in the matter of world affairs and the peace-process has earned your confidence and mine.

Surely this President in his own personal commitment from college days through his tour of duty in the congress and in key appointed positions in Government earned our faith in his belief that all men are created equal and entitled to life, liberty and the pursuit of happiness.

Surely this President would not send you a nominee whom he did not feel would serve the nation well and protect the basic rights of all the American People. Surely this President deserves the opportunity to name his own nominees as other Presidents have done - I urge you to support the President and recommend Judge Clarence Thomas to the Full Senate for Confirmation.