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IN THE 1960s and the early 1970s, American politics were infused with the spirit of the new humanism that had first been espoused by John and Robert Kennedy and Lyndon Baines Johnson. Politicians such as Eugene McCarthy, Edmund Muskie, Fred Harris, George McGovern, and others gained prominence with platforms that offered hope for a new society—joining together our diverse racial, ethnic, and political groups to “form a more perfect union.” This political philosophy peaked in the July 12th, 1972 nomination of George McGovern for president—by a liberal delegation with a marked rise in representation among women, students, and blacks. McGovern’s strong convictions against the war in Vietnam had won him loyal support, but his choice of Thomas Eagleton as a running mate, his failure to project a strong image to the American voters, and the difficulty of unseating the incumbent (Richard Nixon) defeated him at the polls.

Nixon’s victory against McGovern—the greatest landslide in American history—reversed the 1960s’ trend, turning the sights of war-weary Americans homeward. By 1974, when Nixon resigned over the Watergate scandal, disillusioned Americans had yet another series of crises to face. The energy crunch, unemployment, and runaway inflation had become the primary concerns. No longer were the masses crusading together; feelings of isolationism and

concern for one’s own welfare were now shaping the nation’s political mood.

* There cannot be a crisis next week. My schedule is already full.
—Henry Kissinger

I can’t type. I can’t file. I can’t even answer the phone.
—Elizabeth Ray

I was never worried about any sex investigation in Washington. All the men on my staff can type.
—Bella Abzug

* Washington appears to be filled with two kinds of politicians—those trying to get an investigation started, and those trying to get one stopped.
—Earl Wilson

Every so often, we pass laws repealing human nature.
—Howard Lindsay and Russel Crouse

I know you will vote for me until I die. And even after I’m dead I think some of you will write my name in.
—Adam Clayton Powell

The mark of a good politician is the ability to stop at two drinks.
—Charles Colson, quoting Richard Nixon’s adage

The difference between the men and the boys in politics is, and always has been, that the boys want to be something, while the men want to do something.
—Eric Sevareid

All of us in the Senate live in an iron lung—the iron lung of politics—and it is no easy task to emerge from that rarefied atmosphere in order to breathe the same fresh air our constituents breathe.
—John F. Kennedy

I admit I may have dozed through some of the sessions. But I haven’t had a good rest since the campaign.
—S. I. Hayakawa

In the Senate, you have friends; in the executive, you interface.
—Walter Mondale

To have true justice we must have equal harassment under the law.
—Paul Krassner

Influence is like a savings account. The less you use it, the more you've got.
—Andrew Young

There are three constant issues that have run through American politics, ever since the founding of the Republic . . . war and peace . . . bread and butter . . . and black and white.
—Theodore White

Sometimes it is said that a man cannot be trusted with the government of himself. Can he, then, be trusted with the government of others?
—Walter Cronkite

Let the people decide.
—Stokely Carmichael

Politics does not make strange bedfellows: it only seems that way to those who have not been following the courtship.
—Kirkpatrick Sale

I learned one thing in politics. If you go into it . . . then sooner or later you have to compromise. You either compromise or get out.
—Hugh Sloan

The first thing you do when you want to be elected is to prostitute yourself. You show me a man with courage and conviction and I'll show you a loser.
—Ray Kroc, chairman of McDonald's

We made no progress at all . . . and we didn't intend to. That's the function of a national committee.
—Ronald Reagan

The only summit meeting that can succeed is one that does not take place.
—Barry Goldwater

In your heart, you know I'm right.
—Barry Goldwater, campaign slogan, 1964

If you're not big enough to lose, you're not big enough to win.
—Walter Reuther

I would like to say that if we do well in 1968, we will probably not have to worry about 1984.
—Eugene McCarthy, in the 1968 presidential campaign

The McGovern campaign is the campaign of the three A's: acid, abortion, and amnesty.
—Hugh Scott

Our traditional two-party system has become a three-party system—Republican, McGovern, and Democrat.
—Ronald Reagan

We were always subject to this pressure from the cause people. We reacted to every threat from women, or militants, or college groups. If I had to do it all over again, I'd learn to tell them to go to hell.
—Frank Mankiewicz, director of George McGovern's presidential campaign, 1972

The right has a lot of discipline that the left lacks. The left always dilutes itself. Instead of merging to go after the common enemy, the left splinters, and the splinters go after one another. Meanwhile, the right keeps after its objective, pounding away, pounding away.
—Cesar Chavez

To treat comrades like enemies is to go over to the stand of the enemy.
—Mao Tse-tung

Anyone can be elected once by accident. Beginning with the second term, it's worth paying attention.
—Sam Rayburn

A lot of congressmen and senators like to draw their breath and their salaries and not do much else.
—Sam Ervin

Conferences at the top level are always courteous. Name-calling is left to the foreign ministers.

—W. Averell Harriman

Where else could it happen but in a country like this? To let a foreigner make peace for them, to accept a man like me—I even have a foreign accent.

—Henry Kissinger

Don't be humble, you're not that great.

—Golda Meir

We agree completely on everything, including the fact that we don't see eye to eye.

—Henry Kissinger and Golda Meir

How can anyone govern a nation that has two hundred and forty-six different kinds of cheese?

—Charles de Gaulle

I have not been calling the signals. I have been in the position of a lineman doing some of the downfield blocking.

—Hubert Humphrey, trying to dissociate himself from President Johnson's Vietnam policy during the 1968 presidential campaign

Apparently Mr. Humphrey isn't comfortable playing the Lone Ranger after playing Tonto for so long.

—Spiro T. Agnew

Politics, like the legal system, is dominated by old men. Old men who are also bugged by religion.

—Mick Jagger

I don't think politics is a workable system any more. . . . They gotta invent something better.

—David Crosby

Life somehow finds a way of transcending politics.

—Norman Cousins

We will bury you.

—Nikita Khrushchev, September 17, 1959

There are only two kinds of politics . . . the politics of fear and the politics of trust. One says: you are encircled by monstrous dangers. . . . The other says: the world is a baffling and hazardous place, but it can be shaped to the will of men.

—Edmund Muskie

Politics is sex in a hula-hoop.

—Richard Reeves

Politics is war without violence.

—Stokely Carmichael

Politicians are the same all over. They promise to build a bridge even where there is no river.

—Nikita Khrushchev

West Virginians have always had five friends—God Almighty, Sears Roebuck, Montgomery Ward, Carter's Little Liver Pills, and Robert C. Byrd.

—Robert C. Byrd

Acting is as old as mankind. . . . Politicians are actors of the first order.

—Marlon Brando

Being in politics is like being a football coach. You have to be smart enough to understand the game and dumb enough to think it's important.

—Eugene McCarthy

It is completely unimportant. That is why it is so interesting.

—Agatha Christie

I have often been accused of putting my foot in my mouth, but I will never put my hand in your pockets.

—Spiro T. Agnew

Sometimes people mistake the way I talk for what I am thinking.
—Idi Amin

I don't know what sort of president he'd make. He talks and talks and talks. He'd make a helluva wife.
—Groucho Marx, on Hubert Humphrey

I've never thought my speeches were too long; I've enjoyed them.
—Hubert Humphrey

In Maine we have a saying that there's no point in speaking unless you can improve on silence.
—Edmund Muskie

Eating words has never given me indigestion.
—Winston Churchill

Once you pledge, don't hedge.
—Nikita Khrushchev

Talking with George McGovern is like eating a Chinese meal. An hour after it's over, you wonder whether you really ate anything.
—Eugene McCarthy

I have no time to prepare a profound message.
—Spiro T. Agnew

A politician is a man who can be verbose in fewer words than anyone else.
—Peter De Vries

Now when I bore people at a party they think it's their fault.
—Henry Kissinger

A foreign secretary is forever poised between a cliché and an indiscretion.
—Harold Macmillan

I would not be truthful if I said I was fully qualified for the office. I do not play the piano, I seldom play golf, and I never play touch football.
—Barry Goldwater, on the presidency

These presidential ninnies should stick to throwing out baseballs and leave the important matters to serious people.
—Gore Vidal

Vote for the man who promises least; he'll be the least disappointing.
—Bernard Baruch

Too bad that all the people who know how to run the country are busy driving taxicabs and cutting hair.
—George Burns

To say you get a vote of confidence would be to say you needed a vote of confidence.
—Andrew Young

It is dangerous for a national candidate to say things people might remember.
—Eugene McCarthy

Nothing is so admirable in politics as a short memory.
—John Kenneth Galbraith

You must always appear right as well as be right.
—Strom Thurmond

If you want to talk to somebody who's not busy, call the vice president. I get plenty of time to talk to anybody about anything.
—Walter Mondale

The seeking of me as a candidate came like the dew in the night. It was rather gentle . . . soft, but there were signs in the morning that something had happened during the night, and so here we are.
—Eugene McCarthy

Seen one president, you've seen them all.

—Henry Kissinger

Tom Eagleton is fully qualified in mind, body, and spirit to be the vice president of the United States, and if necessary, to take over the presidency on a moment's notice.

—George McGovern, in the 1972 presidential campaign

I'm 1,000 percent for Tom Eagleton and I have no intention of dropping him from the ticket.

—George McGovern

On three occasions in my life I have voluntarily gone into hospitals as a result of nervous exhaustion and fatigue.

—Thomas Eagleton

My health just wasn't on my mind; it was like a broken leg that healed.

—Thomas Eagleton, explaining why he had not mentioned his three nervous breakdowns at the time of his nomination for vice president

It's a great country, where anybody can grow up to be president . . . except me.

—Barry Goldwater

Never give up and never give in.

—Hubert Humphrey

The party permits ordinary people to get ahead. Without the party, I couldn't be a mayor.

—Mayor Richard Daley

Congressmen, because they run for office every two years, are distilled politicians.

—Richard Reeves

There are two books that should be in the White House to read. One is the Constitution of the United States and the other is Dale Carnegie's book *How To Win Friends and Influence People*.

—Sam Ervin

The function of socialism is to raise suffering to a higher level.

—Norman Mailer

The chief problem of the lower-income farmers is poverty.

—Nelson Rockefeller

If you've seen one city slum, you've seen them all.

—Spiro T. Agnew

The streets are safe in Philadelphia, it's only the people who make them unsafe.

—Frank Rizzo, mayor of Philadelphia

Pessimism in our time is infinitely more respectable than optimism.

. . . The man who foresees catastrophe has a gift of insight which insures that he will become a radio commentator, an editor of *Time*, or go to Congress.

—John Kenneth Galbraith

An optimist sees an opportunity in every calamity; a pessimist sees a calamity in every opportunity.

—Winston Churchill

Marvin never tells a lie if he can give you a misleading statement instead.

—Friend of convicted Maryland Governor Marvin Mandel

The accomplice to the crime of corruption is frequently our own indifference.

—Bess Myerson

Money is the mother's milk of politics.

—Jesse Unruh

When one hundred senators talk for thirty-seven hours, enough natural gas is produced.

—Henry Kissinger, on the energy filibuster

* We debated this bill now for nine days. I heard the world was created in seven.

—Robert C. Byrd

*World created in 7 days
This nomination process over 107?*

A clean desk represents an empty mind.

—Felix Frankfurter

If you want to make peace, you don't talk to your friends. You talk to your enemies.

—Moshe Dayan

Peace is much more precious than a piece of land.

—Anwar Sadat

Sometimes I think this country would be better off if we could just saw off the eastern seaboard and let it float out to sea.

—Barry Goldwater

France cannot be France without greatness.

—Charles de Gaulle

To negotiate: to seek a meeting of minds without a knocking together of heads.

—Eric Sevareid

A Geneva settlement is like a tall mountain, full of crevices and sharp rocks. . . . You don't go to it in a straight line. You go through zigs and zags.

—Zbigniew Brzezinski

Nothing great will ever be achieved without great men, and men are great only if they are determined to be so.

—Charles de Gaulle

To strip our past of glory is no great loss, but to deny it honor is devastating.

—Daniel Patrick Moynihan

Nobody ever said you have to torture life to produce history.

—Jimmy Breslin

History recorded tonight would not be the same if recorded tomorrow.

—Ned Rorem

The history of things that didn't happen has never been written.

—Henry Kissinger

It's possible to dazzle a crowd if you really work at it. But that is no qualification for leadership. Hitler was a master of crowds.

—George McGovern

The real power is to make people say yes to you when they want to say no.

—Julian Bond

Propaganda is the art of persuading others of what one does not believe oneself.

Abba Eban

We should keep [the Panama Canal]. After all, we stole it fair and square.

—S. I. Hayakawa

The sword is the axis of the world, and grandeur is indivisible.

—Charles de Gaulle

Many great things indeed have been achieved by those who chose not to leap into the mainstream.

—Joan Mondale

I forsook the comfortable code of many of my predecessors, abandoned the unwritten rules—and said something.

—Spiro T. Agnew

It is perhaps common in the world for individuals and nations to suffer for their noble qualities more than for their ignoble ones. For nobility is an occasion for pride, the most treacherous of sentiments.

—Daniel Patrick Moynihan

Eggheads of the world unite; you have nothing to lose but your yolks.

—Adlai Stevenson

The activist cannot be a perfectionist. He's got to be a realist. And he ought to be an idealist.

—Edmund Muskie

If our democracy is to flourish, it must have criticism; if our government is to function, it must have dissent.

—Henry Steele Commager

Information is the currency of democracy.

—Ralph Nader

Diplomacy—the art of jumping into trouble without making a splash.

—Art Linkletter

Diplomacy is the art of the possible, and we have to keep readjusting our concept of what is possible.

—Alfred L. Atherton, assistant secretary of state for Near Eastern affairs

Diplomacy, like politics, is the art of the possible; and if we use our leverage toward an unachievable end, we will create a mess.

—George W. Ball

A diplomatist is a man who always remembers a woman's birthday, but never remembers her age.

—Robert Frost

I am as conservative as the Constitution, as liberal as Lincoln, and as progressive as Theodore Roosevelt before the Bull Moose movement.

—George Romney

If you want to get along, go along.

—Sam Rayburn

Conservatism is the worship of dead revolutions.

—Clinton Rossiter

The conservative who resists change is as valuable as the radical who proposes it.

—Will and Ariel Durant

The evolutionary process in governments continues. We have passed from Feudalism to Capitalism. Our current stage, as we all know, is Corruption.

—Jules Feiffer

I would define morality as enlightened self-interest. . . . That old Platonic ideal that there are certain pure moral forms just isn't where we are.

—Andrew Young

Your systems-analysis people have too much integrity. This is not an honorable business conducted by honorable men in an honorable way. Don't assume I'm that way and you shouldn't be.

—Henry Kissinger

The system has not failed—but some of us have failed the system.

—Edmund Muskie

Government is only as good as the men in it.

—Drew Pearson

Governments tend not to solve problems, only rearrange them.

—Ronald Reagan

I become the problem instead of the solution to the problem.

—Nelson Rockefeller

The government is becoming the family of last resort.

—Jerry Brown

I don't care what anybody says. I'm to do exactly what I want to do. If it's illegal, immoral, or fattening, Adam Powell is going to do it. I intend to live my life.

—Adam Clayton Powell

Instinct is no guide to political conduct.

—Henry Kissinger

A fellow that doesn't have any tears doesn't have any heart.

—Hubert Humphrey

They call me Battling Bella, Mother Courage, and a Jewish mother with more complaints than Portnoy.

—Bella Abzug

Republicans should work for adoption of environmental programs, welfare, and revenue-sharing, and most importantly we have to keep Bella Abzug from showing up in Congress in hot-pants.

—Spiro T. Agnew

I have never met anyone who believed in democracy. I have met many who prefer it to any other form of government and who are willing to die for it. I have met many who are willing to abide by majority opinion, but I have never met anyone who believed in mass judgment. That is what democracy is.

—Louis Nizer

I am neither a Democrat nor a Republican. I'm a registered Whig.

—Jack Benny

It is a great honor to be chosen as the nation's first black congresswoman. As a United States Representative in Washington I intend to represent all the people—the blacks, the whites, the men, the women, especially the youth. There are many new ideas abroad in this country and I intend to speak for these ideas. And my voice will be heard.

—Shirley Chisholm

You have to adjust your running style when you're running on ice.

—William Proxmire

An expert gives an objective view. He gives his own view.

—Morarji Desai, prime minister of India

The acme of judicial distinction means the ability to look a lawyer straight in the eyes for two hours and not hear a damned word he says.

—Chief Justice John Marshall

When a man points a finger at someone else, he should remember that four of his fingers are pointing at himself.

—Louis Nizer

A jury consists of twelve persons chosen to decide who has the better lawyer.

—Robert Frost

A lawyer with his briefcase can steal more than a hundred men with guns.

—Line from *The Godfather*

The American way is first to give a man a trial and then to convict him.

—Carl Albert

Screw the law—you get the guy off any way you can.

—William Kunstler

You can't have a constitutional right to do something that is illegal.

—Mario Cuomo

The illegal we do immediately. The unconstitutional takes a little longer.

—Henry Kissinger

It is when all play safe that we create a world of utmost insecurity.

—Dag Hammarskjöld

What the liberal really wants is to bring about change which will not in any way endanger his position.

—Stokely Carmichael

A liberal is a man too broadminded to take his own side in a quarrel.

—Robert Frost

Hell hath no fury like a Liberal scorned!
—Dick Gregory

When you are right you cannot be too radical; when you are wrong,
you cannot be too conservative.
—Dr. Martin Luther King, Jr.

The end move in politics is always to pick up a gun.
—R. Buckminster Fuller

Thank heaven for the military-industrial complex. Its ultimate aim
is peace in our time.
—Barry Goldwater

We have a three-to-one advantage over the Russians, which I un-
derstand means we have the potential to kill all the Russians twice
and they have the potential to kill us about one and a quarter times.
—Eugene McCarthy

U.S. policy on the world scene is viewed as being neutral toward
our enemy, friendly toward the neutrals, and unfriendly toward our
friends.
—Strom Thurmond

Power . . . is the way the national ego can assert itself.
—Norman Cousins

I do not want to be controlled by any superpower. I myself consider
myself the most powerful figure in the world.
—Idi Amin

In Israel, in order to be a realist, you must believe in miracles.
—David Ben-Gurion

The problem with me is that I am fifty or one hundred years ahead
of my time. My speed is very fast. Some ministers had to drop out
of my government because they could not keep up.
—Idi Amin

Outside the kingdom of the Lord there is no nation which is greater
than any other. God and history will remember your judgment.
—Haile Selassie

There are no human rights in Uganda.
—Idi Amin

Put a bullet in a guy's head, and he won't bother you any more.
—Attorney General William Janklow

I captured some of the people who tried to assassinate me. I ate
them before they ate me.
—Idi Amin

The power to blow up the world cannot be entrusted to anyone sick
enough to seek it.
—Philip Slater

Tyrants are always assassinated too late; that is their great excuse.
—E. M. Cioran

There is no point in taking special precautions when those who
want to kill me are as incompetent as those who are supposed to
protect me.
—Charles de Gaulle

The most persistent threat to freedom, to the rights of Americans, is
fear.
—George Meany

As long as I am mayor, there will be law and order in Chicago. No-
body is going to take over this city.
—Mayor Richard Daley

The function of liberal Republicans is to shoot the wounded after
battle.
—Eugene McCarthy

You cannot shake hands with a clenched fist.
—Indira Gandhi

I am not a politician, but a professional soldier. I am, therefore, a man of few words. . . .

—**Idi Amin**

I do not believe in doing something just for the sake of action.

—**Henry Kissinger**

We have enough people who tell it like it is—now we could use a few who tell it like it can be.

—**Robert Orben**

We do not promise what we know cannot be delivered by man, God, or the Democratic Party.

—**Lawrence O'Brien**

Extremism in the defense of liberty is no vice. . . . Moderation in the pursuit of justice is no virtue.

—**Barry Goldwater**

The balance of power has never kept the peace in the past, and I don't see why it should in the future.

—**Bertrand Russell**

Men struggle for worthy goals and yet they have no control over their own destinies. It all seems futile and pointless.

—**Hubert Humphrey**

The exercise of absolute power corrupts absolutely.

—**William F. Buckley, Jr.**

The hatred Americans have for their own government is pathological. . . . At one level it is simply thwarted greed: since our religion is making a buck, giving a part of that buck to any government is an act against nature.

—**Gore Vidal**

If you have to choose between being Don Quixote and Sancho Panza, for heaven's sake, be the Don.

—**Ramsey Clark**

Idealism is fine; but as it approaches reality, the cost becomes prohibitive.

—**William F. Buckley, Jr.**

Life's unfairness is not irrevocable; we can help balance the scales for others, if not always for ourselves.

—**Hubert Humphrey**

The final test of a leader is that he leaves behind in other men the conviction and the will to carry on.

—**Walter Lippmann**

He taught us how to live and, finally, how to die.

—**Walter Mondale, at the funeral of Hubert Humphrey**

1 Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example.

Ib. 485

2 If we would guide by the light of reason, we must let our minds be bold.

New State Ice Co. v. Liebmann,
285 U.S. 262, 311 [1932]

3 *Stare decisis* is usually the wise policy, because in most matters it is more important that the applicable rule of law be settled than that it be settled right. . . . But in cases involving the Federal Constitution, where correction through legislative action is practically impossible, this Court has often overruled its earlier decisions. The Court bows to the lessons of experience and the force of better reasoning, recognizing that the process of trial and error, so fruitful in the physical sciences, is appropriate also in the judicial function.

Burnet v. Coronado Oil and Gas Co., 285 U.S. 393, 406 [1932]

4 There is in most Americans some spark of idealism, which can be fanned into a flame. It takes sometimes a divining rod to find what it is; but when found, and that means often, when disclosed to the owners, the results are often extraordinary.

The Words of Justice Brandeis
[1953]

Sigmund Freud¹

1856–1939

5 Being entirely honest with oneself is a good exercise.

Origins of Psychoanalysis. Letter to Fliess [October 15, 1897]

6 No one who, like me, conjures up the most evil of those half-tamed demons that inhabit the human breast, and seeks to wrestle with them, can expect to come through the struggle unscathed.

Complete Psychological Works. Dora [1905]

7 Conscience is the internal perception of the rejection of a particular wish operating within us.

Ib. Totem and Taboo [1912–1913]

8 At bottom God is nothing more than an exalted father.

Ib.

¹See Whitehead, 698:4, and Auden, 868:14.

9 The psychic development of the individual is a short repetition of the course of development of the race.²

Leonardo da Vinci [1916]

10 When the wayfarer whistles in the dark, he may be disavowing his timidity, but he does not see any the more clearly for doing so.

The Problem of Anxiety [1925]

11 The poets and philosophers before me discovered the unconscious; what I discovered was the scientific method by which the unconscious can be studied.³

On his seventieth birthday [1926];
from LIONEL TRILLING, *The Liberal Imagination*

12 The voice of the intellect is a soft one, but it does not rest until it has gained a hearing. Ultimately, after endlessly repeated rebuffs, it succeeds. This is one of the few points in which one may be optimistic about the future of mankind, but in itself it signifies not a little.

Future of an Illusion [1928]

13 Analogies prove nothing, that is quite true, but they can make one feel more at home.

New Introductory Lectures on Psychoanalysis [1932]

14 One might compare the relation of the ego to the id with that between a rider and his horse. The horse provides the locomotor energy, and the rider has the prerogative of determining the goal and of guiding the movements of his powerful mount towards it. But all too often in the relations between the ego and the id we find a picture of the less ideal situation in which the rider is obliged to guide his horse in the direction in which it itself wants to go.

Ib. The Anatomy of the Mental Personality (Lecture 31)

15 The poor ego has a still harder time of it; it has to serve three harsh masters, and has to do its best to reconcile the claims and demands of all three. . . . The three tyrants are the external world, the superego and the id.

Ib.

16 Where id was, there shall ego be.

Ib.

17 Thinking is an experimental dealing with small quantities of energy, just as a general moves miniature figures over a map before setting his troops in action.

Ib. Anxiety and Instinctual Life
(Lecture 32)

²See Haeckel, 617:10.

³See Peirce, 639:12, and Bergson, 688:8.

1 If one wishes to form a full grandeur of religious mind what it undertakes gives them information of origin of the universe, its protection and final happiness vicissitudes of life, thoughts and motions which are backed by the authority.

Ib. A Philosophy

2 Religion is an attempt the sensory world, in which means of the wish-world developed inside us as a psychological necessities

3 Religion is an illusion strength from the fact that instinctual desires.

4 The Mosaic religion has been; Christianity became old God, the Father, Christ, the Son, stood in those dark times every

Moses and

5 Man found that he was in acceptance of "spiritual" forces such forces as cannot be sensed, particularly not being undoubted, even effects. If we may trust to movement of the air that of spirituality, since the name from the breath of the Hebrew: ruach = spirit, soul was thus born as that in the individual. . . . spirits had opened for man to endow everything in which he had discovered in his

6 A man who has been favorite of his mother keeps of a conqueror, that confidence often induces real success

From ERNEST
Works of Sigmund Freud
[1953], ch. 1

7 The great question . . . been able to answer, despite of research into the feminine does a woman want?"

Quoted in CHARLOTTE
try in A

8 Sometimes a cigar is just

¹See Emerson, 498:22.

Martin Niemoeller

1892-

- ¹ In Germany they came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up.¹

Attributed

Harold Wallace Ross

1892-1951

- ² *The New Yorker* will not be edited for the old lady from Dubuque.²

Upon founding The New Yorker
[1925]

John Ronald Reuel Tolkien

1892-1973

- ³ In a hole in the ground there lived a hobbit. Not a nasty, dirty, wet hole, filled with the ends of worms and an oozy smell, nor yet a dry, bare, sandy hole with nothing in it to sit down on or to eat: it was a hobbit-hole, and that means comfort.

The Hobbit; or There and Back Again [1937], ch. 1

César Vallejo

1892-1938

- ⁴ I will die in Paris with hard dirty rain, on a day I now remember.

I will die in Paris—and I don't run—maybe a Thursday, like today, in autumn.

Human Poems (Poemas Humanos)
[1939].³ *Black Stone on a White Stone (Piedra Negra Sobre una Piedra Blanca)*, st. 1

- ⁵ A man walks by with a loaf of bread on his shoulder.

I'm going to write, after that, about my double?
Ib. A Man Walks By, st. 1

- ⁶ Another shakes from cold, hacks, spits blood. Is it possible to even mention the profound I?

Another searches in the mud for bones, rinds. How write after that about the infinite?

Ib. st. 5, 6

¹See Lincoln, 520:2.

²Later this became: the little old lady from Dubuque.

³Translated by CLAYTON ESHLEMAN.

Niemoeller — Yellen

- ⁷ Whatever may be the cause I have to defend before God, beyond death I have a defender: God.

Ib. Whatever May Be the Cause

Mae West

1892-1980

- ⁸ Come up and see me sometime.

Diamond Lil [1932]

- ⁹ Beulah, peel me a grape.

I'm No Angel [1933]

Wendell Lewis Willkie

1892-1944

- ¹⁰ Freedom is an indivisible word.⁴ If we want to enjoy it, and fight for it, we must be prepared to extend it to everyone, whether they are rich or poor, whether they agree with us or not, no matter what their race or the color of their skin.

One World, ch. 13

- ¹¹ The Constitution does not provide for first and second class citizens.

An American Program [1944], ch. 2

- ¹² I believe in America because in it we are free—

free to choose our government, to speak our minds,

to observe our different religions.

Because we are generous with our freedom, we share

our rights with those who disagree with us. Because we hate no people and covet no people's lands.

Because we are blessed with a natural and varied abundance.

Because we have great dreams and because we have the

opportunity to make those dreams come true.

His creed, inscribed on a marker by his grave in Rushville, Indiana

Jack Yellen

1892-1958

- ¹³ Happy days are here again,
The skies above are clear again:
Let us sing a song of cheer again,
Happy days are here again!

Happy Days Are Here Again [1929]⁵

⁴See Litvinov, 757:11.

⁵Composed by MILTON AGER [1893-1979], it was played at the 1932 Democratic presidential convention and became a campaign song for Franklin D. Roosevelt.

Bradley — Laski

Omar Bradley

1893-1919

- ¹ We have grasped the net and rejected the Sermon
Address on Army

- ² The world has achieved conscience. Ours is a world of and ethical infants.

- ³ Our military forces are game to win regardless of ball. This is no time for won't hit the line with all play, unless they can call player on this team—when the spotlight of the back of the line—must be an All

Testimony to Armed Services Representatives [October]

- ⁴ In war there is no second-ner-up.

In the Military

- ⁵ Red China is not the power to dominate the world opinion of the Joint Chiefs of Staff. Any strategy would involve us in the wrong place, at the wrong wrong enemy.

Testimony to Armed Services on Foreign Affairs
[May 15, 1951]

- ⁶ Only one military organization and gain ground in war—supported by tactical aviation guarded by the navy.

In the

Lew Browder

1893-195 and

Buddy [George Garfield]

1895-195

- ⁷ And love can come to even
The best things in life are
Good News Thing

- ⁸ Keep your sunny side up.
Sunny Side Up

¹Music by RAY HENDERSON.

Alice Duer Miller

1874-1942

- 1 The white cliffs of Dover, I saw rising steeply
Out of the sea that once made her [England]
secure. *The White Cliffs [1940]*
- 2 But in a world where England is finished and
dead,
I do not wish to live. *Ib.*

John Davison Rockefeller, Jr.

1874-1960

- 3 I believe that every right implies a respon-
sibility; every opportunity, an obligation;
every possession, a duty.
*Ten Principles: Address in behalf
of United Service Organizations,
New York [July 8, 1941]*

Robert William Service

1874-1958

- 4 This is the Law of the Yukon, that only the
strong shall thrive;
That surely the weak shall perish, and only
the fit survive.
Dissolute, damned and despairful, crippled
and palsied and slain,
This is the Will of the Yukon—Lo, how she
makes it plain!
The Law of the Yukon
- 5 Back of the bar, in a solo game, sat Dangerous
Dan McGrew,
And watching his luck was his light-o'-love,
the lady that's known as Lou.
*The Shooting of Dan McGrew
[1907], st. 1*
- 6 The Northern Lights have seen queer sights,
But the queerest they ever did see
Was that night on the marge of Lake Lebarge
I cremated Sam McGee.
*The Cremation of Sam McGee
[1907], st. 1*
- 7 A promise made is a debt unpaid. *Ib. st. 8*

Gertrude Stein

1874-1946

- 8 Rose is a rose is a rose is a rose.
Sacred Emily [written 1913]
- 9 You are all a lost generation.¹
*Used by Ernest Hemingway as an
epigraph for The Sun Also Rises
[1926]*

¹Hemingway states that the remark was originally
made by a garage owner in the Midi to Gertrude Stein in

Miller — Thorndike

- 10 Pigeons on the grass alas.
*Four Saints in Three Acts
[written 1927]*
- 11 Before the Flowers of Friendship Faded
Friendship Faded.
Title [written 1930]
- 12 Remarks are not literature [said to Hem-
ingway].
*The Autobiography of Alice B.
Toklas [written 1930]*
- 13 America is my country and Paris is my
home town and it is as it has come to be. After
all anybody is as their land and air is. Any-
body is as the sky is low or high, the air heavy
or clear and anybody is as there is wind or no
wind there. It is that which makes them and
the arts they make and the work they do and
the way they eat and the way they drink and
the way they learn and everything.
And so I am an American and I have lived
half my life in Paris, not the half that made
me but the half in which I made what I made.
An American and France [1936]
- 14 In the United States there is more space
where nobody is than where anybody is.
This is what makes America what it is.
*The Geographical History of
America [1936]*
- 15 What is the answer? [*I was silent.*] In that
case, what is the question?
*Last words. From ALICE B. TOKLAS,
What Is Remembered [1963]*

Trumbull Stickney

1874-1904

- 16 Be still. The Hanging Gardens were a dream.
Be Still [1905]
- 17 It's autumn in the country I remember.
Mnemosyne

Edward Lee Thorndike

1874-1949

- 18 The intellect, character and skill possessed
by any man are the product of certain origi-
nal tendencies and the training which they
have received.
*Educational Psychology: Briefer
Course [1914]*

reference to his young mechanics, who were "une généra-
tion perdue."

Williams — Jung

Harry W

1874-

- 1 It's a long way to Tippi
to go;
It's a long way to Tippi
girl I know!
Goodbye, Piccadilly,
Square,
It's a long, long way to
heart's right there

- 2 In the Shade of the

Edmund Cleri

1875-

- 3 Sir Christopher Wren
Said "I am going to di
If anybody calls
Say I am designing St
Biogra

- 4 John Stuart Mill
By a mighty effort of
Overcame his natural
And wrote *Principles*

- 5 George the Third
Ought never to have
One can only wonder
At so grotesque a blu

Mary McLe

1875-

- 6 What does the Negri
very simple. He want
Americans want. He
make real what the I
dence and the Consti
Rights say, what the
lish. While he knows t
no man completely, h
chance to obtain ther
*"Certain
From What
edited by R*

¹Set to music by JACK J

²A quatrain in the form I
as a clerihew.

³George the First was alv
George the Second; / And v
good of George the Third? /
descended / God be praised
TER SAVAGE LANDOR, *epigr
lectures on the four George*
See Frazer, 673:1.

⁴See Jordan, 913:9.

John Godfrey Saxe

1816-1887

¹ In battle or business, whatever the game,
In law or in love, it is ever the same;
In the struggle for power, or the scramble for
pelf,

Let this be your motto—Rely on yourself!
For, whether the prize be a ribbon or throne,
The victor is he who can go it alone!¹

The Game of Life, st. 7

² "God bless the man who first invented sleep!"²
So Sancho Panza said, and so say I.³

Early Rising, st. 1

Frederick Douglass⁴

c. 1817-1895

³ Every tone [of the songs of the slaves] was
a testimony against slavery, and a prayer to
God for deliverance from chains.

*Narrative of the Life of Frederick
Douglass [1845], ch. 2*

⁴ The whole history of the progress of human
liberty shows that all concessions yet made to
her august claims have been born of earnest
struggle. . . . If there is no struggle, there is
no progress. Those who profess to favor free-
dom, and yet deprecate agitation, are men
who want crops without plowing up the
ground, they want rain without thunder and
lightning. They want the ocean without the
awful roar of its many waters.⁵

*From JOHN W. BLASSINGAME,
Frederick Douglass: The Clarion
Voice [1976]*

⁵ What, to the American slave, is your
Fourth of July? I answer: A day that reveals
to him, more than all other days of the year,
the gross injustices and cruelty to which he is
the constant victim. To him your celebration
is a sham.

*What to the Slave Is the Fourth of
July? Speech at Rochester, New
York [July 4, 1852]*

⁶ You profess to believe that "of one blood
God made all nations of men to dwell on the
face of all the earth"—and hath commanded
all men, everywhere, to love one another
—yet you notoriously hate (and glory in your
hatred!) all men whose skins are not colored
like your own!
Ib.

¹He travels the fastest who travels alone.—KIPLING
[1865-1936], *The Winners*

²See Cervantes, 171:1.

³See F. P. Adams, 773:14.

⁴This man, this Douglass . . . superb in love and logic.
—ROBERT HAYDEN [1913-1980], *A Ballad of Remem-
brance* [1962], *Frederick Douglass*

⁵See *Psalms* 93:4, 20:19.

Saxe — Fields

⁷ The ground which a colored man occupies
in this country is, every inch of it, sternly
disputed.

*Speech at the American and For-
eign Anti-Slavery Society annual
meeting, New York City [May 1853]*

⁸ The destiny of the colored American . . .
is the destiny of America.⁶

*Speech at the Emancipation League,
Boston [February 12, 1862]*

⁹ The relation between the white and col-
ored people of this country is the great, para-
mount, imperative, and all-commanding
question for this age and nation to solve.⁶

*Speech at the Church of the Puri-
tans, New York City [May 1863]*

¹⁰ Despite of it all, the Negro remains . . .
cool, strong, imperturbable, and cheerful.

*Speech on the twenty-first anniver-
sary of Emancipation in the Dis-
trict of Columbia, Washington,
D.C. [April 1883]*

¹¹ In all the relations of life and death, we are
met by the color line.

*Speech at the Convention of Col-
ored Men, Louisville, Kentucky
[September 24, 1883]*

¹² No man can put a chain about the ankle of
his fellow man without at last finding the
other end fastened about his own neck.

*Speech at Civil Rights Mass Meet-
ing, Washington, D.C. [October 22,
1883]*

¹³ The life of the nation is secure only while
the nation is honest, truthful, and virtuous.

*Speech on the twenty-third anni-
versary of Emancipation in the Dis-
trict of Columbia, Washington,
D.C. [April 1885]*

¹⁴ Where justice is denied, where poverty is
enforced, where ignorance prevails, and
where any one class is made to feel that soci-
ety is in an organized conspiracy to oppress,
rob, and degrade them, neither persons nor
property will be safe.

*Speech on the twenty-fourth anni-
versary of Emancipation in the Dis-
trict of Columbia, Washington,
D.C. [April 1886]*

James Thomas Fields

1817-1881

¹⁵ But his little daughter whispered,
As she took his icy hand,

⁶See Du Bois, 724:15.

Fields — Th

"Isn't God upon
Just the same

*The
Ballad
st. 5*

G

¹ The poor human
meal.

*Strop
Fron*

Henry

² I am a parcel of
By a chance bon

³ We are as much
and knowledge.
eyes. *Jo*

⁴ The Indian . . .
strained in Nature
her guest, and w
fully. But the civil
the house. His ho

⁵ It is a great art

⁶ A slight sound at
ears, and makes li
rene and grand. It
may be in the shut

⁷ For many years
spectator of snowstor
did my duty faithf
ceived one cent for
Ib.

⁸ And now, at half-p
cockerels crow in
morning is already
feathered, wakeful t
pates the following t

¹See Sir Humphrey Gil-
ton, 259:12.

²*Sauntering*, which wor-
idle people who roved abo
Ages, and asked charity,
Sainte Terre, to the Hol
claimed, "There goes a Sain
ing [1862]

³No year in Thoreau's de

ou may not recall her. She
y you can lay hold on her,
he hinder part of her head,
again.
Bk. i, ch. 37.

nt by the forward top.
Well that Ends Well. Act
(02)

pe even now,
asion by the hair.
i. Act v, sc. 1, l. 36.

ocks before,
pon his forehead;
rns no more,
alp is naked.
ve many stays,
new delays.
Loss in Delay.

ime will not be stayed,
the forelock take.
moretti. Sonnet lxx. (1595)
ge, but take time by the
The Captives. Act iii, sc.

behind hath not one hair.
ca, iii, 6. (1553)

y: Now or Never

ch man's life appointed
s, if then he seize it.
ETCHER, Custom of the
. 3, l. 85.

ETCHER, The Wild Goose
1.

is hot.
he Beau's Stratagem. Act
under IRON.

at before it's ripe,
e you'll certainly wipe;
ripe moment go,
f the tears of woe.
mic Verses. No. 12.

appened once,
it forever.
uth and Art.

's the hour.

e hand,
weed and flower,
understand,

This My Life.

1
Four things come not back:
The spoken word; The sped arrow;
Time past; The neglected opportunity.
OMAR IBN, Sayings.

The Gods implore not,
Plead not, solicit not; they only offer
Choice and occasion, which being once passed
Return no more.

LONGFELLOW, Masque of Pandora: Tower of
Prometheus on Mount Caucasus.

2
When fair occasion calls, 'tis fatal to delay.
LUCAN, De Bello Civili. Bk. i, 513. (Rowe, tr.)

3
Pluck with quick hand the fruit that quickly
passes. (Quæ fugiunt, celeri carpite poma
manu.)
OVID, Ars Amatoria. Bk. iii, l. 576.

See also LIFE AND LIVING; TIME: GATHER YE
ROSEBUDS.

4
To every man there openeth
A way, and ways, and a way,
And the high soul climbs the high way,
And the low soul gropes the low;
And in between on the misty flats,
The rest drift to and fro;
But to every man there openeth
A high way and a low,
And every man decideth
The way his soul shall go.

JOHN OXENHAM, A High Way and a Low.

5
Oh! who art thou so fast proceeding,
Ne'er glancing back thine eyes of flame?
Mark'd but by few, through earth I'm speed-
ing.

And Opportunity's my name.
What form is that which scowls beside thee?
Repentance is the form you see:
Learn then, the fate may yet betide thee:
She seizes them who seize not me.

THOMAS LOVE PEACOCK, Love and Oppor-
tunity. (Headlong Hall.) An imitation of
Machiavelli's Capitolo dell' Occasione.

6
It is a maxim universally agreed upon in agri-
culture, that nothing must be done too late;
and again, that everything must be done at its
proper season; while there is a third precept
which reminds us that opportunities lost can
never be regained.

PLINY THE ELDER, Historia Naturalis. Bk.
xviii, sec. 44.

7
You must be not only present in the body, but
watchful in mind, if you would avail yourself
of the fleeting opportunity. (Non tantum
præsentis, sed vigilantis est occasionem ob-
servare properantem.)

SENECA, Epistula ad Lucilium. Epis. xxii, 3.

8
We must take the current when it serves,

Or lose our ventures.
SHAKESPEARE, Julius Cæsar. Act iv, sc. 3, l. 223.

Urge them while their souls
Are capable of this ambition,
Lest zeal, now melted by the windy breath
Of soft petitions, pity and remorse,
Cool and congeal again to what it was.

SHAKESPEARE, King John. Act ii, sc. 1, l. 475.

The time's enemies may not have this
To grace occasions.

SHAKESPEARE, King John. Act iv, sc. 2, l. 61.

9
Hoist up sail while gale doth last
Tide and wind stay no man's pleasure.
ROBERT SOUTHWELL, St. Peter's Complaint.
(1595)

There is a tide in the affairs of men,
Which, taken at the flood, leads on to fortune.
SHAKESPEARE, Julius Cæsar. Act iv, sc. 3, l.
218. (1601)

Truly there is a tide in the affairs of men,
but there is no gulf-stream setting for ever in
one direction.

J. R. LOWELL, Among My Books: New Eng-
land Two Centuries Ago.
See also TIDE; TIME: ITS FLIGHT.

VI—Opportunity: He That Will Not When
He May

10
Lest, if he will not now do so while he may,
afterwards, when he at last will, he may not.
UNKNOWN, Anglo-Saxon Homily. (c. 950)
(SKEAT, Early English Proverbs, vi.)

11
He who will not when he may, may not when
he will. (Quia qui non vult cum potest, non
utique poterit cum volet.)

JOHN OF SALISBURY, Policraticus. Bk. viii,
century 17. (c. 1150) Referred to as a prov-
erb. St. Augustine (Opera, xxxviii) has it in
somewhat different form: "Corrigant se, qui
tales sunt, dum vivunt, ne postea velint et
non possint." Which in turn harks back to
Old Testament: Isaiah, lv, 6: "Seek ye the
Lord while he may be found, call ye upon
him while he is near."

He that will not when he may,
He shall not when he will.
ROBERT MANNYNG (ROBERT DE BRUNNE),
Handlyng Synne, l. 4799. (1303)

He that will not when he may,
When he would he shall have nay.
JOHN HEYWOOD, Proverbs. Pt. i, ch. 3. (1546)
Quoted twice by Robert Burton, Anatomy
of Melancholy, ii, ii, 5; iii, ii, 5.

He that will not when he may,
When he desires, shall surely purchase nay.
ROBERT GREENE, Alphonsus. Act v, sc. 3.
(1590)

12
I have known many who could not when they
would, for they had not done it when they
could.

RABELAIS, Works. Bk. iii, ch. 27.

- 1 Occasion is a great matter. Terence says well, "I came in time, which is the chief thing of all." Julius Cæsar understood occasion: Pompey and Hannibal did not.
LUTHER, *Table-Talk*. No. 848.
- 2 Opportunity is a god. (Ὁν Καρὸν ἔφη θεόν.)
PALLADAS, quoting Menander. (*Greek Anthology*. Bk. x, epig. 52.)
- 3 O Opportunity, thy guilt is great!
'Tis thou that execut'st the traitor's treason:
Thou set'st the wolf where he the lamb may get;
Whoever plots the sin, thou point'st the season;
'Tis thou that spurn'st at right, at law, at reason;
And in thy shady cell, where none may spy him,
Sits Sin, to seize the souls that wander by him.
SHAKESPEARE, *The Rape of Lucrece*, l. 876.
The opportunity for doing mischief is found a hundred times a day, and of doing good once in a year. (L'occasion de faire du mal se trouve cent fois par jour, et celle de faire du bien une fois dans l'année.)
VOLTAIRE, *Zadig*.
- 4 Opportunity is the best captain of all endeavor. (Καρὸς γάρ, ὅσπερ ἀνδράσιν μέγιστος ἔργου παντός ἐστ' ἐπιστάτης.)
SOPHOCLES, *Electra*, l. 75.
- II—Opportunity: Apothegms
- 5 A man must make his opportunity, as oft as find it.
FRANCIS BACON, *Advancement of Learning: Civil Knowledge*. Sec. 3.
A wise man will make more opportunities than he finds.
BACON, *Essays: Of Ceremonies and Respects*.
- 6 Opportunity makes a thief.
FRANCIS BACON, *Letter to the Earl of Essex*, 1598. The earliest appearance of this axiom in English literature is in a manuscript of unknown authorship, *Hali Meidenhad* (*Early English Text Society*, 17), dating from about 1220: "Man saith that ease maketh thief."
- Opportunity makes a man commit larceny.
JOHN FLORIO, *First Fruites*, Fo. 169. (1591)
- 7 When one door is shut, another opens. (Donde una puerta se cierra, otra se abre.)
CERVANTES, *Don Quixote*. Bk. i, ch. 21.
- 8 Small opportunities are often the beginning of great enterprises.
DEMOSTHENES, *In Leptinem*. Sec. 163.
- 9 Observe the opportunity.
Apocrypha: Ecclesiasticus, iv, 20.

- 10 No great man ever complains of want of opportunity.
EMERSON, *Journals*. Vol. v, p. 534.
- 11 Fortune once in the course of our life doth put into our hands the offer of a good turn.
SIR GEOFFREY FENTON, *Bandello*. Vol. ii, p. 148.
- 12 Man's extremity is God's opportunity.
JOHN FLAVEL, *A Faithful and Ancient Account of Some Late and Wonderful Sea Deliverances*. (c. 1680) Quoted by Lord Belhaven in a speech to the Scottish Parliament, 2 Nov., 1706.
- 13 Seek not for fresher founts afar,
Just drop your bucket where you are.
SAM WALTER FOSS, *Opportunity*.
Let down your buckets where you are.
BOOKER T. WASHINGTON, *Address, Atlanta Exposition*.
- 14 Keep thou from the Opportunity, and God will keep thee from the Sin.
BENJAMIN FRANKLIN, *Poor Richard*, 1744.
- 15 He who seizes the [right] moment is the right man. (Der den Augenblick ergreift Das ist der rechte Mann.)
GOETHE, *Faust*. Pt. i, sc. 4, l. 494.
Are you in earnest? seize this very minute.
GOETHE, *Faust: Prelude at the Theatre*, l. 303.
John Anster, tr. See p. 2298g:3.
- 16 Let us snatch our opportunity from the day, my friends. (Rapiamus, amici, Occasionem de die.)
HORACE, *Epodes*. No. xiii, l. 3.
- 17 We sail, at sunrise, daily, "outward bound."
HELEN HUNT JACKSON, *Outward Bound*.
- 18 To improve the golden moment of opportunity, and catch the good that is within our reach, is the great art of life.
SAMUEL JOHNSON, *Works*. Vol. vi, p. 214.
- 19 The career open to talents, that was my principle.
NAPOLEON BONAPARTE. (O'MEARA, *Napoleon in Exile*.) The same principle which he expressed in another phrase, "Every French soldier carries in his knapsack the baton of a marshal of France."
To the very last, he had a kind of idea; that, namely, of *la carrière ouverte aux talents*—the tools to him that can handle them.
JOHN GIBSON LOCKHART, referring to Napoleon. (Article on Sir Walter Scott in *London and Westminster Review*, 1838.) Carlyle, in his essay on Mirabeau (1837), quotes the phrase as from "a New England book."
- 20 Opportunity has power everywhere; always

- let your hook be hanging; wh
pect it, there will swim a fish
valet; semper tibi pendeat ha
credas gurgite, piscis erit.)
OVID, *Ars Amatoria*. Bk. iii,
- 1 Know your opportunity. (Κ
PITTACUS. (DIOGENES LAERT
i, sec. 79.) Diogenes Laer
apothegm belongs to Pit
seven wise men of Greece
570 B. C. The phrase is sai
scribed on the temple of
Know your opportunity. (Τ
PITTACUS. (AUSONIUS, *Lud
tum*, l. 203.)
I am come in time. (Veni in t
TERENCE, *Andria*, l. 758. Au
the equivalent of Pittacu
- 2 Opportunity could not be
(Opportunitas non potuit
PLAUTUS, *Pseudolus*, l. 669.
- 3 A good opportunity is seld
is easily lost. (Occasio æg
amittitur.)
PUBLILIUS SYRUS, *Sententi*
- 4 There's place and means fo
SHAKESPEARE, *All's Well t
iv*, sc. 3, l. 375.
I happen, temporarily, to
House. I am a living witne
your children may look to
father's child has.
ABRAHAM LINCOLN, *Addre
22 Aug.*, 1864.
- 5 Nor time nor place Did th
SHAKESPEARE, *Macbeth*. A
Never the time and the plac
And the loved one all toget
ROBERT BROWNING, *Neve
Place*
I've got the time, I've got th
to find the girl.
MACDONALD-HENRY. Title
lar song. (1910)
- 6 The perfect spy o' the
on 't.
SHAKESPEARE, *Macbeth*. A
- 7 Opportunities are seldom
JOHN A. SHEDD, *Salt Fro*
- 8 An opportunity well taker
of advantage.
JOHN UDALL, *To the Ea
1588*.
- 9 Turning for them who pa
Of servile opportunity to
WORDSWORTH, *Memoria
Continent*. No. 38.

complains of want of op-

. Vol. v, p. 534.

course of our life doth
the offer of a good turn.
on, *Bandello*. Vol. ii, p. 148.

God's opportunity.
*ithful and Ancient Account
d Wonderful Sea Deliver-*
Quoted by Lord Belhaven
the Scottish Parliament, 2

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t where you are.
Opportunity.

s where you are.
TON, *Address*, Atlanta Ex-

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s, *Poor Richard*, 1744.

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(O'MEARA, *Napoleon in
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valet; semper tibi pendeat hamus: Quo minime
credas gurgite, piscis erit.)

OID, *Ars Amatoria*. Bk. iii, l. 425.

1 Know your opportunity. (Καίρὸν γινῶθι.)

PITTACUS. (DIOGENES LAERTIUS, *Pittacus*. Bk.
i, sec. 79.) Diogenes Laertius says that this
apothegm belongs to Pittacus, one of the
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570 B. C. The phrase is said to have been in-
scribed on the temple of Apollo at Delphi.

Know your opportunity. (Γίνωσκε καίρὸν.)
PITTACUS. (AUSONIUS, *Ludus Septem Sapien-*
tum, l. 203.)

I am come in time. (Veni in tempore.)
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the equivalent of Pittacus' axiom.

2 Opportunitas could not be more oportune.
(Opportunitas non potuit opportunius.)
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3 A good opportunity is seldom presented, and
is easily lost. (Occasio ægre offertur, facile
amittitur.)

PUBLILIUS SYRUS, *Sententiæ*. No. 487.

4 There's place and means for every man alive.
SHAKESPEARE, *All's Well that Ends Well*. Act
iv, sc. 3, l. 375.

I happen, temporarily, to occupy this White
House. I am a living witness that any one of
your children may look to come here as my
father's child has.

ABRAHAM LINCOLN, *Address*, to Ohio soldiers,
22 Aug., 1864.

5 Nor time nor place Did then adhere.

SHAKESPEARE, *Macbeth*. Act i, sc. 7, l. 51.

Never the time and the place
And the loved one all together.

ROBERT BROWNING, *Never the Time and the
Place*.

I've got the time, I've got the place, but it's hard
to find the girl.

MACDONALD-HENRY. Title and refrain of popu-
lar song. (1910)

6 The perfect spy o' the time; The moment
on 't.

SHAKESPEARE, *Macbeth*. Act iii, sc. 1, l. 131.

7 Opportunities are seldom labeled.

JOHN A. SHEDD, *Salt From My Attic*, p. 14.

8 An opportunity well taken is the only weapon
of advantage.

JOHN UDALL, *To the Earl of Essex*, 15 May,
1588.

9 Turning for them who pass, the common dust
Of servile opportunity to gold.

WORDSWORTH, *Memorials of a Tour on the
Continent*. No. 38.

III—Opportunity: Its Knock

10 O, once in each man's life, at least,

Good luck knocks at his door;
And wit to seize the flitting guest
Need never hunger more.

But while the loitering idler waits

Good luck beside his fire,
The bold heart storms at fortune's gates,
And conquers its desire.

L. J. BATES, *Good Luck*.

As th' pote says, Opporchunity knocks at ivry
man's dure wanst. On some men's dures it ham-
mers till it breaks down th' dure an' thin it
goes in an' wakes him up if he's asleep, an' iver
afterward it wurruks f'r him as a night-watch-
man. On other men's dures it knocks an' runs
away, an' on th' dures iv some men it knocks an'
whin they come out it hits thim over th' head
with an axe. But ivrywan has an opporchunity.

FINLEY PETER DUNNE, *Mr. Carnegie's Gift*.

11 Master of human destinies am I!
Fame, love, and fortune on my footsteps wait.

Cities and fields I walk; I penetrate
Deserts and seas remote, and passing by
Hovel and mart and palace, soon or late
I knock unbidden once at every gate!

If sleeping, wake—if feasting, rise before
I turn away. It is the hour of fate,
And they who follow me reach every state
Mortals desire, and conquer every foe
Save death; but those who doubt or hesitate,
Condemned to failure, penury and woe,
Seek me in vain and uselessly implore:
I answer not, and I return no more!

JOHN JAMES INGALLS, *Opportunity*. First pub-
lished in *Truth*, New York, Feb., 1891.

With rustling wings, she swept from heaven and
Beside me where I loitered in the way. [stood
Her brow was calm, and in her outstretched hand
She bore a gift—a virgin bud that blushed
Disparting its green sheath. . . . She spake no
word,

But paused a little space and looked at me
With silent scorn; then plumed her shining wings
In sudden flight, nor ever came again.

JAMES B. KENYON, *Opportunity*.

12 They do me wrong who say I come no more
When once I knock and fail to find you in;
For every day I stand outside your door
And bid you wake, and rise to fight and win.

Weep not for precious chances passed away!
Weep not for golden ages on the wane!

Each night I burn the records of the day—
At sunrise every soul is born again!

WALTER MALONE, *Opportunity*.

The actual fact is that in this day Opportunity
not only knocks at your door but is playing an
anvil chorus on every man's door, and then lays
for the owner around the corner with a club.

ELBERT HUBBARD. (*The Philistine*.)

IV—Opportunity: Its Forelock

- 1 Let nothing pass that will advantage you; hairy in front, Opportunity is bald behind. (Rem tibi quam nosces aptam dimittere noli; Fronte capillata, post est Occasio calva.)
DIONYSIUS CATO, *Disticha de Moribus*, ii, 26.
In Roman mythology, *Occasio* (Occasion, or, in more idiomatic English, Opportunity) was personified as a god or goddess standing on a rotating wheel, the feet fitted with winged sandals, the head hairy in front but bald behind. Time (*Saturnus*) also had a character of Opportunity, as distinguished from Length of Years, and in this character (in Greek *Καιρός* as distinguished from *Κρόνος*) was also represented as hairy in front and bald behind.
- 2 Who lets slip Fortune, her shall never find; Occasion, once passed by, is bald behind.
ABRAHAM COWLEY, *Pyramus and Thisbe*. St. 15. (1663)
Occasion . . . being bald can not easily be gotten again if she be once let slip.
WILLIAM PAINTER, *Palace of Pleasure*, i, 266. (1566)
- 3 Zeal and duty are not slow,
But on occasion's forelock watchful wait.
MILTON, *Paradise Regained*. Bk. iii, l. 172.
- 4 Opportunity has hair on her forehead, but is bald behind. If you meet her seize her, for once let slip, Jove himself cannot bring her back. (Occasio prima sui parte comosa, posteriore calva. Quam si occupasis, teneas elapsam. Non isse possit Jupiter reprehendere.)
PÆDRUS, *Fables*. Bk. v, fab. 8.
- 5 "And who art thou?" "Time who subdueth all things." "Why dost thou stand on tiptoe?" "I am ever running." "Why dost thou have a pair of wings on thy feet?" "I fly with the wind." . . . "Why does thy hair hang over thy face?" "For him who meets me to take me by the forelock." "And why is the back of thy head bald?" "Because none whom I have once raced by, though he sorely wishes it, may take hold of me from behind."
POSIDIPPUS, *On a Statue of Time by Lysippus*. (*Greek Anthology*. Bk. xvi, epig. 275. *The Planudean Appendix*.) Time, here, it should be noted, is in his character of Opportunity, the word used being *Καιρός*.
- "Why hast thou hair upon thy brow?"
"To seize me by, when met."
"Why is thy head then bald behind?"
"Because men wish in vain,
When I have run past on winged feet
To catch me e'er again."
POSIDIPPUS, *On a Statue of Time by Lysippus*.
A metrical version.
- 6 For occasion hath all her hair on her forehead;

when she is past, you may not recall her. She hath no tuft whereby you can lay hold on her, for she is bald on the hinder part of her head, and never returneth again.

RABELAIS, *Works*. Bk. i, ch. 37.

7 Let's take the instant by the forward top.
SHAKESPEARE, *All's Well that Ends Well*. Act v, sc. 3, l. 39. (1602)

We can escape even now,
So we take fleet Occasion by the hair.
SHELLEY, *The Cenci*. Act v, sc. 1, l. 36.

8 Time wears all his locks before.
Take thou hold upon his forehead;
When he flies, he turns no more,
And behind his scalp is naked.
Works adjourned have many stays,
Long demurs breed new delays.
ROBERT SOUTHWELL, *Loss in Delay*.

9 Tell her the joyous Time will not be stayed,
Unless she do h'im by the forelock take.
EDMUND SPENSER, *Amoretti*. Sonnet lxx. (1595)

Lose not this advantage, but take time by the fore-top.
THOMAS HEYWOOD, *The Captives*. Act iii, sc. 3. (1624)

10 The goddess occasion behind hath not one hair.
UNKNOWN, *Respublica*, iii, 6. (1553)

V—Opportunity: Now or Never

11 There is an hour in each man's life appointed
To make his happiness, if then he seize it.
BEAUMONT AND FLETCHER, *Custom of the Country*. Act ii, sc. 3, l. 85.

12 Strike, now or never!
BEAUMONT AND FLETCHER, *The Wild Goose Chase*. Act iv, sc. 1.

Strike while the iron is hot.
GEORGE FARQUHAR, *The Beaux' Stratagem*. Act iv, sc. 2. See also under IRON.

13 If you trap the moment before it's ripe,
The tears of repentance you'll certainly wipe;
But if once you let the ripe moment go,
You can never wipe off the tears of woe.
WILLIAM BLAKE, *Gnomic Verses*. No. 12.

14 This could but have happened once,
And we missed it, lost it forever.
ROBERT BROWNING, *Youth and Art*.

15 Now's the day and now's the hour.
BURNS, *Bannockburn*.

16 Holding occasion by the hand,
Not over nice 'twixt weed and flower,
Waiving what none can understand,
I take mine hour.
JOHN VANCE CHENEY, *This My Life*.

1 Four things come not back:
The spoken word; The sped
Time past; The neglected of
OMAR IBN, *Sayings*.

The Gods implore
Plead not, solicit not; they only
Choice and occasion, which be
Return no more.

LONGFELLOW, *Masque of Prometheus on Mount Ca*

2 When fair occasion calls, 'tis
LUCAN, *De Bello Civili*. Bk. i

3 Pluck with quick hand the f
passes. (Quæ fugiunt, cele
manu.)

OVID, *Ars Amatoria*. Bk. iii,
See also LIFE AND LIVING; T
ROSEBUDS.

4 To every man there openeth
A way, and ways, and a way,
And the high soul climbs the
And the low soul gropes the
And in between on the mist
The rest drift to and fro;
But to every man there open
A high way and a low,
And every man decideth
The way his soul shall go.

JOHN OXENHAM, *A High W*

5 Oh! who art thou so fast pro
Ne'er glancing back thine ey
Mark'd but by few, through
ing,

And Opportunity's my nam
What form is that which sc
Repentance is the form you
Learn then, the fate may ye
She seizes them who seize

THOMAS LOVE PEACOCK, *Opportunity*. (*Headlong Hall*.
Machiavelli's *Capitolo de*

6 It is a maxim universally ag
culture, that nothing must
and again, that everything r
proper season; while there
which reminds us that oppo
never be regained.

PLINY THE ELDER, *Histo*
xviii, sec. 44.

7 You must be not only preser
watchful in mind, if you w
of the fleeting opportunit
presentis, sed vigilantis es
servare properantem.)

SENECA, *Epistulæ ad Lucili*

8 We must take the current

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OF
QUOTATIONS

Classical and Modern

SELECTED AND ARRANGED BY
BURTON STEVENSON

Editor *The Home Book of Verse*

I can tell thee where that saying was born
SHAKESPEARE, *Twelfth Night*
Act i, sc. 5, l. 9

TENTH EDITION

DODD, MEAD & COMPANY
NEW YORK

¹ I very much suspect that if thinking men would have the courage to think for themselves, and to speak what they think, it would be found they do not differ in . . . opinions as much as is supposed.

THOMAS JEFFERSON, *Writings*. Vol. xiii, p. 349.

² Opinion! which on crutches walks,
And sounds the words another talks.

DAVID LLOYD, *The Poet*, l. 55.

³ My opinion, my conviction, gains infinitely in strength and success, the moment a second mind has adopted it.

NOVALIS, *Fragment*. (Carlyle, tr.)

⁴ He adopts the opinion of others like a monk in the Sorbonne. (Il opine du bonnet comme un moine en Sorbonne.)

PASCAL, *Lettres Provinciales*. No. 2.

⁵ I have never yet given a second-hand opinion of any thing, or book, or person.

GEORGE SAINTSBURY, *Notes on a Cellar-Book*, p. x.

⁶ It is difficult, if not impossible, for most people to think otherwise than in the fashion of their own period.

BERNARD SHAW, *Saint Joan: Preface*.

VII—Opinion: Public Opinion

See also People: Their Fickleness

⁷ Public opinion is no more than this,
What people think that other people think.

ALFRED AUSTIN, *Prince Lucifer*. Act vi, sc. 2.

⁸ Where an opinion is general, it is usually correct.

JANE AUSTEN, *Mansfield Park*. Ch. 11.

That is true which all men say.

JOHN RAY, *English Proverbs*.

⁹ When the people have no other tyrant, their own public opinion becomes one.

BULWER-LYTTON, *Ernest Maltravers*. Bk. vi, ch. 5.

¹⁰ The coquetry of public opinion, which has her caprices, and must have her way.

EDMUND BURKE, *Letter to Thomas Burgh*, Dec., 1779.

¹¹ That bloated vanity called public opinion.

EMERSON, *Miscellanies: War*.

¹² Happy those who are convinced so as to be of the general opinions.

LORD HALIFAX, *Works*, p. 227.

Singularity in the right hath ruined many: happy those who are convinced of the general opinion.

BENJAMIN FRANKLIN, *Poor Richard*, 1757.

¹³ I traversed a dominion
Whose spokesmen spake out strong
Their purpose and opinion
Through pulpit, press, and song. . . .
I saw, in web unbroken,
Its history outwrought
Not as the loud had spoken,
But as the mute had thought.

THOMAS HARDY, *Mute Opinion*.

¹⁴ Nothing is more unjust or capricious than public opinion.

WILLIAM HAZLITT, *Characteristics*. No. 84.

Public opinion, a vulgar, impertinent, anonymous tyrant who deliberately makes life unpleasant for anyone who is not content to be the average man.

DEAN W. R. INGE, *Outspoken Essays: Ser. i, Our Present Discontents*.

¹⁵ The pressure of public opinion is like the pressure of the atmosphere; you can't see it—but, all the same, it is sixteen pounds to the square inch.

J. R. LOWELL, in interview with Julian Hawthorne. (BRANDER MATTHEWS, *New York Times*, 2 April, 1922.)

¹⁶ Public opinion has its natural flux and reflux.

MACAULAY, *Essays: Machiavelli*.

¹⁷ Popular opinions, on subjects not palpable to sense, are often true, but seldom or never the whole truth.

JOHN STUART MILL, *On Liberty*. Ch. 2.

¹⁸ To take by armed conquest is spasmodic and temporary, the conquest of public opinion alone is enduring.

DORA RUSSELL, *Right to Be Happy*, p. 112.

¹⁹ I know where there is more wisdom than is found in Napoleon, Voltaire, or all the ministers present and to come—in public opinion. (Je connais quelqu'un qui a plus d'esprit que Napoléon, que Voltaire, que tous les ministres présents et futurs: c'est l'opinion.)

TALLEYRAND, *Speech*, in French Senate, 1821.

OPPORTUNITY

I—Opportunity: Definitions

²⁰ Opportunity is whoredom's bawd.

WILLIAM CAMDEN, *Remains*, p. 329. (1605)

Opportunity is the great bawd.

BENJAMIN FRANKLIN, *Poor Richard*, 1735.

Thou strong seducer, Opportunity.

DRYDEN, *II Conquest of Granada*. Act 4, sc. 3.

²¹ What is opportunity to the man who can't use it? An unfecundated egg, which the waves of time wash away into nonentity.

GEORGE ELIOT, *Scenes from Clerical Life: Amos Barton*.

¹ Occasion is a great matter. Terence says well, "I came in time, which is the chief thing of all." Julius Cæsar understood occasion: Pompey and Hannibal did not.

LUTHER, *Table-Talk*. No. 848.

² Opportunity is a god. (Τὸν Καῖρον ἐφης θεόν.) PALLADAS, quoting Menander. (*Greek Anthology*. Bk. x, epig. 52.)

³ O Opportunity, thy guilt is great!
'Tis thou that execut'st the traitor's treason:
Thou set'st the wolf where he the lamb may get;

Whoever plots the sin, thou point'st the season;

'Tis thou that spurn'st at right, at law, at reason;

And in thy shady cell, where none may spy him,

Sits Sin, to seize the souls that wander by him.

SHAKESPEARE, *The Rape of Lucrece*, l. 876.

The opportunity for doing mischief is found a hundred times a day, and of doing good once in a year. (L'occasion de faire du mal se trouve cent fois par jour, et celle de faire du bien une fois dans l'année.)

VOLTAIRE, *Zadig*.

⁴ Opportunity is the best captain of all endeavor. (Καῖρος γάρ, ὅσπερ ἀνδράσιν μέγιστος ἔργον παντός ἐστ' ἐπιστάτης.)

SOPHOCLES, *Electra*, l. 75.

II—Opportunity: Apothegms

⁵ A man must make his opportunity, as oft as find it.

FRANCIS BACON, *Advancement of Learning: Civil Knowledge*. Sec. 3.

A wise man will make more opportunities than he finds.

BACON, *Essays: Of Ceremonies and Respects*.

⁶ Opportunity makes a thief.

FRANCIS BACON, *Letter to the Earl of Essex*, 1598. The earliest appearance of this axiom in English literature is in a manuscript of unknown authorship, *Hali Meidenhad* (*Early English Text Society*, 17), dating from about 1220: "Man saith that ease maketh thief."

Opportunity makes a man commit larceny.

JOHN FLORIO, *First Fruites*, Fo. 169. (1591)

⁷ When one door is shut, another opens. (Donde una puerta se cierra, otra se abre.)

CERVANTES, *Don Quixote*. Bk. i, ch. 21.

⁸ Small opportunities are often the beginning of great enterprises.

DEMOSTHENES, *In Leptinem*. Sec. 163.

⁹ Observe the opportunity.

Apocrypha: Ecclesiasticus, iv, 20.

¹⁰ No great man ever complains of want of opportunity.

EMERSON, *Journals*. Vol. v, p. 534.

¹¹ Fortune once in the course of our life doth put into our hands the offer of a good turn.

SIR GEOFFREY FENTON, *Bandello*. Vol. ii, p. 148.

¹² Man's extremity is God's opportunity.

JOHN FLAVEL, *A Faithful and Ancient Account of Some Late and Wonderful Sea Deliverances*. (c. 1680) Quoted by Lord Belhaven in a speech to the Scottish Parliament, 2 Nov., 1706.

¹³ Seek not for fresher founts afar,
Just drop your bucket where you are.

SAM WALTER FOSS, *Opportunity*.

Let down your buckets where you are.

BOOKER T. WASHINGTON, *Address*, Atlanta Exposition.

¹⁴ Keep thou from the Opportunity, and God will keep thee from the Sin.

BENJAMIN FRANKLIN, *Poor Richard*, 1744.

¹⁵ He who seizes the [right] moment is the right man. (Der den Augenblick ergreift Das ist der rechte Mann.)

GOETHE, *Faust*. Pt. i, sc. 4, l. 494.

Are you in earnest? seize this very minute.

GOETHE, *Faust: Prelude at the Theatre*, l. 303.

John Anster, tr. See p. 2298g:3.

¹⁶ Let us snatch our opportunity from the day, my friends. (Rapiamus, amici, Occasionem de die.)

HORACE, *Epodes*. No. xiii, l. 3.

¹⁷ We sail, at sunrise, daily, "outward bound."

HELEN HUNT JACKSON, *Outward Bound*.

¹⁸ To improve the golden moment of opportunity, and catch the good that is within our reach, is the great art of life.

SAMUEL JOHNSON, *Works*. Vol. vi, p. 214.

¹⁹ The career open to talents, that was my principle.

NAPOLEON BONAPARTE. (O'MEARA, *Napoleon in Exile*.) The same principle which he expressed in another phrase, "Every French soldier carries in his knapsack the baton of a marshal of France."

To the very last, he had a kind of idea; that, namely, of *la carrière ouverte aux talents*—the tools to him that can handle them.

JOHN GIBSON LOCKHART, referring to Napoleon. (Article on Sir Walter Scott in *London and Westminster Review*, 1838.) Carlyle, in his essay on Mirabeau (1837), quotes the phrase as from "a New England book."

²⁰ Opportunity has power everywhere; always

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l. v, p. 534.

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OVID, *Ars Amatoria*. Bk. iii, l. 425.

1 Know your opportunity. (Καίρὸν γινώθι.)

PITTACUS. (DIOGENES LAERTIUS, *Pittacus*. Bk. i, sec. 79.) Diogenes Laertius says that this apothegm belongs to Pittacus, one of the seven wise men of Greece, who died about 570 B. C. The phrase is said to have been inscribed on the temple of Apollo at Delphi.

Know your opportunity. (Γίγνωσκε καιρόν.)

PITTACUS. (AUSONIUS, *Ludus Septem Sapientum*, l. 203.)

I am come in time. (Veni in tempore.)

TERENCE, *Andria*, l. 758. Ausonius cites this as the equivalent of Pittacus' axiom.

2 Opportunity could not be more opportune. (Opportunitas non potuit opportunius.)

PLAUTUS, *Pseudolus*, l. 669. (Act ii, sc. 1.)

3 A good opportunity is seldom presented, and is easily lost. (Occasio ægre offertur, facile amittitur.)

PUBLILIUS SYRUS, *Sententiæ*. No. 487.

4 There's place and means for every man alive.

SHAKESPEARE, *All's Well that Ends Well*. Act iv, sc. 3, l. 375.

I happen, temporarily, to occupy this White House. I am a living witness that any one of your children may look to come here as my father's child has.

ABRAHAM LINCOLN, *Address*, to Ohio soldiers, 22 Aug., 1864.

5 Nor time nor place Did then adhere.

SHAKESPEARE, *Macbeth*. Act i, sc. 7, l. 51.

Never the time and the place And the loved one all together.

ROBERT BROWNING, *Never the Time and the Place*

I've got the time, I've got the place, but it's hard to find the girl.

MACDONALD-HENRY. Title and refrain of popular song. (1910)

6 The perfect spy o' the time; The moment on 't.

SHAKESPEARE, *Macbeth*. Act iii, sc. 1, l. 131.

7 Opportunities are seldom labeled.

JOHN A. SHEDD, *Salt From My Attic*, p. 14.

8 An opportunity well taken is the only weapon of advantage.

JOHN UDALL, *To the Earl of Essex*, 15 May, 1538.

9 Turning for them who pass, the common dust Of servile opportunity to gold.

WORDSWORTH, *Memorials of a Tour on the Continent*. No. 38.

III—Opportunity: Its Knock

10 O, once in each man's life, at least, Good luck knocks at his door;

And wit to seize the fitting guest Need never hunger more.

But while the loitering idler waits Good luck beside his fire,

The bold heart storms at fortune's gates, And conquers its desire.

L. J. BATES, *Good Luck*.

As th' pote says, Opporchunity knocks at ivry man's dure wanst. On some men's dures it hammers till it breaks down th' dure an' thin it goes in an' wakes him up if he's asleep, an' iver afterward it wurruks f'r him as a night-watchman. On other men's dures it knocks an' runs away, an' on th' dures iv some men it knocks an' whin they come out it hits thim over th' head with an axe. But ivrywan has an opporchunity.

FINLEY PETER DUNNE, *Mr. Carnegie's Gift*.

11 Master of human destinies am I! Fame, love, and fortune on my footsteps wait.

Cities and fields I walk; I penetrate Deserts and seas remote; and passing by

Hovel and mart and palace, soon or late I knock unbidden once at every gate!

If sleeping, wake—if feasting, rise before I turn away. It is the hour of fate,

And they who follow me reach every state Mortals desire, and conquer every foe

Save death; but those who doubt or hesitate, Condemned to failure, penury and woe,

Seek me in vain and uselessly implore: I answer not, and I return no more!

JOHN JAMES INGALLS, *Opportunity*. First published in *Truth*, New York, Feb., 1891.

With rustling wings, she swept from heaven and Beside me where I loitered in the way. [stood Her brow was calm, and in her outstretched hand She bore a gift—a virgin bud that blushed Disparting its green sheath. . . . She spake no word,

But paused a little space and looked at me With silent scorn; then plumed her shining wings In sudden flight, nor ever came again.

JAMES B. KENYON, *Opportunity*.

12 They do me wrong who say I come no more When once I knock and fail to find you in;

For every day I stand outside your door And bid you wake, and rise to fight and win.

Weep not for precious chances passed away! Weep not for golden ages on the wane!

Each night I burn the records of the day— At sunrise every soul is born again!

WALTER MALONE, *Opportunity*.

The actual fact is that in this day Opportunity not only knocks at your door but is playing an anvil chorus on every man's door, and then lays for the owner around the corner with a club.

ELBERT HUBBARD. (*The Philistine*.)

IV—Opportunity: Its Forelock

¹ Let nothing pass that will advantage you; hairy in front, Opportunity is bald behind. (Rem tibi quam nosces aptam dimittere noli; Fronte capillata, post est Occasio calva.)

DIONYSIUS CATO, *Disticha de Moribus*, ii, 26. In Roman mythology, *Occasio* (Occasion, or, in more idiomatic English, Opportunity) was personified as a god or goddess standing on a rotating wheel, the feet fitted with winged sandals, the head hairy in front but bald behind. Time (*Saturnus*) also had a character of Opportunity, as distinguished from Length of Years, and in this character (in Greek *Καιρός* as distinguished from *Χρόνος*) was also represented as hairy in front and bald behind.

² Who lets slip Fortune, her shall never find; Occasion, once passed by, is bald behind. ABRAHAM COWLEY, *Pyramus and Thisbe*. St. 15. (1663)

Occasion . . . being bald can not easily be gotten again if she be once let slip. WILLIAM PAINTER, *Palace of Pleasure*, i, 266. (1566)

³ Zeal and duty are not slow, But on occasion's forelock watchful wait. MILTON, *Paradise Regained*. Bk. iii, l. 172.

⁴ Opportunity has hair on her forehead, but is bald behind. If you meet her seize her, for once let slip, Jove himself cannot bring her back. (Occasio prima sui parte comosa, posteriore calva. Quam si occupasis, teneas elapsum. Non isse possit Jupiter reprehendere.) PHÆDRUS, *Fables*. Bk. v, fab. 8.

⁵ "And who art thou?" "Time who subdueth all things." "Why dost thou stand on tiptoe?" "I am ever running." "Why dost thou have a pair of wings on thy feet?" "I fly with the wind." . . . "Why does thy hair hang over thy face?" "For him who meets me to take me by the forelock." "And why is the back of thy head bald?" "Because none whom I have once raced by, though he sorely wishes it, may take hold of me from behind."

POSIDIPPUS, *On a Statue of Time by Lysippus*. (*Greek Anthology*. Bk. xvi, epig. 275. *The Planudean Appendix*.) Time, here, it should be noted, is in his character of Opportunity, the word used being *Καιρός*.

"Why hast thou hair upon thy brow?"

"To seize me by, when met."

"Why is thy head then bald behind?"

"Because men wish in vain,

When I have run past on winged feet

To catch me e'er again."

POSIDIPPUS, *On a Statue of Time by Lysippus*.

A metrical version.

⁶ For occasion hath all her hair on her forehead;

when she is past, you may not recall her. She hath no tuft whereby you can lay hold on her, for she is bald on the hinder part of her head, and never returneth again.

RABELAIS, *Works*. Bk. i, ch. 37.

⁷ Let's take the instant by the forward top.

SHAKESPEARE, *All's Well that Ends Well*. Act v, sc. 3, l. 39. (1602)

We can escape even now,
So we take fleet Occasion by the hair.

SHELLEY, *The Cenci*. Act v, sc. 1, l. 36.

⁸ Time wears all his locks before,
Take thou hold upon his forehead;
When he flies, he turns no more,
And behind his scalp is naked.
Works adjourned have many stays,
Long demurs breed new delays.

ROBERT SOUTHWELL, *Loss in Delay*.

⁹ Tell her the joyous Time will not be stayed,
Unless she do him by the forelock take.
EDMUND SPENSER, *Amoretti*. Sonnet lxx. (1595)

Lose not this advantage, but take time by the fore-top.
THOMAS HEYWOOD, *The Captives*. Act iii, sc. 3. (1624)

¹⁰ The goddess occasion behind hath not one hair.
UNKNOWN, *Respublica*, iii, 6. (1553)

V—Opportunity: Now or Never

¹¹ There is an hour in each man's life appointed
To make his happiness, if then he seize it.
BEAUMONT AND FLETCHER, *Custom of the Country*. Act ii, sc. 3, l. 85.

¹² Strike, now or never!
BEAUMONT AND FLETCHER, *The Wild Goose Chase*. Act iv, sc. 1.

Strike while the iron is hot.
GEORGE FARQUHAR, *The Beaux' Stratagem*. Act iv, sc. 2. See also under IRON.

¹³ If you trap the moment before it's ripe,
The tears of repentance you'll certainly wipe;
But if once you let the ripe moment go,
You can never wipe off the tears of woe.
WILLIAM BLAKE, *Gnomic Verses*. No. 12.

¹⁴ This could but have happened once,
And we missed it, lost it forever.
ROBERT BROWNING, *Youth and Art*.

¹⁵ Now's the day and now's the hour.
BURNS, *Bannockburn*.

¹⁶ Holding occasion by the hand,
Not over nice 'twixt weed and flower,
Waiving what none can understand,
I take mine hour.
JOHN VANCE CHENEY, *This My Life*.

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Sonnet lxx. (1595)
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(1553)

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ly Life.

1
Four things come not back:
The spoken word; The sped arrow;
Time past; The neglected opportunity.
OMAR IBN, *Sayings*.

The Gods implore not,
Plead not, solicit not; they only offer
Choice and occasion, which being once passed
Return no more.

LONGFELLOW, *Masque of Pandora: Tower of
Prometheus on Mount Caucasus*.

2
When fair occasion calls, 'tis fatal to delay.
LUCAN, *De Bello Civili*. Bk. i, 513. (Rowe, tr.)

3
Pluck with quick hand the fruit that quickly
passes. (Quæ fugiunt, celeri carpite poma
manu.)

OVID, *Ars Amatoria*. Bk. iii, l. 576.

See also LIFE AND LIVING; TIME: GATHER YE
ROSEBUDS.

4
To every man there openeth
A way, and ways, and a way,
And the high soul climbs the high way,
And the low soul gropes the low;
And in between on the misty flats,
The rest drift to and fro;
But to every man there openeth
A high way and a low,
And every man decideth
The way his soul shall go.

JOHN OXENHAM, *A High Way and a Low*.

5
Oh! who art thou so fast proceeding,
Ne'er glancing back thine eyes of flame?
Mark'd but by few, through earth I'm speed-
ing,

And Opportunity's my name.
What form is that which scowls beside thee?
Repentance is the form you see:
Learn then, the fate may yet betide thee:
She seizes them who seize not me.

THOMAS LOVE PEACOCK, *Love and Oppor-
tunity*. (*Headlong Hall*.) An imitation of
Machiavelli's *Capitolo dell' Occasione*.

6
It is a maxim universally agreed upon in agri-
culture, that nothing must be done too late;
and again, that everything must be done at its
proper season; while there is a third precept
which reminds us that opportunities lost can
never be regained.

PLINY THE ELDER, *Historia Naturalis*. Bk.
xviii, sec. 44.

7
You must be not only present in the body, but
watchful in mind, if you would avail yourself
of the fleeting opportunity. (Non tantum
præsentis, sed vigilantis est occasionem ob-
servare properantem.)

SENECA, *Epistulæ ad Lucilium*. Epis. xxii, 3.

8
We must take the current when it serves,

Or lose our ventures.

SHAKESPEARE, *Julius Cæsar*. Act iv, sc. 3, l. 223.

Urge them while their souls
Are capable of this ambition,
Lest zeal, now melted by the windy breath
Of soft petitions, pity and remorse,
Cool and congeal again to what it was.

SHAKESPEARE, *King John*. Act ii, sc. 1, l. 475.

The time's enemies may not have this
To grace occasions.

SHAKESPEARE, *King John*. Act iv, sc. 2, l. 61.

9
Hoist up sail while gale doth last
Tide and wind stay no man's pleasure.

ROBERT SOUTHWELL, *St. Peter's Complaint*.
(1595)

There is a tide in the affairs of men,
Which, taken at the flood, leads on to fortune.
SHAKESPEARE, *Julius Cæsar*. Act iv, sc. 3, l.
218. (1601)

Truly there is a tide in the affairs of men,
but there is no gulf-stream setting for ever in
one direction.

J. R. LOWELL, *Among My Books: New Eng-
land Two Centuries Ago*.

See also TIDE; TIME: ITS FLIGHT.

VI—Opportunity: He That Will Not When
He May

10
Lest, if he will not now do so while he may,
afterwards, when he at last will, he may not.
UNKNOWN, *Anglo-Saxon Homily*. (c. 950)
(SKEAT, *Early English Proverbs*, vi.)

11
He who will not when he may, may not when
he will. (Quia qui non vult cum potest, non
utique poterit cum volet.)

JOHN OF SALISBURY, *Policraticus*. Bk. viii,
century 17. (c. 1150) Referred to as a prov-
erb. St. Augustine (*Opera*, xxxviii) has it in
somewhat different form: "Corrigant se, qui
tales sunt, dum vivunt, ne postea velint et
non possint." Which in turn harks back to
Old Testament: Isaiah, lv, 6: "Seek ye the
Lord while he may be found, call ye upon
him while he is near."

He that will not when he may,
He shall not when he will.

ROBERT MANNYNG (ROBERT DE BRUNNE),
Handlyng Synne, l. 4799. (1303)

He that will not when he may,
When he would he shall have nay.

JOHN HEYWOOD, *Proverbs*. Pt. i, ch. 3. (1546)
Quoted twice by Robert Burton, *Anatomy
of Melancholy*, ii, ii, 5; iii, ii, 5.

He that will not when he may,
When he desires, shall surely purchase nay.

ROBERT GREENE, *Alphonsus*. Act v, sc. 3.
(1590)

12
I have known many who could not when they
would, for they had not done it when they
could.

RABELAIS, *Works*. Bk. iii, ch. 27.

Hoyt, John R
"HOYT'S
New Cyclopedia
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Practical Quotations

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OF ALL NATIONS, ANCIENT AND MODERN,
CLASSIC AND POPULAR, IN ENGLISH AND
FOREIGN TEXT. WITH THE NAMES, DATES,
AND NATIONALITY OF QUOTED AUTHORS, AND
COPIOUS INDEXES

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BY
KATE LOUISE ROBERTS



FUNK & WAGNALLS COMPANY
NEW YORK

¹
Opinion's but a fool, that makes us scan
The outward habit by the inward man.
PERICLES. Act II. Sc. 2. L. 56.

²
Facts are stubborn things.
SMOLLETT. Trans. of *Gil Blas*. Bk. X. Ch. I.
ELLIOT—*Essay on Field Husbandry*. P. 35.
(See also BURNS)

³
"That was excellently observed," say I when
I read a passage in another where his opinion
agrees with mine. When we differ, then I pronounce
him to be mistaken.
SWIFT—*Thoughts on Various Subjects*.
(See also LA ROCHEFOUCAULD)

⁴
Je connais quelqu'un qui a plus d'esprit que
Napoléon, que Voltaire, que tous les ministres
présents et futurs: c'est l'opinion.
I know where there is more wisdom than is
found in Napoleon, Voltaire, or all the ministers
present and to come—in public opinion.
TALLEYRAND—*In the Chamber of Peers*. (1821)

⁵
Quot homines, tot sententiæ; suus cuique mos.
So many men, so many opinions; everyone
has his own fancy.
TERENCE—*Phormio*. II. 3, 14. Same idea in
GASCOIGNE—*Glass of Government*.
(See also QUEEN ELIZABETH)

⁶
Matters of fact, as Mr. Budgell somewhere
observes, are very stubborn things.
In copy of the Will of MATTHEW TINDAL.
P. 23. (1733)
(See also BURNS)

OPPORTUNITY

⁷
A thousand years a poor man watched
Before the gate of Paradise:
But while one little nap he snatched,
It oped and shut. Ah! was he wise?
WM. R. ALGER—*Oriental Foetry. Swift Opportunity*.

⁸
There is an hour in each man's life appointed
To make his happiness, if then he seize it.
BEAUMONT AND FLETCHER—*Custom of the
Country*. Act II. Sc. 3. L. 85.

⁹
This could but have happened once,
And we missed it, lost it forever.
ROBERT BROWNING—*Youth and Art*. XVII.

¹⁰
He that will not when he may,
When he will he shall have nay.
BURTON—*Quoted in Anatomy of Melancholy*.
Pt. III. Sec. 2. Memb. 5. Subsec. 5.

¹¹
There is a nick in Fortune's restless wheel
For each man's good.
CHAPMAN—*Bussy d'Ambois*.
(See also JULIUS CÆSAR)

¹²
Holding occasion by the hand,
Not over nice 'twixt weed and flower,
Waiving what none can understand,
I take mine hour.
JOHN VANCE CHENEY—*This My Life*.

¹³
Who lets slip fortune, her shall never find:
Occasion once past by, is bald behind.
COWLEY—*Pyramus and Thisbe*. XV.
(See also PLEDRUS)

¹⁴
Rem tibi quam nosces aptam dimittere noli;
Fronte capillata, post est occasio calva.
Let nothing pass which will advantage you;
Hairy in front, Occasion's bald behind.
DIONYSIUS CATO—*Disticha de Moribus*. II
26. (See also PLEDRUS)

¹⁵
Observe the opportunity.
ECCLESIASTICUS. IV. 20.

¹⁶
Seek not for fresher founts afar,
Just drop your bucket where you are;
And while the ship right onward leaps,
Uplift it from exhaustless deeps.
Parch not your life with dry despair;
The stream of hope flows everywhere—
So under every sky and star,
Just drop your bucket where you are!

SAM WALTER FOSS—*Opportunity*.
¹⁷
"Oh, ship ahoy!" rang out the cry;
"Oh, give us water or we die!"
A voice came o'er the waters far,
"Just drop your bucket where you are."
And then they dipped and drank their fill
Of water fresh from mead and hill;
And then they knew they sailed upon
The broad mouth of the Amazon.
SAM WALTER FOSS—*Opportunity*. "Let down
your buckets where you are," quoted by
Booker T. Washington. *Address at Atlanta
Exposition*. See his *Life, Up From Slavery*.

¹⁸
Der den Augenblick ergreift,
Das ist der rechte Mann.
Yet he who grasps the moment's gift,
He is the proper man.
GOETHE—*Faust*. I. 4. 494.

¹⁹
Man's extremity is God's opportunity.
JOHN HAMILTON (Lord Belhaven). *In the
Scottish Parliament, Nov. 2, 1706, protesting
against the Union of England and Scotland*.
Also found in JOHN FLAVEL'S *Faithful and
Ancient Account of Some Late and Wonderful
Sea Deliverances*. Pub. before 1691.

²⁰
I beseech you not to blame me if I be desirous
to strike while the iron is hot.
SIR EDWARD HOBY—*To Cecil*. Oct. 14, 1587.

²¹
Rapiamus, amici,
Occasionem de die.
Let us seize, friends, our opportunity from
the day as it passes.
HORACE—*Epodon*. XIII. 3.

²²
The actual fact is that in this day Opportunity
not only knocks at your door but is playing an
anvil chorus on every man's door, and then lays
for the owner around the corner with a club.
The world is in sore need of men who can do
things. Indeed, cases can easily be recalled by
every one where Opportunity actually smashed
in the door and collared her candidate and

lip fortune, her shall never find:
nce past by, is bald behind.
—*Pyramus and Thisbe*. XV.
(See also PHÆDRUS)

quam nosces aptam dimittere noli;
illata, post est occasio calva.
ing pass which will advantage you;
front, Occasion's bald behind.
S CATO—*Disticha de Moribus*. II
(See also PHÆDRUS)

opportunity.
icus. IV. 20.

r fresher founts afar,
our bucket where you are;
he ship right onward leaps,
m exhaustless deeps.
our life with dry despair;
of hope flows everywhere—
ery sky and star,
our bucket where you are!
ER FOSS—*Opportunity*.

oy!" rang out the cry;
water or we die!"
e o'er the waters far,
our bucket where you are."
ey dipped and drank their fill
sh from mead and hill;
ey knew they sailed upon
outh of the Amazon.
ER FOSS—*Opportunity*, "Let down
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T. Washington. *Address at Atlanta*
on. See his Life, *Up From Slavery*.

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Faust. I. 4. 494.

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o HOBY—*To Cecil*. Oct. 14, 1587.

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every man's door, and then lays
around the corner with a club.
in sore need of men who can do
l, cases can easily be recalled by
re Opportunity actually smacked
nd collared her candidate and

dragged him forth to success. These cases are
exceptional, usually you have to meet Oppor-
tunity half-way. But the only place where you
can get away from Opportunity is to lie down
and die. Opportunity does not trouble dead men,
or dead ones who flatter themselves that they
are alive.

ELBERT HUBBARD. In *The Philistine*.

1
I knock unbidden once at every gate—
If sleeping, wake—if feasting, rise before
I turn away—it is the hour of fate.
And they who follow me reach every state
Mortals desire, and conquer every foe
Save death, but those who doubt or hesitate,
Condemned to failure, penury and woe,
Seek me in vain and uselessly implore,
I answer not, and I return no more.
JOHN J. INGALLS—*Opportunity*.
(See also HUBBARD, MALONE)

2
They do me wrong who say I come no more,
When once I knock and fail to find you in;
For every day I stand outside your door
And bid you wait, and rise to fight and win.
JUDGE WALTER MALONE—*Opportunity*.
(See also INGALLS)

3
Not by appointment do we meet delight
Or joy; they heed not our expectancy;
But round some corner of the streets of life
They of a sudden greet us with a smile.
GERALD MASSEY—*Bridegroom of Beauty*.

4
Danger will wink on opportunity.
MILTON—*Comus*. L. 401.

5
Zeal and duty are not slow
But on occasion's forelock watchful wait.
MILTON—*Paradise Regained*. Bk. III. L. 172.
(See also PHÆDRUS)

6
Nostra sine auxilio fugiunt bona. Carpite
florem.
Our advantages fly away without aid. Pluck
the flower.
OVID—*Ars Amatoria*. III. 79.

7
Caus ubique valet; semper tibi pendeat hamus.
Quo minime credas gurgite, piscis erit.
Opportunity is ever worth expecting; let
your hook be ever hanging ready. The fish
will be in the pool where you least imagine it
to be.
OVID—*Ars Amatoria*. Bk. III. 425.

8
Oh! Who art thou so fast proceeding,
Ne'er glancing back thine eyes of flame?
Mark'd but by few, through earth I'm speeding,
And Opportunity's my name.
What form is that which scowls beside thee?
Repentance is the form you see:
Learn then, the fate may yet betide thee.
She seizes them who seize not me.

THOMAS LOVE PEACOCK—*Love and Opportu-*
nity, in *Headlong Hall*. Imitated from
MACHIAVELLI'S *Capitolo dell' Occasione*.

9
He that would not when he might,
He shall not when he wolda.
THOS. PERCY—*Reliques*. *The Baffled Knight*.

10
Occasio prima sui parte comosa, posteriore calva
Quam si occupasis, teneas elapsum
Non isse possit Jupiter reprehendre.

Opportunity has hair on her forehead, but
is bald behind. If you meet her seize her, for
once let slip, Jove himself cannot catch her
again.

PHÆDRUS. Bk. V. Fable 8. Same idea in
LUCAN—*Pharsalia*. Bk. I. L. 513. Also in
RABELAIS—*Gargantua*. Bk. I. Ch. 37.
(See also COWLEY, DIONYSIUS, MILTON,
POSIDIPPUS, TASSO)

11
Why hast thou hair upon thy brow?
To seize me by, when met.
Why is thy head then bald behind?
Because men wish in vain,
When I have run past on wingèd feet
To catch me e'er again.
POSIDIPPUS—*Epigram* 13. In BRUNCK'S ed.
of *Anthologia*. Vol. II. P. 49. Imitated by
AUSONIUS—*Epigram* 12.
(See also PHÆDRUS)

12
There's place and means for every man alive.
All's Well That Ends Well. Act IV. Sc. 3. L.
375.

13
Who seeks, and will not take when once 'tis
offer'd,
Shall never find it more.
Antony and Cleopatra. Act II. Sc. 7. L. 89.

14
A staff is quickly found to beat a dog.
Henry VI. Pt. II. Act III. Sc. 1. L. 471.

15
There is a tide in the affairs of men,
Which, taken at the flood, leads on to fortune;
Omitted, all the voyage of their life
Is bound in shallows and in miseries.
Julius Cæsar. Act IV. Sc. 3. L. 218.
(See also CHAPMAN)

16
Urge them while their souls
Are capable of this ambition,
Lest zeal, now melted by the windy breath
Of soft petitions, pity and remorse,
Cool and congeal again to what it was.
King John. Act II. Sc. 2. L. 475.

17
O opportunity, thy guilt is great!
'Tis thou that executest the traitor's treason;
Thou set'st the wolf where he the lamb may get;
Whoever plots the sin, thou 'point'st the season;
'Tis thou that spurn'st at right, at law, at
reason.
The Rape of Lucrece. L. 876.

18
Occasio ægre offertur, facile amittitur.
A good opportunity is seldom presented,
and is easily lost.
SYRUS—*Maxims*.

19
Deliberando sæpe perit occasio.
The opportunity is often lost by deliberating.
SYRUS—*Maxims*.

20
Crespe hà le chiome e d'oro,
E in quella guisa appunto,
Che Fortuna si pinge

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e Gourmont

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I all think alike; it is difference of
Mark Twain

at the top of one's voice. *Ambrose*

facts combined with prejudice and

f impertinence in England if a man
and a year has any opinions at all
y Smith

"I was sixty," said the old Turk,
been in our family for a century."

iversaries are insane. *Mark Twain*
ybody. *French Proverb*

as a man in the state of nature
his own—and if he is a man of
r than give it up. *Laurence Sterne*

buys its meat, or takes in its milk,
er to do this than to keep a cow.
ely to be watered. *Samuel Butler*

like the pressure of the atmosphere;
ame, it is sixteen pounds to the
ell

resolutions in favor of vegetarian-
ifferent opinion. *William R. Inge*
h the learned, if they speak first.

inion I have of myself, and how

th in their opinions of us than we
François de La Rochefoucauld
: of mind than to have no opinions

ust wears whatever happens to be

OPPORTUNITY-OPTIMISM

4368 Every man has a perfect right to his opinion, provided it agrees
with ours. *Josh Billings*

4369 There are two kinds of fools: those who can't change their opinions
and those who won't. *Ibid.*

4370 Opinion surveys: people who don't matter reporting on opinions
that do matter. *John A. Lincoln*

4371 Opportunity: a favorable occasion for grasping a disappointment.
Ambrose Bierce

4372 The trouble with opportunity is that it always comes disguised as
hard work. *Herbert V. Prochnow*

4373 Never miss an opportunity to make others happy even if you
have to leave them alone to do it. *Anonymous*

4374 Optimism: the noble temptation to see too much in everything.
G. K. Chesterton

4375 Every cloud has its silver lining, but it is sometimes a little difficult
to get it to the mint. *Don Marquis*

4376 Being optimistic after you've got everything you want don't count.
Frank McKinney Hubbard

4377 Optimism is the state of mind which believes matrimony will be
cheaper than the engagement. *Anonymous*

4378 Optimism: the doctrine or belief that everything is beautiful, in-
cluding what is ugly. *Ambrose Bierce*

4379 Pessimism, when you get used to it, is just as agreeable as optimism.
Arnold Bennett

4380 I hate the Pollyanna pest
Who says that All Is for the Best. *Franklin P. Adams*

4381 A pessimist is a man who thinks all women are bad. An optimist
is one who hopes they are. *Chauncey Depew*

4382 "Whenever I read in a sermon," said Mr. Dooley, "that th' wurruld
is goin' to pot, that th' foundations iv government is threatened,
that th' whole fabric iv civilised s'ciety is in danger, that humanity
is on th' down grade, and morality is blinkin', that men 're becomin'
dhrunkards, an' women gamblers, an' that th' future iv the race is
destruction, I can always console mesilf with wan thought."
"What's that?" asked Mr. Hennessey.
"It ain't so," said Mr. Dooley. *Finley Peter Dunne*

4383 The vague optimism of Tennyson's "Oh, yet we trust that somehow
good shall be the final goal of ill!" Oh, that sloppy somehow! as
Matthew Arnold remarked. *Irene C. Willis*

4384 What passes for optimism is most often the effect of an intellectual
error. *Raymond Aron*

OPPORTUNITY

OPTIMISM

massage, and a trip to the beauty salon.

Eugenia Sheppard (20th century) *New York Herald-Tribune*, 24 Feb 1958

- 15 The operation wasn't bad. I quite enjoyed the trip up from my room to the operating parlors, as a closely confined person does enjoy any sort of outing. The morphine had loosened my tongue, and while we waited in the corridor for the surgeon to arrive, the orderly and I let down our hair and had a good chat about fishing tackle.

E. B. White (1899-) US journalist and humorous writer. *The Second Tree from the Corner*, 'A Weekend with the Angels'

- 16 Ah well, I suppose I shall have to die beyond my means.

Oscar Wilde (1856-1900) Irish-born British writer and wit. On being told the cost of an operation.

OPINIONS

See also ideas

- 1 A man's opinion on tramcars matters; his opinion on Botticelli matters; his opinion on all things does not matter.
G. K. Chesterton (1874-1936) British writer. *Heretics*
- 2 Science is the father of knowledge, but opinion breeds ignorance.
Hippocrates (c. 460 BC-c. 377 BC) Greek physician. *The Canon Law*, IV
- 3 They that approve a private opinion, call it opinion; but they that dislike it, heresy: and yet heresy signifies no more than private opinion.
Thomas Hobbes (1588-1679) English philosopher. *Leviathan*, Pt. I, Ch. 11
- 4 The superiority of one man's opinion over another's is never so great as when the opinion is about a woman.
Henry James (1843-1916) US novelist. *The Tragic Muse*, Ch. 9
- 5 'Tis with our judgments as our watches, none Go just alike, yet each believes his own.
Alexander Pope (1688-1744) British poet. *An Essay on Criticism*
- 6 The average man's opinions are much less foolish than they would be if he thought for himself.
Bertrand Russell (1872-1970) British philosopher. *Autobiography*

- 7 It is folly of too many to mistake the echo of a London coffee-house for the voice of the kingdom.
Jonathan Swift (1667-1745) Irish-born Anglican priest and writer. *The Conduct of the Allies*

- 8 So many men, so many opinions.
Terence (Publius Terentius Afer; c. 190-159 BC) Roman poet. *Phormio*

- 9 I agree with no man's opinion. I have some of my own.
Ivan Turgenev (1818-83) Russian novelist. *Fathers and Sons*, Ch. 13

- 10 It is just when opinions universally prevail and we have added lip service to their authority that we become sometimes most keenly conscious that we do not believe a word that we are saying.
Virginia Woolf (1882-1941) British novelist. *The Common Reader*

OPPORTUNITY

See also present

- 1 All's grist that comes to the mill.
Proverb
- 2 Every dog has his day.
Proverb
- 3 Hoist your sail when the wind is fair.
Proverb
- 4 Make hay while the sun shines.
Proverb
- 5 Nothing ventured, nothing gained.
Proverb
- 6 Opportunity seldom knocks twice.
Proverb
- 7 Strike while the iron is hot.
Proverb
- 8 Whenever you fall, pick up something.
Oswald Theodore Avery (1877-1955) Canadian bacteriologist. *Attrib.*
- 9 A wise man will make more opportunities than he finds.
Francis Bacon (1561-1626) English philosopher. *Essays*, 'Of Ceremonies and Respects'
- 10 Cast thy bread upon the waters: for thou shalt find it after many days.
Bible: Ecclesiastes 11:1
- 11 Let him now speak, or else hereafter for ever hold his peace.
The Book of Common Prayer *Solemnization of Matrimony*
- 12 Healing is a matter of time, but it is sometimes also a matter of opportunity.
Hippocrates (c. 460 BC-c. 377 BC) Greek physician. *Precepts*, I
- 13 Opportunities are usually disguised as hard work, so most people don't recognise them.
Ann Landers (1918-) US journalist. *Attrib.*
- 14 One can present people with opportunities. One cannot make them equal to them.
Rosamond Lehmann (1901-) British novelist. *The Ballad and the Source*
- 15 There is no security in this life. There is only opportunity.
Douglas MacArthur (1880-1964) US general. *MacArthur, His Rendezvous with History* (Courtney Whitney)
- 16 Equality of opportunity means equal opportunity to be unequal.
Iain Macleod (1913-70) British politician. *Way Of Life* (John Boyd Carpenter)
- 17 Grab a chance and you won't be sorry for a might have been.
Arthur Ransome (1884-1967) British novelist. *We didn't mean to go to Sea*
- 18 There is a tide in the affairs of men Which, taken at the flood, leads on to fortune; Omitted, all the voyage of their life Is bound in shallows and in miseries. On such a full sea are we now afloat, And we must take the current when it serves, Or lose our ventures.
William Shakespeare (1564-1616) English dramatist. *Julius Caesar*, IV:3
- 19 Why, then the world's mine oyster, Which I with sword will open.
William Shakespeare *The Merry Wives of Windsor*, II:2
- 20 A man who never missed an occasion to let slip an opportunity.
George Bernard Shaw (1856-1950) Irish dramatist and critic. Referring to Lord Rosebery. *Attrib.*
- 21 I missed the chance of a lifetime, too. Fifty lovelies in the rude and I'd left my Bunsen burner home.
Dylan Thomas (1914-53) Welsh poet. *Portrait of the Artist as a Young Dog*, 'One Warm Saturday'
- 22 Never miss a chance to have sex or appear on television.
Gore Vidal (1925-) US novelist. *Attrib.*

OPPOSITES

See also conflict, difference, doublethink

- 1 It takes all s
Proverb
- 2 The poet and
distinct,
Diverse, she
The one pou
world,
The other ve
John Keats (17
Fall of Hyperion,
- 3 Oh, East is
West, and n
meet.
Rudyard Kiplin
British writer.
- 4 The sublime
often so nea
difficult to c
One step ab
the ridiculou
the ridiculou
again.
Thomas Pain
The Age of Rea
- 5 Roses have
fountains m
Clouds and
and sun,
And loathsc
sweetest br
All men ma
William Shak
dramatist. *Sor*

OP

See also govern

- 1 It has been
invented th
Opposition'
Walter Bage
and journalist.
Constitution, "
- 2 The duty c
oppose.
Lord Randol
Conservative p
(W. S. Church
- 3 When I inv
Majesty's
complimen
John Cam H
itician. *Speal
of a Long Lif*
- 4 One fifth c
everything
Robert Ken
The Observer,
1964
- 5 ... I hav

- 1 It takes all sorts to make a world.
Proverb
- 2 The poet and the dreamer are distinct,
Diverse, sheer opposite, antipodes.
The one pours out a balm upon the world,
The other vexes it.
John Keats (1795-1821) British poet. *The Fall of Hyperion*, I

- 3 Oh, East is East, and West is West, and never the twain shall meet.
Rudyard Kipling (1865-1936) Indian-born British writer. *The Ballad of East and West*
- 4 The sublime and the ridiculous are often so nearly related that it is difficult to class them separately. One step above the sublime makes the ridiculous; and one step above the ridiculous makes the sublime again.
Thomas Paine (1737-1809) British writer. *The Age of Reason*, Pt. 2

- 5 Roses have thorns, and silver fountains mud;
Clouds and eclipses stain both moon and sun,
And loathsome canker lives in sweetest bud.
All men make faults.
William Shakespeare (1564-1616) English dramatist. *Sonnets*, 35

OPPOSITION

See also government, politics

- 1 It has been said that England invented the phrase, 'Her Majesty's Opposition'.
Walter Bagehot (1826-77) British economist and journalist. See HOBHOUSE. *The English Constitution*, 'The Monarchy'
- 2 The duty of an opposition is to oppose.
Lord Randolph Churchill (1849-95) British Conservative politician. *Lord Randolph Churchill* (W. S. Churchill)
- 3 When I invented the phrase 'His Majesty's Opposition' he paid me a compliment on the fortunate hit.
John Cam Hobhouse (1786-1869) British politician. Speaking about Canning. *Recollections of a Long Life*, II, Ch. 12
- 4 One fifth of the people are against everything all the time.
Robert Kennedy (1925-68) US politician. *The Observer*, 'Sayings of the Week', 10 May 1964
- 5 ... I have spent many years of my

life in opposition and I rather like the role.

Eleanor Roosevelt (1884-1962) US writer and lecturer. Letter to Bernard Baruch, 18 Nov 1952

- 6 The tragedy of the Police State is that it always regards all opposition as a crime, and there are no degrees.
Lord Vansittart (1881-1957) British politician. Speech, House of Lords, June 1947

OPPRESSION

See also imprisonment, indoctrination, power politics, slavery, tyranny

- 1 When Israel was in Egypt land,
Let my people go,
Oppressed so hard they could not stand,
Let my people go.
*Go down, Moses,
Way-down in Egypt land,
Tell old Pharaoh
To let my people go.*
Anonymous Negro spiritual
- 2 Christ in this country would quite likely have been arrested under the Suppression of Communism Act.
Joost de Blank (1908-68) Dutch-born British churchman. Referring to South Africa. *The Observer*, 'Sayings of the Week', 27 Oct 1963
- 3 The enemies of Freedom do not argue; they shout and they shoot.
Dean Inge (1860-1954) British churchman. *The End of an Age*, Ch. 4
- 4 If you want a picture of the future, imagine a boot stamping on a human face - for ever.
George Orwell (Eric Blair; 1903-50) British novelist. *Nineteen Eighty-Four*
- 5 In the first days of the revolt you must kill: to shoot down a European is to kill two birds with one stone, to destroy an oppressor and the man he oppresses at the same time: there remain a dead man, and a free man.
Jean-Paul Sartre (1905-80) French writer. *The Wretched of the Earth* (F. Fanon), Preface

OPTIMISM

See also hope

- 1 After a storm comes a calm.
Proverb
- 2 Every cloud has a silver lining.
Proverb
- 3 It's an ill wind that blows nobody any good.
Proverb
- 4 It will all come right in the wash.
Proverb
- 5 Look on the bright side.
Proverb
- 6 No news is good news.
Proverb
- 7 Nothing so bad but it might have been worse.
Proverb
- 8 The darkest hour is just before the dawn.
Proverb
- 9 Tomorrow is another day.
Proverb
- 10 When one door shuts, another opens.
Proverb
- 11 While there's life there's hope.
Proverb
- 12 Are we downhearted? No!
Anonymous A favorite expression of the British soldiers during World War I. Attrib.
- 13 What's the use of worrying?
It never was worth while,
So, pack up your troubles in your old kit-bag,
And smile, smile, smile.
George Asaf (George H. Powell; 1880-1951) US songwriter. *Pack up Your Troubles in Your Old Kit-bag*
- 14 Let other pens dwell on guilt and misery.
Jane Austen (1775-1817) British novelist. *Mansfield Park*, Ch. 48
- 15 A Scout smiles and whistles under all circumstances.
Robert Baden-Powell (1857-1941) British soldier and founder of the Boy Scouts. *Scouting for Boys*
- 16 *Future*, n. That period of time in which our affairs prosper, our friends are true and our happiness is assured.
Ambrose Bierce (1842-?1914) US writer and journalist. *The Devil's Dictionary*
- 17 My sun sets to rise again.
Robert Browning (1812-89) British poet. *At the 'Mermaid'*
- 18 No, at noonday in the bustle of man's worktime

America

Ours is a country deliberately founded on a good idea.

John Gunther

I tremble for my country when I reflect that God is just.

Thomas Jefferson

America is a mistake, a giant mistake.

Sigmund Freud

Americans: People who laugh at . . . African witch doctors and spend 100 million dollars on fake reducing systems.

Leonard Louis Levinson

. . . the terrible newly imported American doctrine that everyone ought to do something.

Osbert Sitwell

The great advantage of the American is that he has arrived at a state of democracy without having to endure a democratic revolution and that he is born free without having to become so.

Alexis de Tocqueville

It was wonderful to find America, but it would have been more wonderful to miss it.

Mark Twain

You are right in your impression that a number of persons are urging me to come to the United States. But why on earth do you call them my friends?

George Bernard Shaw

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A.]

Ame

Don't get the idea that I'm one of those goddamn radicals. Don't get the idea that I'm knocking the American system.

Al Capone

In America, an hour is forty minutes.

German saying

God will save the good American, and seat him as His right hand on the Golden Throne.

Theodore Dreiser

The organization of American society is an interlocking system of semi-monopolies notoriously venal, an electorate notoriously unenlightened, misled by mass media notoriously phony.

Paul Goodman

America means opportunity, freedom, power.

Ralph Waldo Emerson

When you are actually in America, America hurts.

D. H. Lawrence

We must be the great arsenal of democracy.

Franklin D. Roosevelt

The American people never carry an umbrella. They prepare to walk in eternal sunshine.

Alfred E. Smith

There are those, I know, who will say that the liberation of humanity, the freedom of man and mind, is nothing but a dream. They are right. It is the American dream.

Archibald MacLeish

America is a large, friendly dog in a very small room. Everytime it wags its tail, it knocks over a chair.

Arnold Toynbee

Q. If you find so much that is unworthy of reverence in the United States, then why do you live here?

A. Why do men go to zoos?

H. L. Mencken

America is the only nation in history which miraculously has gone

8 AMERICA

directly from barbarism to degeneration without the usual interval of civilization.

Georges Clemenceau

How prophetic L'Enfant was when he laid out Washington as a city that goes around in circles!

John Mason Brown

We must stop talking about the American dream and start listening to the dreams of Americans.

Reubin Askew

I don't see much future for the Americans. . . . Everything about the behavior of America reveals that it's half judaized and the other half negrified. How can one expect a state like that to hold together?

Adolf Hitler

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Anarc
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State s

many opinions; for opinion in but knowledge in the making. *Opagitica* (1644).

opinion is of force enough to be espoused at the expense of GNE, "That the relish of good ends in a great measure upon we have of them," *Essays* Charles Cotton and W. C. Haz-

n is a powerful party, bold, and sure. MONTAIGNE, "That the l and evil depends in a great n the opinion we have of s (1580-88), tr. Charles Cotton zlitt.

inions are less important than temper with which they pose- even good opinions are worth less we hold them in a broad, nd spacious way. JOHN MOR- pierre," *Critical Miscellanies*

ften contradicts an opinion ally only the tone in which it sented that is unsympathetic. *Iuman, All Too Human* (1878), *Portable Nietzsche*, tr. Walter

fer to learn than teach; and his opinion has nothing to ILLIAM PENN, *Some Fruits of* 3), 2.118.

is one forever absolute, but th filtered through the moods, e disposition of the spectator. ILLIPS, lecture, "Idols," Bos- 59.

g to have an opinion is a way , isn't it? LUIGI PIRANDELLO, *Own Way* (1924), 1, tr. Arthur

ervations which ourselves we grow more partial for th' ce. ALEXANDER POPE, *Moral* 35), 1.11.

n by opinion, begin by tram- der your feet. ROUSSEAU, 3.

ntiments of an adult are com- kernal of instinct surrounded of education. BERTRAND RUS- *il Essays* (1928).

1 is like a pendulum and ie law. If it goes past the cen-

tre of gravity on one side, it must go a like distance on the other; and it is only after a certain time that it finds the sure point at which it can remain at rest. SCHOPENHAUER, "Further Psychological Observations," *Parerga and Paralipomena* (1851), tr. T. Bailey Saunders.

31. If a man would register all his opinions upon love, politics, religion, learning, etc., beginning from his youth, and so go to old age, what a bundle of inconsistencies and contradictions would appear at last! JONATHAN SWIFT, *Thoughts on Various Subjects* (1711).

32. Men seldom take the opinion of their equal, or of a man like themselves, upon trust. ALEXIS DE TOCQUEVILLE, *Democracy in America* (1835-39), 2.3.21.

33. It were not best that we should all think alike; it is difference of opinion that makes horse-races. MARK TWAIN, "Pudd'n-head Wilson's Calendar," *Pudd'nhead Wilson* (1894), 19.

34. Opinion is called the queen of the world; it is so, for when reason opposes it, it is condemned to death. It must rise twenty times from its ashes to gradually drive away the usurper. VOLTAIRE, "Opinion," *Philosophical Dictionary* (1764).

35. The chief effect of talk on any subject is to strengthen one's own opinions, and, in fact, one never knows exactly what he does believe until he is warmed into conviction by the heat of attack and defence. CHARLES DUDLEY WARNER, "Sixth Study," *Backlog Studies* (1873).

36. It is only about things that do not interest one that one can give a really unbiased opinion, which is no doubt the reason why an unbiased opinion is always absolutely valueless. OSCAR WILDE, "The Critic as Artist," *Intentions* (1891).

650. OPPORTUNITY

See also 711. Potential

1. A wise man will make more opportunities than he finds. FRANCIS BACON, "Of Ceremonies and Respects," *Essays* (1625).

2. A door that seems to stand open must be of a man's size, or it is not the door that Providence means for him. HENRY WARD BEECHER, *Proverbs from Plymouth Pulpit* (1887).

651. Opposition

3. Opporchunity knocks at ivry man's dure wanst. On some men's dures it hammers till it breaks down th' dure an' thin it goes in an' wakes him up if he's asleep, an' iver afterward it wurrucks f'r him as a night-watchman. FINLEY PETER DUNNE, "Mr. Carnegie's Gift," *Mr. Dooley's Opinions* (1901).

4. Remember that you ought to behave in life as you would at a banquet. As something is being passed around, it comes to you; stretch out your hand, take a portion of it politely. It passes on; do not detain it. Or it has not come to you yet; do not project your desire to meet it, but wait until it comes in front of you. EPICETUS, *Enchiridion* (2nd c.), 15, tr. Thomas W. Higginson.

5. In great affairs we ought to apply ourselves less to creating chances than to profiting from those that offer. LA ROCHEFOUCAULD, *Maxims* (1665), tr. Kenneth Pratt.

6. There is no security on this earth; there is only opportunity. DOUGLAS MACARTHUR, quoted in *MacArthur: His Rendezvous with History* (1955) by Courtney Whitney.

7. Know thine opportunity. PITTACUS (7th-6th c. B.C.), quoted in Diogenes Laertius' *Lives and Opinions of Eminent Philosophers* (3rd c. A.D.), tr. R. D. Hicks.

8. While we stop to think, we often miss our opportunity. PUBLILIUS SYRUS, *Moral Sayings* (1st c. B.C.), 185, tr. Darius Lyman.

9. The opportunity that God sends does not wake up him who is asleep. SENEGALESE PROVERB.

10. There is a tide in the affairs of men / Which, taken at the flood, leads on to fortune; / Omitted, all the voyage of their life / Is bound in shallows and in miseries. SHAKESPEARE, *Julius Caesar* (1599-1600), 4.3.218.

OPPOSITES

See 184. Contrast

651. OPPOSITION

See also 250. Discord; 256. Dissent;

747. Protest; 779. Rebellion;

813. Revolution; 1024. Violence

1. Many a man's strength is in opposition, and when that faileth, he groweth out of

Trying to get a fast ball past Hank Aaron is like trying to get the sun past a rooster.

Curt Simmons

Golf is a good walk spoiled.

Mark Twain

Walking is the best possible exercise. Habituate yourself to walk very far.

Thomas Jefferson

Hockey captures the essence of the Canadian experience in the New World. In a land so inescapably and inhospitably cold, hockey is the dance of life, and an affirmation that despite the deathly chill of winter we are alive.

Bruce Kidd

The game isn't over until it's over.

Yogi Berra

The race is not always to the swift nor the battle to the strong — but that's the way to bet.

Damon Runyan

A sportsman is a man who, every now and then, simply has to get out and kill something. Not that he's cruel. He wouldn't hurt a fly. It's not big enough.

Stephen Leacock

Sport begets tumultuous strife and wrath, and wrath begets fierce quarrels and war to the death.

Horace

Citius, altius, fortius. (Swifter, higher, stronger).

Motto of the Olympic Games

Well, God is certainly getting an earful tonight.

Jim Murray, sports columnist, on the death of Casey Stengel

Going to bed with a woman never hurt a ball player. It's staying up all night looking for them that does you in.

Casey Stengel

Knute Rockne liked 'bad losers.' He said 'good losers' lose too often.

George Allen

Ninety per cent of this game is half-mental.

Yogi Berra

Success

If one advances confidently in the direction of his dreams, and endeavours to live the life which he has imagined, he will meet with a success unexpected in common hours.

Henry David Thoreau

The world belongs to the enthusiast who keeps cool.

William McFee

Out of every fruition of success, no matter what, comes forth something to make a new effort necessary.

Walt Whitman

Though a tree grow ever so high, the falling leaves return to the root.

Malay proverb

Success is that old A B C — ability, breaks and courage.

Charles Luckman

How can they say my life isn't a success? Have I not for more than sixty years got enough to eat and escaped being eaten?

Logan Pearsall Smith

You always pass failure on the way to success.

Mickey Rooney

Of course there is no formula for success except perhaps, an unconditional acceptance of life and what it brings.

Artur Rubinstein

High station in life is earned by the gallantry with which appalling experiences are survived with grace.

Tennessee Williams

Everything bows to success, even grammar.

Victor Hugo

Never having been able to succeed in the world, he took his revenge by speaking ill of it.

Voltaire

The successful people are the ones who think up things for the rest of the world to keep busy at.

Don Marquis

It is no use saying 'we are doing our best.' You have got to succeed in doing what is necessary.

Winston Churchill

Survival is triumph enough.

Harry Crews

It takes time to be a success, but time is all it takes.

Anon.

There is a passion for perfection which you will rarely see fully developed; but you may note this fact, that in successful lives it is never wholly lacking.
Bliss Carman

Nothing fails like success; nothing is so defeated as yesterday's triumphant cause.
Phyllis McGinley

The toughest thing about success is that you've got to keep on being a success.
Irving Berlin

Nothing fails like success because we don't learn from it. We learn only from failure.
Kenneth Boulding

Get place and wealth, if possible with grace;
If not, by any means get wealth and place.
Alexander Pope

Success is not so much what you are, but rather what you appear to be.
Anon.

I cannot give you the formula for success, but I can give you the formula for failure, which is — try to please everybody.
Herbert Bayard Swope

Before everything else, getting ready is the secret of success.
Henry Ford

A successful man is he who receives a great deal from his fellow men, usually incomparably more than corresponds to his service to them. The value of a man, however, should be seen in what he gives and not in what he is able to receive.
Albert Einstein

Success is not the result of spontaneous combustion. You must set yourself on fire.
Reggie Leach

Success is the progressive realization of a worthy ideal.
Earl Nightingale

Success has made failures of many men.
Cindy Adams

A great secret of success is to go through life as a man who never gets used up.
Albert Schweitzer

Success is a science. If you have the conditions, you get the result.
Oscar Wilde

Failure changes for the better, success for the worse.
Seneca

Behind every successful man there's a lot of unsuccessful years.
Bob Brown

If people knew what they had to do to be successful, most people wouldn't.
Lord Thomson of Fleet

The secret of all victory lies in the organization of the non-obvious.
Oswald Spengler

Snowflakes are one of nature's most fragile things, but just look what they can do when they stick together.
Vesta M. Kelly

Damon Runyon. A day-coach boy in a parlor car seat.
Damon Runyon

There is only one success — to be able to spend your life in your own way.
Christopher Morley

Tact and Diplomacy

If a person has no delicacy, he has you in his power.
William Hazlitt

Tact is the intelligence of the heart.
Anon.

Silence is not always tact, and it is tact that is golden, not silence.
Samuel Butler

Diplomats are useful only in fair weather. As soon as it rains, they drown in every drop.
Charles de Gaulle

A distinguished diplomat could hold his tongue in ten languages.
Anon.

Negotiation in the classic diplomatic sense assumes parties more anxious to agree than to disagree.
Dean Acheson

Diplomacy; the art of saying 'nice doggie' till you can find a rock.
Wynn Catlin

If any pilgrim monk come from distant parts, with wish as a guest to dwell in the monastery, and will be content with the customs which he finds in the place, and does not perchance by his lavishness disturb the monastery, but is simply content with what he finds, he shall be received for as long as he desires. If, indeed, he find fault with anything, or expose it, reasonably,

Thomas Frustrates Efforts to Elicit His Views

By Ruth Marcus
Washington Post Staff Writer

Senate Judiciary Committee Democrats became increasingly frustrated yesterday trying to draw out the views of Supreme Court nominee Clarence Thomas, with committee chairman Joseph R. Biden Jr. (D-Del.) telling the nominee that he was engaging in "sophistry" and calling another answer "the most unartful dodge I have heard."

But as Thomas testified for a third day before the committee, whether his nomination was in jeopardy remained far from clear. Sen. Howell T. Heflin (D-Ala.), a swing vote on the committee, told PBS yesterday that "from what I hear among my colleagues" in the Senate as a whole "... I would say that if a vote were taken today in the Senate, he would probably be confirmed."

In a long day of testimony that was at times testy but often soporific, Thomas sparred with Biden, Sen. Edward M. Kennedy (D-Mass.) and Sen. Herbert H. Kohl (D-Wis.) over whether he was being adequately forthcoming.

Thomas, though, remained unflappable, patiently and politely declining to answer questions he said would compromise his impartiality. A veteran of congressional hearings, Thomas staked out his legal ground and generally refused to budge. He took full advantage of friendly questions lobbed at him from the Republicans on the committee.

Although no Democrat has said he will vote against Thomas, some were clearly irritated at the strategy, a reprise of that successfully employed last year by Justice David H. Souter. "This is getting more like a debate than it is getting information," Biden said toward the end of a lengthy session on natural law and the right to privacy.

Kohl challenged Thomas's repeated assertions that positions he took as an administration policymaker and advocate should not be counted against him in his role as a judge, in which Thomas said he had sought to shed himself of opinions.

"Why is it inappropriate for us to make an evaluation of your candidacy based upon all the things that you have written and said, partic-

ularly in view of the fact that you have been on the court for only 16 months?" Kohl asked. "... Is it fair for you to say to us, for the most part, 'Members of the panel, just view me on what I am saying here this week, don't view me on what has been written about me, about my speeches, about the things I have said.'"

Thomas, describing himself as a person "who did not hide, who did not sneak away from the problems," told Kohl his record was "relevant," but emphasized that now, "I am a member of the judiciary, and I think it is a fair question from me to you ... to see whether or not my policy positions have tainted my role as a judge."

Committee Republicans came to Thomas's defense, saying he had been as forthcoming as possible with the committee without compromising his impartiality. They complained that Thomas was being pressed harder than nominee Souter a year ago, particularly on the abortion question, and quoted passages from committee Democrats

in earlier years criticizing attempts to press nominees about their views on particular issues.

"I kind of resent the implication made several times that you are selectively answering only those questions that suit your political agenda," said Sen. Orrin G. Hatch (R-Utah). "... I think the burden is on those who would condition your confirmation on answering questions about abortion to tell the American people why you are being treated any differently from Judge Souter." He said that Thomas had been asked about abortion more than 70 times, while Souter was asked about it 36 times.

Responding to that charge, Sen. Howard M. Metzenbaum (D-Ohio) said the difference was that Thomas had "spoken out quite extensively in this area," as well as "a greater sense of alarm as to the direction in which the court seems to be moving" on abortion.

Kennedy pressed Thomas on what he suggested were two inconsistencies. He asked how Thomas could reconcile his opposition to a 1986 Supreme Court ruling upholding an affirmative action program with Thomas's own benefit from an affirmative action program at Yale Law School. And he contrasted Thomas's willingness to discuss his position on a pending Supreme Court case with his refusal to comment on the abortion issue.

On the affirmative action issue, Kennedy quizzed Thomas about his comments criticizing the court's 1987 ruling in *Johnson v. Transportation Agency of Santa Clara County*.

In that case, the county—which had never hired a woman for any of the 238 skilled positions in its transportation department—selected a woman from among seven employees judged qualified for road dispatcher. A male applicant who scored two points higher on an interview sued, claiming that he had been discriminated against on the basis of his sex. The Supreme Court rejected his claim, ruling 6 to 3 that the federal job discrimination statute allowed the county to seek to diversify its work force.

Thomas, in a 1987 speech to the Cato Institute, said he hoped Justice Antonin Scalia's dissenting opinion would help "provide guidance for lower courts and a possible majority in future decisions."

Kennedy asked Thomas whether that position contradicted his own acceptance at Yale Law School under a program in which, as Thomas told the committee Tuesday, the law school had "opened its doors, its heart, its conscience to recruit and admit minority students."

"Wasn't the county just opening its doors to a woman whom it felt to be qualified?" Kennedy asked. "Why isn't it the same?"

Thomas said he saw similarities between the two situations but that the problem in the Supreme Court case was that the federal statute explicitly prohibits discrimination in any form. The federal law govern-

ing universities that receive federal aid also prohibits discrimination.

At Yale, he said, "We were not talking about two people competing for one job. We were talking about an educational institution that was very subjective in its selection process."

On the issue of what Democrats complained was his willingness to discuss some legal doctrines but not abortion, Kennedy questioned Thomas about his comments Wednesday and yesterday morning saying he had "no quarrel" and "no personal disagreement" with the current three-part test the court has used to analyze separation of church and state issues.

Several justices have criticized that test, and the court has agreed to consider abandoning it in a Rhode Island school graduation prayer case to be argued Nov. 6.

"If you are confirmed as a justice, you will be sitting on that case this fall yet you did not hesitate yesterday and today to tell us that you have no personal disagreement" with the church-state test, Kennedy told Thomas. "My question is: Do you have any personal disagreement with the test used by the court in *Roe v. Wade* to decide the cases on abortion?"

Thomas answered by saying he did not disagree generally with the strict test the court uses to judge infringements on rights it deems "fundamental." But he continued to assert that "it would be inappropriate for me to sit here as a judge and say I think that should be used in a case that could come before the court."

At his hearing last year, Souter was equally evasive on the abortion issue and offered a similar statement about his views on the proper church-state test, an issue on which the justices are closely divided.

Biden expressed his frustration in an exchange on the nominee's views of natural law.

Biden asked Thomas about a 1988 speech before a conservative group in which he assailed the court's 7 to 1 ruling upholding the constitutionality of the independent counsel law against a claim that it violated the constitutional mandate of separation of powers.

In the speech, Thomas said Scalia's "remarkable dissent" in that case "indicates how again we might relate natural rights to democratic self-government and thus protect the regime of individual rights."

Biden, quoting that and other passages, said, "Now, I don't know any other way to read this passage than to conclude that you believe that natural law and natural rights should help judges decide constitutional decisions."

Thomas replied: "I have not in any speech said that we should adjudicate cases by directly appealing to natural law."

"It seems like we are engaged in a little bit of sophistry here," Biden said.

-CONT'D

Biden's "unartful dodge" comment fusing answer. "I think that is con- came as he sought to prod Thomas sistent with what I said, and I think to state that the fundamental consti- that is consistent with what the tutional right to privacy extends to court held in *Eisenstadt v. Baird*," a single individuals, as well as married 1972 case striking down restric- couples. That point, on which the tions on the distribution of con- court has never directly ruled, is traceptives to single people.

highly controversial in some conser- But as Thomas pointed out ear- vative circles because it was part of lier in the exchange, the court—al- the doctrinal development that led to though it discussed the right of pri- the *Roe* abortion ruling. vacy in the case—ruled that the law

After minutes of pushing and at issue violated the equal protec- pulling, Biden tried again: "As I un- tion guarantee because it discrim- understand it now, you told me . . . inated between married and unmar- that the privacy right of an individ- ried people, leaving a decision on ual on procreation is fundamental." the underlying privacy issue for an-

Thomas offered a somewhat con- other day.

Nominee's Responses Presage Conventional, Unpredictable Justice

By Fred Barbash
Washington Post Staff Writer

Despite the frustration of Democrats unable to pin down Clarence Thomas on the subject of abortion, the Supreme Court nominee has said enough on a range of other subjects to suggest that he would be a conventional but unpredictable Supreme Court justice, with no consistent agenda.

In some areas, he could well become a judge who could give conservatives—as well as liberals—a headache. He has endorsed, for example, "heightened scrutiny" of laws that discriminate between the sexes, an approach invented by Justice William J. Brennan Jr. and adopted by the Supreme Court in the 1970s to eliminate countless barriers against women.

He has "no quarrel" with the Supreme Court's traditional methodology for determining when church and state become excessively entangled, a methodology crafted in the Warren Court era that stood in the way of prayer in the public schools, state aid to parochial schools and crèches on public property, among other things.

On Tuesday, the first day of his confirmation testimony before the Senate Judiciary Committee, he expressed "concern" over a recent Rehnquist Court ruling heavily criticized by liberals for making it too easy for states to interfere with the practice of religion.

And on issues of "law and order," this nominee, thought to be "tough" on defendants, has let his heart bleed openly and often.

"You know," Thomas said yesterday, "in my current court, I have occasion to look out the window that faces C Street, and there are converted buses that bring in the criminal defendants to our criminal justice system, busload after busload. And you look out, and you say to yourself, and I say to myself almost every day, 'but for the grace of God there go I.' So you feel that you could have . . . had the same fate as those individuals."

He will not forget, he said later, that once upon a time "you could be picked up and put on the chain gang for just standing on the corner."

There have been some other telling moments, hints that Thomas is not necessarily a conservative party-liner. When asked about the legitimacy of "victim impact" statements in trials, he expressed concern about the impact on the defendant. Queried about conservatives' plans to limit access to the courts, he worried about whether that might "squeeze out" of the system "individuals who most need the access. . . ."

All of this assumes he ultimately practices what he says, an assumption that cannot safely be made with any Supreme Court nominee. Virtually all of them—from Earl Warren to Antonin Scalia and David H. Souter—have endorsed the conventional wisdom and claimed to have "no agenda." Many of them—including the three above—later have sprung some surprises which, since they serve for life, they never are called upon to explain.

And none of this means Thomas would rule in any particular way on any particular case. While the method of analysis is critical in the law, the sensibility brought to the method produces the results. But many of the views he has expressed run contrary to conservative ideology and some of the approaches he has endorsed are under active attack by conservative judges and justices.

Is Thomas a "closet liberal," as Sen. Howell T. Heflin (D-Ala.) put it yesterday in a PBS interview, noting that some were beginning to raise that question. Probably not. He is more likely caught in the middle. He has come off in the hearings as someone still very much in search of an overall judicial identity.

He said clearly that he does not like civil rights remedies that discriminate. He believes it is illegal to promote a woman over a more qualified man. But he also said he favors stronger deterrents to discrimination than those now available, such as monetary damages. While that is a subject likely to be resolved in Congress, rather than in the

courts, it is a departure from Bush administration thinking.

Thomas's views on how to interpret the Constitution, as stated in the hearings, are utterly conventional and could have come out of the mouth of any number of middle-of-the-bench appointees over the last 25 years: You "start with the text"; "look to our history and our tradition," and to precedents; "Our notions of what liberty means evolves with the country, it moves with our history and our tradition."

While Thomas has refused to talk about abortion, those who worry about whether he might vote to overturn *Roe v. Wade* might take some heart from his attitude toward what he called this "very serious matter."

" . . . You would have to be of the view that a case is incorrectly decided, but I think even that is not adequate. There are some cases that you may not agree with that should not be overruled Stare decisis provides continuity to our system. It provides predictability."

NEWS ANALYSIS

THOMAS UNDERGOES HARSH QUESTIONING ON JUDICIAL VIEWS

NOMINEE'S TOUGHEST DAY

Republicans on Senate Panel Mount Sharp Counterattack — Democrats Stymied

By NEIL A. LEWIS

Special to The New York Times

WASHINGTON, Sept. 12 — Judge Clarence Thomas faced his toughest questioning yet from exasperated Democrats on the Senate Judiciary Committee today, with the committee chairman, Joseph R. Biden Jr., calling one of the responses of the Supreme Court nominee "the most unartful dodge I have heard."

But committee Republicans mounted a vigorous counterattack after three days in which Judge Thomas has faced accusations that he has disavowed his extensive record to help win confirmation. Senator Orrin G. Hatch, a Utah Republican, complained sharply that Democrats were badgering Judge Thomas and treating him far more harshly than they did Judge David H. Souter in confirmation hearings last year.

Even as the hearings took on a more partisan tenor today, there seemed to be no clear momentum developing either way on the nomination. That is widely viewed as favoring confirmation. Although Judge Thomas's responses have produced visible annoyance among many of the committee's Democrats, he has not provided them with any explicit new ammunition to oppose his confirmation. [Excerpts, page A18.]

A Frustrating Experience

One committee member, who told a reporter that he found the experience of the confirmation hearings intensely frustrating, suggested he would probably end up voting in favor of the nominee. Judge Thomas will most likely complete his appearance before the committee on Friday.

In defending Judge Thomas, Senator Hatch said the nominee had been asked about 70 questions trying to elicit his views on abortion while the committee had only asked 36 such questions of Judge Souter, and both had made it clear they would not disclose their views on the issue.

"Now I don't know why you're being singled out," Senator Hatch told the nominee. He noted that Judge Souter was confirmed by the committee by a 13-to-1 vote after he similarly refused to even hint how he would vote on Roe v. Wade, the 1973 ruling that established a constitutional right to abortion.

"I think the burden is on those who would condition your confirmation on answering questions about abortion to tell the American people why you're being treated differently from Judge Souter," he said. "You'd think from listening to what's going on here that that's the only issue the Supreme Court has to decide."

White House strategists have said they believed it would be difficult for the committee members to hold Judge Thomas, a black, to a higher standard than Judge Souter, who is white.

The committee is scheduled to hear

from witnesses supporting and opposing the nomination next week.

Senator Biden, a Delaware Democrat, sought today to explore again the significance of Judge Thomas's earlier writings favoring the use of natural law, the philosophical principle that some fundamental human rights transcend any written law.

Judge Thomas has tried to dispel any notions that his interest in natural law meant that he would use his personal moral code to supersede the Constitution. "I have not in any speech said that we should adjudicate cases by appealing to natural law," he said.

But Senator Biden challenged him, arguing that Judge Thomas had spoken of natural law in some of his speeches as a tool in deciding cases. He noted how Judge Thomas had once praised a dissent written by Justice Antonin Scalia that employed natural law to argue against the constitutionality of a special prosecutor. That showed, he said, how Judge Thomas was trying to back away from his earlier statements.

When Judge Thomas insisted his praise of the Scalia dissent should not be taken that way, Senator Biden responded: "It seems like we're engaged in a little bit of sophistry here."

Senator Biden later asked Judge Thomas whether unmarried people had privacy rights concerning sexual relations. When Judge Thomas responded that he could not say so because he did not have any briefs or oral arguments on such a case, Senator Biden said: "Well, Judge, I think that is the most unartful dodge that I have heard."

Privacy Rights

Judge Thomas eventually said he believed that sexual relations and childbearing by unmarried people could be protected by privacy rights but not until after Senator Biden said, "It's getting more like a debate than it is getting information."

Republican strategists said afterward that they thought Senator Biden might have appeared heavy-handed, and that in any case, the issue of natural law was too arcane to generate much opposition to Judge Thomas.

At least one member of the committee gave the impression that he was not interested in the questioning on natural law. Senator Hank Brown, Republican of Colorado, looked bored and then began reading the home furnishings section of The Washington Post.

As Senator Biden neared the end of his questioning, a small incident typified the battle for public perception over Judge Thomas's performance. Judge Thomas had signaled to supporters that he wanted to take a break and Senator Biden said, "I think your friends here think you're getting in trouble, so they'd like me to stop."

The Questioning Continues

At that point, Senator John Danforth, a Missouri Republican and Judge Thomas's principal patron, who had been sitting behind the nominee, appeared greatly upset and shouted, "No, no, no. Go right ahead with your questions."

Senator Danforth later explained that Judge Thomas wanted to take a break for personal reasons and that he did not want it portrayed that he was seeking refuge from tough questioning.

"I didn't want anyone to think Judge

Thomas was in trouble," he said. He said anyone should be able to understand that someone sitting for a long time at a table and drinking water would need to take a respite.

Senator Herb Kohl, Democrat of Wisconsin, in the morning session, questioned Judge Thomas about the intense preparation he had undergone for the committee hearings. He asked Judge Thomas if he had been coached to soften an answer, or to respond that it would be inappropriate to answer certain questions.

Judge Thomas replied, "Senator, the answer to that is unequivocally no."

In answer to another question from Senator Kohl, Judge Thomas demon-

strated one of the ways the preparation process works. Asked why he wanted to sit on the Supreme Court, Judge Thomas answered at length, saying that it was an opportunity to give back to the country what it had given him. He promised to "walk in the shoes of the people who are affected by what the Court does."

In 1987 when asked the same question, Judge Robert H. Bork seriously harmed his prospects for confirmation when he said he wanted to be on the Court because he would find it "an intellectual feast," a response that cemented an image of him as an unfeeling theorist.

Judge Souter last year and Judge Thomas this year both practiced how to answer such a question.

Asked by Senator Kohl about remarks lamenting the absence of prayers in public schools, Judge Thomas said he fully accepted the Supreme Court's rulings outlawing such prayer.

He also said he accepted the Court's test to evaluate whether any government action violates the Constitution's separation of church and state doctrine. Under the test first enunciated in 1971 in a case called Lemon v. Kurzman, judges should decide whether some government action like a school Christmas pageant unduly entangles government in religion and whether the activity's primary purpose is sectarian.

Senator Edward M. Kennedy, Democrat of Massachusetts, said it was wrong of Judge Thomas to decline to answer questions on Roe v. Wade on the basis that it would undermine his independence while endorsing the so-called Lemon test. Senator Kennedy noted that the Court is to hear a case this fall questioning whether a speech given at a public high school by a rabbi violated the Constitution.

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Kennedy in '67: Some Issues Are Off Limits

By Howard Kurtz
Washington Post Staff Writer

The hottest thing on talk radio this week is a tape of Sen. Edward M. Kennedy (D-Mass.) talking about what questions a Supreme Court nominee should answer.

"We will have to respect that any nominee . . . will have to defer any comments on any matters which are either before the court or is very likely to appear before the court," Kennedy says. "This has been a procedure which has been followed in the past and is one which I think is based upon sound legal precedent."

Kennedy is obviously not talking about Clarence Thomas, whom he and other Democrats have peppered with questions about abortion and other issues at this week's Senate Judiciary Committee hearings. The tape is from 1967, and Kennedy is talking about a Democratic nominee to the court, Thurgood Marshall.

Rush Limbaugh, a conservative talk-show host whose program is carried on more than 400 stations, including WMAL-AM here, said he has played the tape at least a dozen times.

"It's representative of Ted Kennedy's hypocrisy," Limbaugh said. "Here is a guy who is demanding to know exactly how Clarence Thomas is going to vote on abortion . . . That's impeachable to me. If the nominee is a conservative like Thomas, they've got to know these things. If it's a liberal nominee, it's hands off."

Paul Donovan, Kennedy's spokesman, said that "the situation is very different . . . Before his nomination, Judge Thomas made statements suggesting hostility to abortion. During the hearings, he has discussed many other issues likely to come before the Supreme Court. The only issue he won't discuss is abortion."

Limbaugh said a video archivist on Long Island sent him a videotape of Kennedy's old remarks and that he taped the audio portion. "I have been inundated with calls from other radio stations that want the tape," he said.

Democrats Charge Thomas Is Evasive, Willing to Discuss Anything but Abortion

By PAUL M. BARRETT

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—Some Democrats accused Clarence Thomas of inconsistency in discussing his views on a number of important constitutional issues while avoiding the topic of abortion.

On the third day of Senate Judiciary Committee hearings on his nomination to the Supreme Court, Judge Thomas criticized recent Supreme Court opinions upholding the constitutionality of the federal independent-counsel law and some forms of voluntary government affirmative action.

He also endorsed, with some qualification, the legal standard the high court has used since 1971 for determining the propriety under the First Amendment of government support for religion. That standard, now criticized by several justices and the Bush administration, will be the focus of a closely watched case scheduled to be heard by the high court in November.

Despite his inclination to comment on these hotly debated constitutional issues, however, Judge Thomas steadfastly refused to discuss *Roe vs. Wade*, the 1973 case in which the Supreme Court recognized a woman's constitutional right to an abortion.

Expressing increasing frustration, some Democratic senators accused the nominee of evasiveness. They also scolded him for having been coached by White House lawyers and not wanting to discuss that preparation.

But it appeared increasingly unlikely that these complaints, and others, would coalesce into a serious campaign to defeat the 43-year-old nominee, who sits on the federal appeals court in Washington and hopes to fill the seat vacated by the resignation of Justice Thurgood Marshall. After a morning of sometimes heated interrogation, the questioning grew desultory as the afternoon wore on.

"I wish he were more candid; I think he hasn't been," Sen. Herb Kohl (D., Wis.) said in an interview after questioning Judge Thomas. But the lawmaker said he didn't know whether this alleged lack of candor would prompt him or others to oppose President Bush's nominee. Sen. Kohl suggested that Judge Thomas's guardedness and seeming adherence to a script may be an inevitable "part of the nomination process, the way it's done now."

Republicans on the committee spent much of their question time yesterday delivering speeches, commending Judge Thomas on his accomplishments, including his tenure as chairman of the Equal Employment Opportunity Commission during the 1980s. Utah Sen. Orrin Hatch accused Democrats of persecuting the nominee on *Roe vs. Wade*. "What are we going to have, 64,000 questions on abortion?" he asked.

After being asked dozens of times about *Roe vs. Wade*, the most Judge Thomas would say was that he recognized the strong emotions on both sides of the abortion debate and that, if confirmed, he would keep an open mind on abortion cases that came before the Supreme Court.

He was more forthcoming on other contentious constitutional issues. Judge Thomas said he has "no quarrel" with the existing constitutional test for whether government support or sponsorship of religion is permissible under the First Amend-

ment's ban on official "establishment of religion." The three-part test, enunciated in the 1971 case of *Lemon vs. Kurtzman*, allows government support if it is aimed at a secular purpose, if its primary effect neither advances nor restricts religion, and if it doesn't lead to government "entanglement" with religion.

In response to questions from Democrats, Judge Thomas went further, observing that the Supreme Court has split in recent years over how to apply the *Lemon* test and whether to abandon it for one that would allow more interaction between government and religion. Sens. Kohl and Edward Kennedy (D., Mass.) objected that the nominee would discuss the *Lemon* test but refused to comment on the constitutional analysis of state laws restricting abortion. Judge Thomas would say only that "prejudging" the abortion issue would "undermine" his impartiality.

Judge Thomas, in answers to questions put by Sen. Kennedy, defended his past criticism of two other Supreme Court cases. One case was a 1988 decision upholding Congress's authorization of the appointment of independent counsels to investigate and prosecute high government officials. The other was a 1987 decision upholding a voluntary affirmative-action hiring policy of a county agency that resulted in the hiring of a woman rather than a man who had scored slightly better on a job test.

In a 1988 speech, the nominee called the independent counsel decision "the most important court case since *Brown vs. Board of Education*," the 1954 decision that condemned segregated schools as inherently unequal and thus unconstitutional. Yesterday, Judge Thomas criticized the independent counsel decision because it authorized judicial appointment of prosecutors who he contended aren't "responsible" to any of the three branches of government. Such prosecutors "could undermine the freedom" of the officials they investigate, Judge Thomas testified.

Discussing the 1987 affirmative action case, he said the Supreme Court's majority improperly allowed reverse discrimination against the male job applicant. Under the applicable federal statute, "discrimination is wrong on any basis," he said.

The nominee readily acknowledged that both the independent counsel and affirmative action cases are "the law of the land."

In other testimony, Judge Thomas said the Supreme Court hadn't displayed inappropriate "activism" in its *Miranda* and exclusionary-rule decisions. The 1966 case of *Miranda vs. Arizona* required that criminal suspects in custody be informed of their right to remain silent and have a lawyer. The exclusionary rule, first imposed to a limited degree in 1914, bars the admission in court of illegally seized evidence. Conservatives frequently attack both landmarks of criminal procedure as examples of judicial overreaching.

Judge Thomas is expected to give at least one more day of testimony. He will be followed by witnesses supporting and opposing his nomination.

—Scott Woolley contributed to this article.

In Trying to Clarify What He Is Not, Thomas Opens Question of What He Is

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By LINDA GREENHOUSE
Special to The New York Times

WASHINGTON, Sept. 12 — In his testimony before the Senate Judiciary Committee, Judge Clarence Thomas has repeatedly talked about the process of transforming himself from an executive-branch official and fighter of ideological battles into a judge.

News Analysis

He has spoken of his efforts to "shed the baggage of ideology" and to "stop accumulating new opinions" in the year and a half since he was confirmed, at the age of 41, to his current seat on the United States Court of Appeals for the District of Columbia Circuit.

"When one becomes a judge, it's an

In casting off baggage, has the nominee's anchor gone, too?

amazing process," he said Wednesday. "You want to be stripped down like a runner."

Asking the Senators to discount the strongly held views he expressed in speeches and articles as the Reagan Administration's top civil rights official, Judge Thomas said he had given up the role of advocate and was now striving for impartiality. "You begin to walk away from that constant development of new policies," he said today.

'What's Left?'

He has painted a vivid image of a man methodically ridding himself not only of old ideas and even the desire to

form new ones, but also of traits and attitudes that have formed the essence of his adult personality, to the extent that old friends now regard him as a "worthless conversationalist," as he ruefully noted at one point.

So it was perhaps inevitable that someone would ask him, as Senator Herb Kohl, Democrat of Wisconsin, did today, "If you do leave so much of this behind, what's left?"

In a way, that is the core question that Senators have to answer to their own satisfaction in evaluating Judge Thomas's nomination to the Supreme Court. If they take him at his word that he is assiduously shedding his old self, what is his new self, and what kind of judge would he be?

Judge Thomas made a brief attempt to answer the question posed by Senator Kohl. What was left, he said, were his "underlying concerns and feelings about people being left out, about our society not addressing all the problems of people." He added: "I'll take those to the grave with me," along with his personal experiences and the strength he got from his grandparents.

Senator Kohl was polite but unsatisfied. "We didn't get a good answer," he said later in an interview. "We got much conversation, but not an answer. Who this man really is, I don't really know."

Contrast With Souter

The contrast between Judge Thomas and the last Supreme Court nominee, David H. Souter, whom the Senate confirmed last year, is striking. Justice Souter, who had been Attorney General of New Hampshire and served eight years on the New Hampshire Supreme Court, had not spoken or written on controversial issues.

Before Justice Souter's confirmation hearing, his critics raised the question

of whether the soft-spoken, scholarly judge had enough experience in the everyday world to tackle the profound social and political questions that come before the Court. He largely allayed those concerns in three days of testimony before the Judiciary Committee

that demonstrated a mastery of the broad currents as well as obscure nuances of modern constitutional law.

By contrast, Judge Thomas's liability, perceived by the nominee himself as well as by his critics, is the "baggage" of his extensive public involve-

ment on the stage of ideological controversy. As his exchange with Senator Kohl demonstrated, this concern is more difficult to allay. Justice Souter did not feel pressed to remake himself; rather, his fluent testimony gave the impression that his entire adult life had

been a natural preparation for that moment.

On the other hand, in his strenuous efforts to fit what he has described as the proper judicial role, Judge Thomas has at times given the appearance of having wrenched himself from his most authentic personal moorings.

An Awkward Transformation

It is not an easy transition. During the hearings, there has been a striking contrast in tone between Judge Thomas's discussion of his record as chairman of the Equal Employment Opportunity Commission and his discussion of judicial issues. His deep voice is guarded, almost flat, when he talks about the Court. But he is noticeably more animated when he talks, even under the pressure of hostile questioning, about his years in the executive branch.

"A man no longer what he was, nor yet the thing he'd planned," the poet Edna St. Vincent Millay once wrote in a much different context. Yet even if the process of transformation was not so visibly awkward, questions would remain about Judge Thomas's premise. Is it desirable or even conceivable for judges to break with their past, to divest themselves of old ideas and stop accumulating new ones? Is there such a thing as true objectivity? Or is it more helpful for public understanding and acceptance of the judicial function for judges to acknowledge that they have points of view and be prepared to test them in the crucible of real cases?

Seventy years ago, before he became a Supreme Court Justice, Benjamin N. Cardozo reflected on similar questions. Judges "do not stand aloof on these chill and distant heights," he wrote in "The Nature of the Judicial Process," "and we shall not help the cause of truth by acting and speaking as if they do."

Thomas feels critics' wrath

By Dawn Ceol
THE WASHINGTON TIMES

Senate Democrats, irritated by three days of failure to draw out Judge Clarence Thomas' views on abortion, yesterday accused the Supreme Court nominee of being less than totally honest in his effort to win confirmation.

During his testimony before the Senate Judiciary Committee, Judge Thomas continued to insist that he would undermine his impartiality if he divulged opinions on controversial issues likely to come before the high court.

"I have no agenda, Senator," Judge Thomas said when Sen. Edward M. Kennedy, Massachusetts Democrat, pressed him on the abortion question. "I am open-minded on this particular important issue."

Critics on the committee charged that the nominee had been selectively evasive by offering his views on other contentious topics, such as school prayer, while refusing to answer any queries pertaining to abortion.

"Well, Judge, I think that is the most unartful dodge that I have heard," Sen. Joseph R. Biden Jr., Delaware Democrat, mused after the nominee declined to say whether he believed the privacy of single persons is protected by the Constitution.

Under further pressure from Mr. Biden, the committee chairman, Judge Thomas said he did not "quarrel with the decision" that established a privacy right for unmarried couples to have sexual relations: In earlier testimony, the nominee said he recognized a marital right to privacy.

"Now, what is this? It seems like we're engaged in a little bit of sophistry here," Mr. Biden said at another point as he jostled with the nominee over "natural law," or rights beyond the written law.

"It's very clear that he's undergone extensive coaching, so why does he deny it?" Sen. Herb Kohl, Wisconsin Democrat, said during a break in the morning session. "I don't know if the word is 'lie,' but it's clear he has been less than candid."

At his appearance yesterday, Judge Thomas, a member of the U.S. Court of Appeals for the District of Columbia, answered questions on issues ranging from the constitutionality of the independent prosecutor to cameras in the courtroom.

Judge Thomas defended his record as chairman of the Equal Employment Opportunity Commission under accusations by Sen. Howard M. Metzenbaum, Ohio Democrat, that he had been lax in his pursuit of age-discrimination claims.

And the black conservative rejected suggestions that he was tapped for the high court only because of his race. "The president indicated that he nominated me because, as a result of his search, as limited or as broad as it may have been, among those individuals he felt that I was the best qualified," he said. "I take him at his word."

The abortion issue would not die. Mr. Kennedy asked Judge Thomas what test he would apply to abortion cases — and Republicans chastised the judge's critics for their unrelenting interest in the judge's position on the issue.

"Now let's not kid ourselves. We all know that, and it is, in my view, inappropriate to keep this up," said Sen. Orrin G. Hatch, Utah Republican.

"Thus far, you have been asked almost or a little bit more than 70 questions on abortion," he said. "Now, I don't know why you're being singled out, because Justice [David] Souter was asked 36 questions on abortion."

"One year ago this week . . . Judge Souter was approved 13 to 1 in this Committee, 13 to 1, and he refused to say anything about it [abortion]," Mr. Hatch said. "I think the burden is on those who would condition your confirmation on answering questions about abortion to tell the American people why you're being treated any differently from Judge Souter."

At the close of his third day of testimony, Judge Thomas' chances for confirmation did not appear to be in serious jeopardy.

Sen. Howell Heflin, Alabama Democrat, said Judge Thomas would have been confirmed if the

vote were held yesterday, noting that about seven or eight moderate-to-conservative Democrats had told him they probably would vote for the nominee.

None of Judge Thomas' strongest critics on the panel have announced which way they will vote.

But Sen. John C. Danforth, Missouri Republican, and Kenneth Duberstein, an outside consultant hired by the White House to help Judge Thomas survive the hearings, appeared edgy when it became apparent Mr. Biden had used more than his allotted half-hour of questioning.

Judge Thomas, President Bush's choice to replace retiring Justice Thurgood Marshall, did get the chance to answer the one question universal to all employment interviews: "Why do you want this job?"

"It is an opportunity to serve, to

give back," the nominee said, adding that he would bring a unique perspective to the court, fashioned by his hard-luck upbringing in Pin Point, Ga.

At his Appeals Court office, "I have occasion to look out the window that faces C Street, and there are converted buses that bring in the criminal defendants to our criminal justice system, bus load after bus load," Judge Thomas said. "I say to myself almost every day, 'But for the grace of God there go I!'"

"So you feel that you have the same fate, or could have, as those individuals," he said. "So I can walk in their shoes and I could bring something different to the court."

"And I think it is a tremendous responsibility and it's a humbling responsibility and it's one that, if confirmed, I will carry out to the best of my abilities."

Thomas rattles, soothes faithful

By George Archibald
THE WASHINGTON TIMES

Conservative legal experts were dismayed yesterday with Supreme Court nominee Clarence Thomas' testimony on the school prayer issue. But they were pleased with the judge's endorsement of the constitutional right to privacy.

Judge Thomas' unequivocal endorsement of a 1971 Supreme Court test — to determine whether state-supported institutions have violated the constitutional ban on "establishing" religion — was his only disturbing signal in three days of Senate Judiciary Committee hearings, said conservative lawyers.

Judge Thomas said yesterday he has "no quarrel" with the three-part test established in *Lemon vs. Kurtzman*.

The test requires state-supported programs to achieve a secular purpose while avoiding either advancing or inhibiting religion. The third part prohibits "excessive government entanglement with religion."

The court is expected to rule this term on the test's validity in a pending case from Providence, R.I.

"The court, of course, has had difficulty in applying the *Lemon* test and is grappling with that as we sit here, I would assume," Judge Thomas testified yesterday.

"But the concept itself, the Jeffersonian 'wall of separation' [between church and state], the *Lemon* test, neither of those do I quarrel with," he said.

"If you take that line of thinking, then virtually no religious activity would be allowed in public places, including public schools," said John Whitehead, president of the Rutherford Institute, a civil liberties group in Charlottesville, Va.

"I do not believe that the senators who asked the question or the nominee who answered it have given any serious thought to the ramifications of the *Lemon* test," said Michael McConnell, professor of constitutional law at the University of Chicago.

"Almost every scholar in the field, left and right, sees problems with the *Lemon* test," Mr. McConnell said.

Conservative lawyers said they were pleased Judge Thomas agreed with Justices Anthony Kennedy and David Souter in finding "a right of privacy" in the Constitution.

"A lot of conservatives had a lot of trouble with [rejected Reagan nominee Robert] Bork when he categorically denied there was a right of privacy," said Joseph A. Morris, president of the Lincoln Legal Foundation, based in Chicago.

"Conservatives do think the fundamental right embodied in the Constitution is the right to be let alone . . . and the Constitution screams it even though it never uses the word 'privacy.'"

Neither Judge Thomas nor Justices Souter and Kennedy have "gone further to say whether the unenumerated right of privacy includes a woman's right to have an abortion," said Richard K. Willard, who headed the Justice Department's civil division during the Rea-

gan administration.

Judge Thomas has refused to answer scores of abortion-related questions during the hearings.

Using the *Lemon* test, a U.S. district judge ruled that a school principal in Norman, Okla., had violated the Constitution by allowing five pupils to read the Bible on the school playground in their spare time, said Mr. Whitehead, a lawyer who has handled hundreds of religious liberties cases.

"The problem with the *Lemon* test is it's so subjective, so flexible, a judge can do whatever he wants to. There can be no religious activity, basically."

Mr. Willard, now a private lawyer in the District, said the court had erred with the *Lemon* test and Judge Thomas was mistaken to endorse it.

The Constitution does not support the test, Mr. Willard said, adding that he hoped Judge Thomas would keep an open mind if he was sitting on the Supreme Court. "And I wouldn't interpret anything he would say here as foreclosing that."

Kohl Raises Questions on Role of Thomas Advisers

Danforth Says Men Behind Supreme Court Nominee Lend Support, Not Coaching

By Guy Gugliotta
Washington Post Staff Writer

It was Herbert Kohl of Wisconsin, the newest Democrat on the Senate Judiciary Committee, who wanted to know about the men sitting behind Clarence Thomas in the Senate Caucus Room.

"There is nothing wrong with getting some advice and help," Kohl told Thomas yesterday, but in practice sessions for his confirmation hearings, did anyone "ever critique you about responses to questions in the substantive way? Did they say, for example, 'You should soften that answer,' or 'Don't answer that question, just say that you can't prejudge an issue that may come before the court?'"

Thomas replied, "Unequivocally no." During the mock hearings, he said, he told his friends "that they were there simply to ask me and to hear me respond to questions that have been traditionally asked before this committee . . . not to tell me whether it was right or wrong, or too little or too much."

Sen. John C. Danforth (R-Mo.), Thomas's one-time mentor and principal shepherd through the minefield of confirmation, was even more blunt when it was suggested

that Thomas's testimony was a put up job or that Thomas had undergone a "confirmation conversion" in hopes of making himself more palatable to Democrats.

"That's a crock, that's a total crock," Danforth said. "And people are going to get sick of hearing it."

Danforth, along with lead strategist Kenneth M. Duberstein, Ronald Reagan's last White House chief of staff, and Frederick D. McClure, President Bush's assistant for legislative affairs, are the main actors in the Thomas advisory camp, occupying chairs behind the nominee while hearings are in session in the cavernous Russell Senate Office Building room. Others hover in the background and walk the halls, dispensing good cheer and cautious confidence.

After three days of hearings, the rest of the Judiciary Committee, like Kohl, appears to accept that Thomas should be well-schooled and well-prepared, but this does not include coaching the substance of Thomas's answers.

Fair enough, the strategists say. For Danforth, support is more important than advice. "My own view is that Clarence Thomas is my friend," Danforth said. "This is a grueling, grueling ordeal. This is torture."

Other strategists declined to dis-

cuss specifics, but maintained that their only advice for the hearings, as one put it, is "for Clarence to just be himself." This, they say, he has done. Opening day questioning on natural law by Committee Chairman Joseph R. Biden Jr. (D-Del.) caused Thomas to stumble, said the strategist, but Wednesday "he hit his stride," and Thursday he was "responding thoroughly and well."

"He's like a baseball pitcher," said a source close to the advisory team. "In the first inning somebody hits a single off him, but after that he gets in a groove. He's used to being there."

Familiarity, the advisers say, is one of Thomas's biggest advantages. This week's spectacle is his fifth confirmation hearing and, during two terms as head of the Equal Employment Opportunity Commission, he testified before Congress more than 50 times.

There are also no surprises, said sources close to Thomas. Preparations for the hearings may have been exhaustive, but the arguments against the nominee were well known, as were his responses: he has refused to answer specific questions about his views on abortion; contrasted his advocacy as an employee of the Reagan administration with his impartiality as a judge; maintained that his interest in "nat-

ural law" would have little to do with adjudicating the Constitution.

"All of this came up when he was named to the appellate court," said one source, referring to hearings before the same committee when Bush in 1989 named Thomas as a federal judge. The committee voted 13 to 1 to confirm him on that occasion, and Thomas's counselors believe that it will be difficult to reverse that decision this time.

"They voted for him then, and they should confirm him now," the source said. "And they know that."

Because of his experience, the sources say, hearing day preparations are simple. Thomas meets his advisers about 8:45 a.m. in Danforth's offices, a floor below the Caucus Room. "We don't brief him," said one source. "We sit around, have coffee and review the issues of the day."

There is no evidence that staffers or emissaries from Republican senators on the committee are involved in a choreographed dance with the Thomas team.

Instead, said Sen. Alan K. Simpson (R-Wyo.), they, like the Democrats, are doing what comes naturally: "It's the propensity of anyone not in the president's party to ask tough questions," Simpson said. "On our side, your job is partly to rehabilitate."

THE EVENING SUN

Mfume has doubts on Thomas

DATE: 9/12/91
PAGE: A10

■ Hopes nominee will answer the tough questions.

By John Fairhall
Evening Sun Staff

WASHINGTON — Like many Americans who are curious about Supreme Court nominee Clarence Thomas, Maryland Rep. Kweisi Mfume is looking for clues in the Senate confirmation hearing.

Mfume, D-7th, is neutral on Thomas' nomination. Although the majority of the Congressional Black Caucus voted to oppose the nomination, Mfume did not vote, despite

reservations about Thomas.

"Now I have some very serious problems," Mfume said yesterday, listing concerns about Thomas' views on abortion, affirmative action and the 1954 Supreme Court case that led to school desegregation.

Mfume said he hopes the hearing will bring out information on Thomas' past performance as head of the Equal Employment Opportunity Commission and his current role as a federal appellate court judge.

"I think many people have been neutral in this because Clarence Thomas has been a question mark to many people."

Some black leaders have been

willing to support Thomas, despite misgivings, because he is black.

Mfume said Thomas' views, not his race, are the issue that concerns him.

Mfume's background is not unlike Thomas' in that both men overcame poverty and other obstacles. Acknowledging this, Mfume questioned whether Thomas recognizes the sacrifices of previous generations.

"They laid down their bodies, made their bodies a bridge so we could run across," Mfume said.

"I haven't forgotten that and I don't know if Clarence Thomas has or not."

Thomas' testimony cements views on both sides

By Joyce Price
THE WASHINGTON TIMES

Clarence Thomas' testimony in the first three days of his Supreme Court confirmation hearings has reinforced both the support and the opposition that activist groups expressed for him before the hearings began.

Traditional civil rights organizations and pro-choice groups objected from the start to President Bush's nomination of Judge Thomas, a black conservative, to succeed Justice Thurgood Marshall, a black liberal. They say now they are even more firmly opposed after listening to his testimony — and some even said his confirmation could be in danger.

"It's difficult to decide what is

most troubling about his testimony — his complete about-face on natural law or the growing list of answers he has given that are utterly lacking in candor," said Arthur J. Kropp, president of People for the American Way. "Judge Thomas' continued stonewalling has cast his confirmation in real peril."

Pro-life groups, who hope Judge Thomas' approach to law might lead him to help overturn Roe vs. Wade, the 1973 decision that gave women a constitutionally protected right to an abortion, say nothing he's said in the hearings has changed their opinion of him.

"He's handled himself very well ... and I don't see anything we have to be scared of," said the Rev. Ronald Ross, chairman of the African American Committee of the Amer-

ican Life Lobby, a pro-life group based in Stafford, Va.

But other black leaders held a news briefing yesterday in which they assessed Judge Thomas' testimony and reiterated their opposition to his confirmation.

"He has not done his task well in terms of saying where he stands on abortion or capital punishment," said the Rev. Charles G. Adams, president of the Progressive National Baptist Convention Inc. "He cannot hide behind his dead grandfather or wrap himself in the moldy shroud of Martin Luther King and sneak into the Supreme Court. We'll oppose him vociferously and with great deliberation."

William F. Gibson, chairman of the national board of directors of the National Association for the Ad-

vancement of Colored People, said if he had to grade Judge Thomas on his testimony he'd give him a C-minus. "For the first day or so, he only talked about how hard it was for him growing up," he said. "And we're troubled by his failure to clarify many of his positions that he says in the hearings he didn't say, but that when you read his papers, they are there."

Elaine R. Jones of the NAACP Legal Defense Fund said she was disturbed when Judge Thomas said yesterday he disagreed with a Supreme Court decision saying the Santa Clara County, Calif., government was within its rights giving a job to a qualified female candidate rather than a man who had scored a few points better in an interview.

Michael Callahan, a black official

of the Department of Health and Human Services and a Thomas supporter, said of the judge's opponents, "When the administration does what the activists do, it's a litmus test. But when the activists do it, it's a truth squad."

At least one organization — the Planned Parenthood Federation of America — officially announced its opposition to Judge Thomas' nomination Wednesday.

"We wanted to give him a chance to publicly express his positions," Planned Parenthood President Faye Wattleton said yesterday. "But a candidate who is unwilling to express his views on constitutional protection for reproductive rights and abortion is not a candidate we can support."

Patricia Ireland, executive vice-

president of the National Organization for Women, said it is contradictory for Judge Thomas to say it would be improper for him to discuss abortion when he discussed separation of church and state, an issue the Supreme Court will be facing next month.

Ralph Neas, who heads the liberal Leadership Conference on Civil Rights, had the same complaint. "He seems to be picking and choosing which serious constitutional issues to address," he said.

Douglas Johnson, legislative director for the National Right to Life Committee, said he was encouraged by an indication in Judge Thomas' testimony that he shares Justice David Souter's belief that judges "should not enact their own social policies under the guise of constitutional law." Pro-lifers believe the Roe vs. Wade ruling was an example of this, and Judge Thomas' statements "give us some hope," Mr. Johnson said.

Confirming process demeans nominees

By Ralph Z. Hallow
THE WASHINGTON TIMES

As Sen. Joseph Biden grilled Judge Clarence Thomas for the third straight day yesterday on the senator's favorite constitutional subject, "natural law," one thing did seem to be confirmed: the Supreme Court nomination process itself has become a demeaning exercise.

"The process has become demeaning because it has become politicized," said Stephen Ambrose, biographer of Presidents Eisenhower and Nixon. He traces its politicization to the failed nomination of President Lyndon Johnson's crony, Abe Fortas.

Mr. Ambrose said the process played out over the last three days bears no resemblance to what the Constitution's framers had in mind.

Alan M. Slobodin, president of the Legal Studies Division, Washington Legal Foundation, has traced the change in the Senate's role to the 1987 rejection of Judge Robert Bork.

"The Bork battle established a new rule: Judicial nominees, even though highly qualified and without ethical problems, could be defeated for ideological reasons," Mr. Slobodin wrote last year.

Judge Thomas showed his determination to avoid this fate by declining to turn the "natural rights" argument against Mr. Biden yesterday. He might have said: "If you are black, you have to believe you have rights that come from God and not the Constitution. Otherwise you'd have had to accept slavery."

"For over 70 years the Constitution said it was all right for my ancestors to be slaves. But they had the God-given right not to be slaves, don't you agree, Senator?"

He didn't say any of that because

he had learned the lesson of the Bork defeat. The Democrats who defeated Judge Bork did not claim he wasn't smart enough or knowledgeable enough to serve on the high court.

Rather, as many Democrats privately agree, Mr. Bork refused to answer the committee's questions in a politically correct way. He maintained his intellectual integrity but at the cost of lifetime tenure on the nation's most august body.

Because he wants to be confirmed, Judge Thomas either moved away from his past conservative writings and speeches, making what committee member Sen. Howell Heflin, Alabama Democrat, has called a "confirmation conversion" — or he was less than candid with the committee about his views. Either way, his image suffered.

The sight of the white Judiciary Committee chairman, Mr. Biden, explaining to Judge Thomas the difference between a Catholic saint and the nominee himself was not exactly edifying, critics agreed.

Referring to the Constitution's drafters and "natural law," Mr. Biden said: "Some agreed with the Thomistic view — not Thomas who's up for — not you — Thomas Aquinas ..."

Going on to explain that the authors of the Constitution differed in their views of natural law, Mr. Biden wanted to know which view it was, precisely, that Mr. Thomas was espousing — if he were indeed espousing one.

As the nominee attempted to answer, Mr. Biden seemed barely able to contain his impatience with Judge Thomas, who had suggested that the late Justice John Marshall Harlan might have had a problem in interpreting the Constitution.

"Judge, Justice Harlan had no problem," Mr. Biden said. "He didn't have your problem, this tortuous logic, which I think borders on — well, anyway, this tortuous logic."

NEWS ANALYSIS

Friends glued to TV in Pin Point, Ga.

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By Mark Mayfield
USA TODAY

PIN POINT, Ga. — The sounds of the U.S. Senate echo through the stately, moss-draped oak trees here.

In simple, wood-frame houses, cable TV has become as essential as electricity while the Judiciary Committee grills native son Clarence Thomas live on C-SPAN.

"It makes me sick the way they're treating him. I don't like their tone," says Viola Martin, 42, Thomas' cousin and childhood playmate. "But he's answering them very well. ... He's going to make a great Supreme Court justice. Just wait."

Support for Thomas — who left Pin Point as a child but has a sister still living here — is as overwhelming as the humidity.

Says one resident, Gail Smith, 33, "He's been dragged in the mud and slung around. To see him handle it so well is wonderful. He's still holding his head up. If it was me, I'd be down their throats."

Here, in a humble town 250 miles southeast of Atlanta,

Thomas is bigger news than even the pennant drive of baseball's Atlanta Braves.

The hearing made front-page headlines in the *Savannah Evening Press* and drowned out nearly everything else in the black-owned *Savannah Tribune*. The weekly, out Wednesday, carried five front-page photos of Thomas and trumpeted: "The Tribune Family Salutes Judge Thomas."

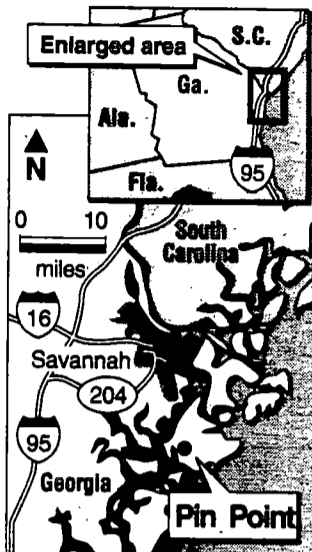
Thomas has been criticized for forgetting his roots.

"As one who participated in the civil rights struggle, I find that his record is not one that I'm proud of," U.S. Rep. John Lewis, D-Ga., says.

But in the town where his mother still returns for Sunday church services, Thomas is a point of pride. Folks say Thomas, like Pin Point's other children, learned the value of hard work in the marshes where most worked at a now-closed crab processing plant.

"We all grew up family," says Adelle Anderson, 58, who raised seven children here and sent five of them off to college.

Sitting in her living room



USA TODAY

background where you help people and you help yourself." That feeling was evoked even at Savannah High.

An aspiring lawyer, 16-year-old Antecia Thomas (no relation to the nominee), criticizes the civil rights leaders who have condemned Thomas' nomination. "They should back him 100%," she says.

But she has questions of her own, especially on abortion: "I don't want the court making decisions for the women of this country. On that issue alone, I'd vote against him."

Clarence Thomas refused during the hearings to express his views on abortion, saying it "would undermine my ability to sit in an impartial way on a case like that."

Students in an 11th-grade constitutional law class discarded books for a riveting lesson, live and in color.

They watched Thomas, dignified and well-spoken, with his mother, Leola Williams, and sister, Emma Mae Martin, sitting behind him at the hearing.

And they cut him no slack when it came to the stern questions posed by the committee.

"He'll have tough cases when he gets to the Supreme Court," says Tanisha Williams, 15, "so he should get tough questions now."

Adds Moriah McCrossin, 17: "If he's going to be a Supreme Court justice, it's important we have an opportunity to know about him."

Outside the hearing room, the battle of the sound bite

By Judi Hasson
USA TODAY

The White House fought back Wednesday in the battle for media attention at Clarence Thomas' Supreme Court confirmation hearings.

Spokeswoman Judy Smith was dispatched to play traffic cop outside the confirmation hearing room for reporters seeking information.

And a half dozen high-level administration officials showed up to offer their opinions about the nominee for dozens of microphones and TV cameras.

"Groups are working really hard to get into the media," said Sen. Orrin Hatch, R-Utah.

On Tuesday, the first day of

the hearings, Thomas' opponents had the microphones virtually to themselves.

But Wednesday, both sides angled to get on-camera.

At a midday break, Sen. John Danforth, R-Mo., raced to the microphones and cameras to defend Thomas' refusal to state his views on abortion, a key issue at the hearings.

Right behind him, Faye Wattleton, president of Planned Parenthood, stood ready to announce the organization's opposition to Thomas.

Moments after she was finished, Constance Newman, director of the Office of Personnel Management, pushed through the crowd of reporters to speak in support of Thomas.

Fred McClure, the White

House chief lobbyist, who's guided Thomas' relations with Congress since he was nominated in July, said he thinks the hearings are helping Thomas to win confirmation.

"We are hoping that senators are watching the tube," he said.

Thomas rules in 'Redskins vs. Cowboys'

By Tony Mauro
USA TODAY

The most controversial confession made by Supreme Court nominee Clarence Thomas Wednesday has nothing to do with the law: He is a Dallas Cowboys fan.

Thomas let the fact slip as he was explaining to the Senate Judiciary Committee how it is possible for judges to hold strong opinions privately, yet still rule impartially.

"My Dallas Cowboys, for example, played the Redskins on Monday night, and I am totally convinced that every referee in (the game) is a Redskins fan," said Thomas. "But none would admit to it."

Sen. Alan Simpson, R-Wyo., applauded Thomas for his independence. "To have you in this nest of Redskin fans, to be a Dallas Cowboy fan certainly discloses a degree of independence which will serve you very well on the court."

He later told reporters that he was first drawn to the Cowboys after the franchise recruited former Olympian and world record sprinter Bob Hayes as a split end in 1964.

Lobbying not as heavy as in Bork case

By Judi Hasson
USA TODAY

The confirmation hearing for Supreme Court nominee Clarence Thomas is testing whether senators really listen when a lobbyist comes to call.

The National Abortion Rights Action League has sent 600,000 hot pink and hot green anti-Thomas postcards to members of the Senate.

In support of Thomas, the Christian Coalition, founded by TV evangelist Pat Robertson, began making 75,000 telephone calls urging its members to call and write their senators.

So far, it's no comparison to the intensive campaign four years ago by liberal groups against nominee Robert Bork, who was defeated.

And senators are divided

over what impact a special interest lobby has on their vote.

"I've gotten a good number of letters, but not nearly what Bork was," said Sen. Howell Heflin, D-Ala., an undecided committee member who could prove to be a crucial vote on the nomination. Heflin, a highly respected former judge, could sway other undecided Southern Democrats.

Even the office of Sen. Joseph Biden Jr., D-Del., the committee chairman, hasn't received the volume of calls it logged in past hearings.

In the first day-and-a-half of the Thomas hearing, his office counted 177 calls supporting Thomas and 353 opposed.

But lobbyists vow they are working hard to put pressure on the senators to scrutinize Thomas' record. How they vote

Bork case

could affect future funding by special interests.

"They are getting bombarded by calls, letters and postcards ... a huge grass-roots effort," says NARAL's Kate Michelman, a Thomas foe.

Sen. Dennis DeConcini, D-Ariz., who's undecided, says he's met with Thomas supporters and opponents and plans to meet next week with a Hispanic group opposed to Thomas.

Can they have influence? "It really depends on how they present it," says DeConcini, a swing vote on the commit-

tee. "Yes, if they really bring you something new and are willing to share it, it makes a difference, but if it's a single issue agenda, not as much."

Sen. Arlen Specter, R-Pa., another undecided and crucial vote, says he listens to what lobbyists have to say. But "You have to weigh a constituent's view in terms of the complexity of the issue."

During the Bork battle, Specter said he found himself working to convince constituents that Bork should be defeated.

This time, abortion rights supporters in his home state are hoping he'll listen to them.

"We've taken on the challenge to let him know we're out here," says Carol Silvestre, NARAL's Pittsburgh, Pa. organizer, who is orchestrating lobbying efforts around the state.

Caucus reiterates Thomas opposition

By Ronald A. Taylor
THE WASHINGTON TIMES

The Supreme Court nomination of Judge Clarence Thomas was barely a day old when the Congressional Black Caucus stirred the first rumbles of organized opposition to President Bush's choice to succeed retiring Justice Thurgood Marshall.

Yesterday, on the second day of the caucus' annual five-day gathering in Washington, its fund-raising entity, the Congressional Black Caucus Foundation Inc., restated that opposition in a report titled "In Opposition to Clarence Thomas: Where We Must Stand and Why."

While other black leaders nervously eyed opinion polls that showed solid support for Judge Thomas among blacks, the caucus in July staked out a bold, and briefly solitary, position against the black conservative.

Its early reaction to the Thomas nomination — on the eve of the caucus' 21st anniversary — reflected a tone of self-assured independence that was sounded in a news conference to explain the caucus decision.

Caucus Chairman Edolphus Towns, New York Democrat, characterized the group's conclusion on

Judge Thomas as a "collective position reflecting an unimpeachable portfolio of experience."

"Among us are chairs of five full committees including Government Operations, Ethics, Post Office and Civil Service, the Select Committee on Narcotics Abuse and Control, and the Committee on the District of Columbia," he said.

Mr. Towns also said their ranks include "13 subcommittee chairs as well as some of the most senior members of the House Judiciary Committee, Ways and Means, Education and Labor, and the House Rules Committee. Among us is a former member of the Equal Employment Opportunity Commission and seasoned veterans of state legislative bodies and the bar.

"We are qualified to draw the conclusions and to make this case," Mr. Towns said.

That glittering list of congressional posts has had little impact on black public opinion on the Thomas nomination, according to caucus aides. "The caucus has a loud bark but very little bite on such questions," said one black caucus staffer privately.

Still, the 25 Democrats and one Republican are viewed by Capitol Hill lawmakers as key votes to be wooed.

What's more, the annual caucus legislative week, climaxing Saturday with a black-tie dinner honoring Justice Marshall, is considered a mandatory stop on the itineraries of corporations that want their share of black middle-class buyers and companies eager to attract black executive employees.

Although African ancestry is still the key requirement for full membership in the black caucus, 45 white members of Congress — including Democrats Gary L. Ackerman of New York, Steny H. Hoyer of Maryland, Joseph P. Kennedy II of Massachusetts and Tom Lantos of California — hold associate caucus memberships.

Mr. Ackerman even addressed a caucus meeting in June to explore a fact-finding trip to Israel on the sta-

tus of Ethiopian Jews, the congressman's spokesman said.

The caucus was formed in 1970 by a handful of black members of Congress in what former journalist Thomas Johnson, who wrote extensively about black affairs for the New York Times in the 1960s and '70s, called "a great crusade" when the tone of the black congressional presence was a mix of the flamboyance of Harlem's Rep. Adam Clayton Powell, New York Democrat, and the quiet diligence of now-retired Rep. Augustus Hawkins, California Democrat.

Now, the old guard of members such as John Conyers Jr., Michigan Democrat, Charles B. Rangel, New York Democrat, and Julian C. Dixon, California Democrat, have been joined by newcomers to Congress such as caucus chairman Towns and Democratic Reps. Cardiss Collins of Illinois, Alan Wheat of Missouri, Kweisi Mfume of Maryland, and John Lewis of Georgia, a civil rights veteran and recently elected House majority whip.

The newcomers reflect a broader spectrum of the political landscape than their predecessors. While Rep. William L. Clay, Missouri Democrat, is considered a vestige of the New Deal labor-liberal coalition, Gary Frank, a black conservative from Connecticut, is the first black Republican in the House since 1928 and Rep. Mike Espy, Mississippi Democrat, did an endorsement advertisement for the National Rifle Association.

Some of the newcomers are not intimidated by the trappings of Capitol Hill either. When Rep. Maxine Waters, California Democrat, insisted that House Veteran Affairs Committee Chairman G.V. "Sonny" Montgomery, Mississippi Democrat, address her "too familiarly," according to a House staffer, she blasted with blunt language — in a public session of the committee.

The current black caucus still has detractors. Southern Christian Leadership Conference President Joseph Lowery criticized the group for reacting to the Thomas nomination without consulting the rest of black leadership.

"The CBC set themselves up as the voice of black America. They were rounding third base before the umpire said play ball," he said.

Judge Thomas and 'Roe v. Wade'

WHEN JUSTICE Sandra Day O'Connor was before the Senate Judiciary Committee for her confirmation hearing in 1981, it was the Senate's leading opponent of *Roe v. Wade* who gave her a hard time. Sen. Jeremiah Denton pressed her repeatedly for her views on the controversial abortion decision, but she held her ground. It would be improper, she maintained, "for me either to endorse or criticize that decision," since the matter was sure to come before the court again. That response must have been frustrating for the Alabama senator, but in the end he voted for confirmation.

Five years later, Justice Antonin Scalia took an even harder line in resisting the questions of senators on the other side of the debate. Though he had published articles critical of the *Roe* decision, he refused to discuss the subject on the grounds that to do so would undermine his impartiality as a judge. He even refused to give assurances that he would never overrule a prior Supreme Court precedent. Sen. Edward Kennedy, who received those answers, nevertheless did not oppose the nomination.

More recently, Justices Anthony Kennedy and David Souter both agreed, as nominees before the committee, that the Constitution protects privacy, but neither would comment specifically on the abortion question. That reluctance did not disqualify them. Why, then, in the face of this history, is the pressure building on the current nominee for the Supreme Court, Judge Clarence Thomas? As of Thursday afternoon, his supporters said he had been

asked to comment on the constitutional aspects of the abortion question more than 70 times in three days. A couple of senators have even threatened to vote against confirmation simply because of his failure to answer this provocative question. Has a new standard, to which no other nominee has been held, been set for this man?

We would hate to see *Roe v. Wade* overturned, and we hope that if Judge Thomas is confirmed, he will not vote to do so. But we agree with his position, and that of his predecessors, that abortion is clearly a question that will come before the court soon and he should not signal how he would vote. This is true of a number of other subjects—church and state, habeas corpus reform, victims' rights—that will certainly come before the court and about which some Republican senators unwisely tried to draw him out.

It is more than foolish to comment on matters such as these. It creates the impression that something is being given—a pledge to rule a certain way—in exchange for a vote. Naturally, Judge Thomas's opponents, no matter what their objection to his candidacy, would like him to answer the abortion question because no matter how he answers he could alienate enough senators to kill his nomination. Everyone knows that, but the pressure continues. The senators on the committee have reached the same impasse on this matter that they reached (and acquiesced in) in their previous hearings. They should give it up, as they did with all Judge Thomas's recent predecessors, and move on.

The Washington Times

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Planes, trains and tricycles

THE House Democratic leadership is back in town to push its "nickel for America" transportation plan, which some cynics have labeled the "\$153 billion for politicians" plan. Voters already know that the higher gasoline tax on which the proposal is based would buy them lots of monorails, ferry boats, wooden bridges and other pork. But they may not realize it would effectively help pay for a \$1 billion Office of Intermodalism.

"Intermodalism," — or "intermodality" or whatever — may sound like something that's been banned in 14 states. A dictionary is not particularly reassuring on this point because as far as Webster's is concerned, the word doesn't exist. Actually it seems to be good old-fashioned Beltway jargon describing a system that links one form of transportation to another.

In theory, a system that connects planes, trains and automobiles sounds like a good one. But the more one examines what federal planners mean by intermodalism, the less automobiles seem to be a part of it. One tip-off is the introduction to the transportation's bill section on intermodalism, which calls for the federal government to promote energy efficiency, productivity growth and competitiveness, in that order. There may be nothing to the fact that energy efficiency was first on this list, but it's no secret that in a town where handouts to ethanol giants and bike paths are held out as transportation models, cars come off as public enemy No. 1.

When the World Resources Institute talks about making U.S. transportation "more efficient," it calls for policies "that encourage commuters to use van and car pools, buses, trolleys and trains and discourage driving

alone to and from work." When city planners testify before the Public Works Committee on the need for an intermodal transportation trust fund, they talk about the need for "highway strategies, transit options, HOV lanes and more effective systems management techniques." Anyone that's been stuck in the HOV lane that is I-66 can't help but smile at the mention of HOV lanes and "effective" in the same sentence.

A new Office of Intermodalism would do a lot of studies to make getting from one place to another in this country more efficient. It would collect a lot of data on the subject. And it would hand out a few million dollars here and there for intermodal plans. Moreover, the transportation bill would create a new National Commission on Intermodal Transportation that would also do a lot of intermodal studies. It would study capital investment needs for intermodal transportation. It would study how to finance intermodal transportation. It would study how rates, costs and economic activity relate to intermodal transportation. Last, but not least, the bill creates a \$1 billion slush fund from which Beltway types can dole out money to favored intermodal projects.

One wonders how many taxpayers think that intermodal handouts and studies of the sort envisioned in the bill would actually improve transportation in this country, or whether they would simply provide the employment of last resort for the anti-car crowd. "We are going to have a secretary whose job it is to get Americans out of their private automobiles," says bill critic Rep. Robert Walker. If that's what the Democrats mean by intermodalism, they're going to have a hard time getting Americans to pay for it.

Abroad at Home

ANTHONY LEWIS

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Doubting Thomas

The most disturbing trend in the contemporary Supreme Court is its exaltation of Presidential power. The Court has tilted the constitutional balance toward the executive, at the expense of Congress and individual rights.

Clarence Thomas will almost certainly intensify that trend if the Senate confirms his nomination to the Court. For in his public comments over the last few years he has displayed hostility toward Congress and a worship of the Presidency going beyond even this executive-minded Court.

"There is little deliberation and even less wisdom in the manner in which the legislative branch conducts its business," he said in 1988.

Congress is fair game for criticism, and there was a basis for some of Mr. Thomas's complaints. He was right, for example, that some committee and subcommittee chairmen act as if they are entitled not just to scrutinize executive agencies but to make their decisions.

But the Thomas attacks went far beyond such particulars. He was sweepingly contemptuous of Congress.

"Ollie North did a most effective job of exposing Congressional irresponsibility," he said after Mr. North's testimony to committees investigating the Iran-contra affair. "He forced their hand, and revealed the extent to which their public persona is a fake."

Oliver North made one of the most extreme claims of Presidential power in American history. It was that he, as a Presidential agent, had a right to ignore the Constitution and laws in order to carry out a policy that the President wanted: aiding the contra rebels in Nicaragua despite a Congressional ban on aid.

In a series of speeches around the country in 1987 and 1988, Mr. Thomas praised Oliver North and ridiculed Congress. He said the Congressional investigation "beat an ignominious retreat before Colonel North's direct attack on it, and by extension [on] all of Congress." He said Mr. North had made it "perfectly clear" that Congress "is out of control."

Another striking example of his worshipful preference for Presidential over Congressional power was his attitude toward the statute calling for judicial appointment of an independent counsel to investigate charges of wrongdoing by executive officials. Congress passed the law after the Watergate experience, when President Nixon tried to shut off the investigation by firing special prosecutor Archibald Cox.

The radical right opposed the statute as an intrusion on Presidential power. It claimed, among other things, that appointment of the counsel by judges was unconstitutional — an extraordinarily flimsy claim, since an explicit clause of the Constitution allows Congress to vest appointments in the courts.

In 1988 the Supreme Court resoundingly rejected the attack on the independent counsel statute. The vote was 7 to 1, the opinion by Chief Justice Rehnquist.

Mr. Thomas bitterly attacked the decision, which he called "the most important Court case since Brown v.

A Source of Ideas

The Clarence Thomas hearings have fallen into a pattern. Through repetitive and subtle questioning, the Democratic Senators try to trick Mr. Thomas into uttering a conservative idea—on any issue from privacy to property rights. Such an utterance would then be considered a "gaffe."

The Senators have even taken to waving conservative books and articles as if they were dangerous contraband. Senator Kennedy accused Mr. Thomas of cavorting in the intellectual company of Thomas Sowell. This is part of the project launched during the Bork hearings of redefining mainstream conservative thinkers as denizens of cloud cuckooland. Well, then, let's take a look at the ideas of Thomas Sowell.

Mr. Sowell, like Mr. Thomas, was born into a poor black family in the South. He moved to Harlem as a boy, got into trouble as a teen-ager, joined the Marines, became a Marxist in college and then became a classical economist.

He has written on a dazzling array of topics, but by looking at racial issues from an international perspective, he has managed to avoid the charged rhetoric that mars domestic racial debate. He's come back from investigations in places ranging from Fiji to Britain with a simple observation: "If blacks and whites in the United States were the same, they would be the only two groups on this planet who are the same."

This simple sentence undermines the entire liberal racial agenda of the past few decades. That agenda assumes that when there is statistical disparity between groups it is necessarily caused by discrimination, with government remedies being the only solution. Mr. Sowell believes that innumerable factors go into making up the characteristics of an ethnic group, such as culture, history and economic background. Drawing on Mr. Sowell, Clarence Thomas has pointed out that

there are few Jewish boxers and few black swimmers—this doesn't necessarily mean that massive discrimination is going on.

Just as discrimination doesn't come close to explaining group differences, Mr. Sowell finds little evidence that government has played much of a role in reducing them. In the U.S., Mr. Sowell has observed that blacks made more gains in the decade before the Civil Rights Act of 1964 than in the decade after.

In a world-wide survey of affirmative action called "Preferential Policies: An International Perspective" he found that affirmative-action policies mostly benefit the affluent members of the group. Meanwhile it is the poor members of the group who suffer the cultural backlash against those groups perceived to be benefiting unfairly.

Mr. Sowell stubbornly treats members of minorities as human beings, who respond to cultural and economic incentives. He asked in a recent Washington Post essay, "Is it possible to din into the heads of a whole generation that their problems are all other people's fault; that the world owes them an enormous debt; that everything they have yet to achieve is an injustice; that violence is excusable when the world is flawed—and yet expect it all to have no effect on attitudes? Is the arduous process of acquiring skills and discipline supposed to be endured for years by people who are told, by word and deed, that skills are not the real issue?"

If Clarence Thomas said something like this in front of the Senate Judiciary Committee it would be considered a scandal. When common sense is taboo, the world is upside down.

For those interested in the ideas of a leading conservative thinker, we offer a Thomas Sowell reading list: "The Economics and Politics of Race," "Civil Rights: Rhetoric or Reality," "Markets and Minorities," "Knowledge and Decisions."

Asides

Fat Chance

Rep. George Brown has targeted the General Accounting Office to attack the federal school-lunch program. The idea is that the government should be offering a nutritionally correct amount of cholesterol, fat and saturated fat, but it can't, Rep. Brown

says, because the Agriculture Department doesn't know exactly what the kids are eating. In a perfect world, the government would turn it all over to Rep. Brown who we're sure would have no problem at all getting control of the nation's grade-school and high-school lunchrooms.

Board of Education" — the 1954 He gave such an answer when Senator Arlen Specter, Republican of Pennsylvania, tried to explore his disparaging comments on Congress. "There may be disagreements when one is in the executive branch,"

On the witness stand before the Judge Thomas said, "but those disagreements cease and policy-making Thomas has tried to paint his past debates cease when one goes to the speeches as irrelevant. They were judiciary."

politics, he has suggested, but now he It is a touching notion, that years of is a judge — and his public positions strongly expressed beliefs will be forgotten when someone goes on the bench. But it defies common sense,

Fidelity to the Framers

Ted Kennedy sagged forward, his face expressing both feigned and unfeigned puzzlement. Perhaps he was genuinely puzzled about why he was supposed to act puzzled about the things he was asking Clarence Thomas to discuss. But Kennedy plodded through the business of bayoneting the straw men that he, or more likely his staff, had built for ritual slaying.

The senator from Boston said he was worried, really, honest, no kidding, seriously worried about something Thomas once said about the Agriculture Department not being necessary.

Thomas replied to Kennedy with the patience of one who knows that the sins of his interlocutor do not include the sin of being sincere when asking such silly questions. He said: "Senator, in the statement in question I was philosophizing that in a perfect world many government agencies would not be necessary, but this is not a perfect world . . ."

Indeed.

Senate staffers, fresh from law schools, their young minds, like their young faces, unmarked by life, are armed with Lexis and Nexis and the arrogance of their employers. They have gathered 30,000 pages of documents (your tax dollars at what passes for work here) about Thomas. They have been searching for a "smoking gun." The results are damp squibs, dribs and drabs of hypotheses and speculations about natural law and other categories that rarely are the common currency of Senate discourse.

When Thomas said some of his past thoughts have been tentative and speculative, Ralph Neas chortled. Neas is a white man whose vocation is telling blacks what is best for them (he heads a conglomeration of liberal lobbies). He cynically accused Thomas of cynicism, of having a "confirmation conversion." This, too, is ritual: First a nominee is caricatured, then when he disputes the caricature he is denounced for apostasy and opportunism.

Thomas has said some philosophic things that were half-baked; he has occasionally changed his mind. A life of the mind involves changes of mind as a result of reflection. That seems strange to some senators who use consultants and "focus groups" to stock their mental cupboards.

Sen. Herbert Kohl (D-Wis.) is distressed that Thomas has said he does not have "a fully developed constitutional philosophy." Kohl sits on the Judiciary Committee cheek-by-jowl with Patrick Leahy (D-Vt.), who worries that Thomas is a "hard-line ideologue." This is yet more ritual. When

Perhaps Kennedy was genuinely puzzled about why he was supposed to act puzzled.

Republican presidents keep their campaign promises to nominate conservative justices, Democratic senators denounce each nominee's vagueness as evasiveness and denounce each nominee's explicitness as "rigid ideology."

Nowadays the confirmation ritual invariably includes ideological incantation, the assertion that "human rights"—especially "privacy"—are more "fundamental" than "property rights." Well, now.

After digesting the 30,000 pages, senators should read "Rights Talk: The Impoverishment of Political Discourse" by Mary Ann Glendon, professor of law at Harvard. She traces the roots of the privacy right back to the rich soil of property rights.

America's founding idea, expressed in its first constituting document, the Declaration of Independence, derives from natural law philosophy: there

are natural rights that exist prior to and independently of governments. Legitimate governments are instituted to protect those rights. In 18th century America, where land ownership was broadly enjoyed and universally aspired to, the right to acquire and dispose of property was the paradigmatic natural right.

The Framers who gathered at the Constitutional Convention in 1787 were alarmed by majoritarian excesses of state and local governments, including debt relief and the devaluation of debt by the issuance of paper money. The convention designed our government of limited, delegated and enumerated powers to protect, among other things, the natural human right of property. The Framers considered that a fundamental human right because it is indispensable to individual independence, fulfillment and security.

The postulation of a "privacy right" (defined in 1890 in an influential Harvard Law Review article as "the right to be let alone") was, Glendon says, provoked by new technologies of photography and communications which made possible forms of journalism that invaded the privacy of the rich and powerful. The privacy right was extruded from, and by analogy with, the right to property, which is a protected sphere of individual autonomy important to personal flourishing.

Thomas was too timid, too concerned with the ill-informed anxieties of many members of the Judiciary Committee, to forcefully assert the relevance of philosophy to constitutional reasoning. He should have said: A justice's obligation when construing the Constitution is fidelity to the intentions of the Framers who created its text and structure. That requires taking seriously the Framers' natural rights philosophy.

Thomas does. Having heard the slovenly, trivializing questions from Thomas's Senate critics, who can believe they do?

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Richard Cohen

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Dixie Senators Play It Safe With Thomas

Supreme Court nominations now resemble heavyweight boxing spectacles, so think of Clarence Thomas this week as Muhammad Ali in his prime. He ducked and danced fast enough to make Senate Democrats miss punches like so many palookas. It will now take an act of amazing brazenness to defeat him.

Such an act is not beyond the likes of Joe Biden, but it is unlikely because this time the South isn't rising again. The Southern Democrats who cast decisive votes against Robert Bork risk paying a much higher price to defeat the son of Pin Point, Ga. This is the political undercurrent that explains liberal anxiety—and, increasingly, bitter frustration—with Mr. Thomas's refusal to debate *Roe v. Wade* or "natural law."

Consider Wyche Fowler, the Georgia liberal whose voting record resembles Ted Kennedy's. Mr. Fowler joined conservative Sen. Sam Nunn in introducing Mr. Thomas to the Senate, saying he couldn't "think of a time of similar pride, both for myself and for Georgians, except for the nomination of Georgian Martin Luther King Jr. for the Nobel Peace Prize."

Such flattery is never without purpose. Mr. Fowler knows his home-state mail is 60% favorable to Judge Thomas. A politician who won his Senate seat in 1986 by a whisker will not want to take any undue risks before 1992. His safer vote now is to support Judge Thomas.

The slipperiest Southerner to track is Howell Heflin, the Alabamian who sits on the Judiciary Committee and looks like a character from "Gone with the Wind," which (come to think of it) also well de-

Potomac Watch

By Paul A. Gigot

scribes his principles. Mr. Heflin may be the wildest poseur in the Senate, which is saying something.

His drawl, as slow as a muddy river, seems to get even slower the closer he gets to a TV camera. He affects a fair-minded folksiness, but is really the most calculating of politicians. He came to Washington in 1978 running as an outsider, but has be-

come the consummate Senate insider. Only such an insider could, as Mr. Heflin did, chair a Senate ethics committee that absolved the Keating Five.

He proved his political, well, dexterity during the Bork fight. He affected an agonized neutrality until the very end when he opposed the conservative jurist. He then explained to conservative Alabamians that Mr. Bork had a "strange life style."

Mr. Heflin even told one Alabama radio station that Judge Bork "refused to discuss his belief in God, or lack thereof," according to Patrick McGuigan's book on the nomination, "Ninth Justice." The senator knows such smears—lies—have political uses; he could safely oppose the Reagan nominee only if Mr. Bork seemed, as Mr. Heflin also once said, "weird."

Mr. Heflin is walking another high wire of hypocrisy in the Thomas nomination. He affects a grand open mind: "To some you are the very embodiment of the American dream. . . . To others, you have succeeded but forgotten your past and turned your back on others," he said Tuesday.

But his questioning has parroted the spin of the special-interest opposition. Ralph Neas, the critics' resourceful rapturist, spun reporters in Senate corridors Tuesday that Judge Thomas had undergone a "confirmation conversion," a canard borrowed from the Bork fight. Sen. Heflin used that line the next day.

He then led Judge Thomas on a preposterously muddled discussion of natural law. He claimed the judge's answers somehow put his "integrity" into question, an outrageous innuendo. In fact, Mr. Thomas's response this week on natural law was virtually word-for-word the same as the one he delivered 18 months ago at his Senate hearing for the federal appeals court.

Judge Thomas, taking mentor John Danforth's advice, was nonetheless restrained, though if such distortions continue it wouldn't hurt to play more offense. He knows, as one Thomas adviser puts it, that Sen. Heflin "wants to make him seem like a weirdo who's outside the mainstream."

Mr. Heflin knows that only such a portrayal will change Alabama polls that now show overwhelming support for Judge Thomas, among both blacks and whites. In the Bork fight, the assumption was that liberal opponents threatened Mr. Heflin with a Democratic primary challenge, especially from a black. But this time Alabama blacks are divided. The state's highest black office holder, Attorney General Jimmy Evans, is a vocal supporter. A prominent 44-year-old black professor, W. James Ellison, chairs the Citizens Committee to Confirm Clarence Thomas, a grassroots lobbying campaign led by the Alabama Family Alliance.

Such pressure explains why Mr. Heflin asked that Judge Thomas meet privately last week with 16, mostly liberal Alabama blacks. The group has not declared its position yet, but one of its members said Mr. Thomas had helped himself in the meeting. The ever-timorous Mr. Heflin knows the group of 16 may provide political cover for his own vote.

Democrats griping about Mr. Thomas's lack of "openness" have a point, but what do they expect? They created the environment in which any incautious phrase will be broadcast and distorted to show a nominee is, as Mr. Heflin likes to say, "strange." Mr. Thomas's cool, reasonable performance this week showed Americans that he isn't the one with the credibility problem.

An Abortion Agnostic?

Washington is a city of miracles. It was here during the 1970s that jurors were found who were so deaf in citizenry that they swore they never heard the rolling thunder of Watergate. Now something similar has happened. Clarence Thomas, judge of the appeals court, Reagan administration appointee, prodigious pamphleteer and after-dinner speaker, insists he has no legal opinion about abortion.

Time and time again during his confirmation hearings, Thomas was asked what he thought of *Roe v. Wade*, the 1973 Supreme Court case legalizing abortion. His mind, he testified, was a blank on the subject. Better than that, it was a providential blank. To have an opinion on the subject, Thomas said, would somehow mean that he would prejudice an abortion case that might come before the Supreme Court. He would not want to do that.

This strange and fortuitous lack of either conviction or opinion on abortion turns out to be a singular thing. When it comes to affirmative action, habeas corpus and other matters both legal and moral, the judge has opinions galore. It's only when it comes to abortion, possibly the single most contentious and debated issue in American public life, that Thomas's mind is an empty lot. Even in law school, he told Sen. Patrick Leahy (D-Vt.), he did not discuss the case, and has not discussed it since.

It could be that Thomas's agnosticism is sincere. It's necessary to say this because the man strikes me as a strange duck whose behavior is sometimes inexplicable. I have never fathomed why, when talking about welfare, he had to make pejorative references to his own sister. She was indeed on the dole for a time but only, she says, so she could stay home and tend to a dying aunt. Otherwise, the lady held a job, sometimes more than one. She is hardly an example of indolence, and it was wrong, if not just plain cruel, to talk about her that way.

But if Thomas really does have no opinion about abortion, then he is not the man President Bush said he was—and not the man he himself pretended to be. Bush said his nominee was the best person for the Supreme Court. But the best person would have a restless mind, a probing intellect. He would approach the rock of the abortion issue and wonder what lies beneath it—the reasoning of the *Roe* decision itself. Thomas, though, says he hasn't even read it—as if knowledge doesn't illuminate, but prejudices instead.

All this comes as something of a surprise and amounts to a feint. The Thomas we were promised is a con-

servative ideologue who—it goes almost without saying—would oppose *Roe v. Wade*. Moreover, this Thomas had all but said that. He had praised a speech that was critical of the thinking behind the *Roe* decision. Of the 37 Episcopal churches listed in the Washington area Yellow Pages, he attends the very one that is best known for its implacable hostility to abortion. The fundamentalist Truro Episcopal has a bookstore that sells antiabortion material.

Of course, anything is possible—especially in Washington. At the same time Thomas was testifying, so was Clark

On other matters both legal and moral, Thomas has opinions galore.

Clifford. It was yet another miracle. The trusted adviser to everyone, the most sagacious and savvy man in town, a man so smart he knew double-breasted suits would make a comeback, said he did not know that the Bank of Credit and Commerce International owned the bank of which he was president, First American.

The Clifford affair is both sexy and interesting, but it will pass. Not so Thomas. He is a mere 43 and could be on the Supreme Court well into the next century. It goes without saying that his abortion position (should one ever occur to him), might have an impact on the lives of American women and (dare I mention it?) on the men who might also be affected by an unwanted pregnancy. Given the odd rules of confirmation hearings, Thomas may be within his rights to decide which of his ideological or legal positions he will discuss and which he will not. When it comes to abortion, though, he says something unexpected: There is nothing to discuss.

The U.S. Senate is not a court of the Spanish Inquisition. It lacks the necessary tools to compel testimony—and a good thing, too. But senators can decide for themselves what to make of Thomas's testimony about abortion. At one time, the question of where he stood on this matter was of utmost importance. Thomas has now framed the issue differently: Is he a fool who had not even thought about abortion or a knave who's not being candid about his beliefs? Either one is reason to wonder about Clarence Thomas and the sort of Supreme Court member he would make.



Howell Heflin

Required Groveling

HAYNES JOHNSON

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"The higher-law background of the American Constitution . . . provides the only firm basis for a just, wise and constitutional decision."

—Clarence Thomas, 1988

"At no point did I or do I believe that the approach of natural law or that natural rights has a role in constitutional adjudication."

—Clarence Thomas, 1991

For several years in many forums, Clarence Thomas stressed the importance of natural law—meaning a higher moral law beyond man-made law—in American law and ethics. Yet, within 90 minutes of the start of questioning before the Senate Judiciary Committee, Thomas was ready to give it up.

Natural law? Just the musings of a "part-time political theorist," he told the committee.

What about his praise of a magazine article arguing that on the basis of natural rights abortion could and should be outlawed, an article he once called "a splendid example of applying natural law?" "A throwaway line," he now explained. Indeed, Thomas assured Sen. Kennedy, "to the extent that [the article] uses natural law to make a constitutional adjudication . . . or to provide a moral code of some sort, I disagree with it."

Come again? It is one thing for Thomas to deny now that he would use natural law for constitutional adjudication. But to say that natural law should not even "provide a moral code

of some sort" is to make nonsense of the whole idea.

This humble pie may or may not have won Thomas liberal absolution for his natural law heresies. But it did serve to devalue the idea of natural law and the seriousness of the man who had so vigorously defended it. This was not self-deprecation, a quality Sen. John Danforth rightly praised in Thomas. This was surrender.

Thomas was equally unwilling to rise in defense of his own intellectual past on the issue of property rights, which, he had once told the American Bar Association, deserved as much protection as other rights. Sen. Joseph Biden, like any good liberal, was appropriately sharp in challenging Thomas's placing such a high value on property rights. Thomas offered a quick and preemptive capitulation.

Thomas's White House handlers have undoubtedly told him to roll over for the Senate. Fine. But could he not at least have offered a modest defense of his previously stated views? Could he not have said, "Senator, with respect, a mere three weeks ago the people of Russia overthrew a system founded on the denial of property rights, a system that offered definitive historical proof of our Founders' belief in the value of property as a bulwark against tyranny. We live in a time when the whole world from Moscow to Madagascar is recognizing that the protection of property rights is one of the highest achievements of any society, that property is the very basis for civil society because it gives the individual a sphere of autonomy and privacy from which to confront an all-powerful government. Let us not be too quick to devalue it?"

Thomas could then have gone on, as instructed by the White House, to

Thomas Is Reflective of the Era

In Clarence Thomas, America has found the perfect symbol for these times. He fits a niche, but no one can say which one. Ambiguity, not consistency, is his hallmark. Just when you think you know who he is and what he wants, he suddenly shifts course. He holds strong beliefs but not really. He's sternly ideological but judiciously impartial.

Thomas is either the ultimate right-wing revenge, a black man of the rural South who turned from George McGovern Democrat to Ronald Reagan Republican and will complete destruction of the liberal agenda by rendering conservative Supreme Court rulings. Or he's the secret hope of the poor and powerless battered by the conservative tide that has radically altered the nation's social compact over the last decade.

All of these contradictions, and more, are being drawn sharply by Thomas during his confirmation hearings before the Senate Judiciary Committee.

Unlike David H. Souter a year ago, Thomas arrived on Capitol Hill bearing a seemingly clear ideological record. Little doubt existed about where he stood. As he remarked, in a humorous aside to the Senate panel, he told his wife before the hearings that, if Souter was the stealth nominee with no paper record, then he, Thomas, was the Big Foot of the paper trail.

So Thomas is—perhaps.

Nowhere are these contradictions more striking than in the differences between Thomas's ideological record, compiled over years in numerous articles and speeches, and the Thomas of the confirmation hearings. On the issue of "natural law," for example, Thomas's prior statements strongly suggest that he holds committed views that would motivate him to reach beyond legal precedent to render ideological judgments on controversial public issues.

Three years ago, writing in the Harvard Journal of Law & Public Policy, Thomas gave this view of what natural, or higher, law means when applied to judicial rulings: "Rather than being a justification of the worst type of judicial activism, higher law is the only alternative to the willfulness of both run amok majorities and run amok judges."

Clearly, that articulates Thomas's belief that a judge can or should go beyond the written law, to paraphrase Fawn Hall's memorable remark in the Iran-contra congressional hearings, to

justify controversial actions. Not so, according to Thomas's answers to repeated questions from senators. "I don't see a role for the use of natural law in constitutional adjudication," he testified Tuesday.

Which is the real Thomas? Who knows? The Thomas of times past repeatedly gave strong opinions on divisive national issues before intensely committed conservative groups. The Thomas of the hearings dismisses those very opinions as the mere philosophical musings of a man in search of answers not yet found. He asks the senators and the nation to believe that he holds no views about, and has never even discussed, America's single most explosive issue, abortion.

The contradictions are more than philosophical; they are personal. For all of the controversy surrounding him, Thomas in person bears no resemblance to the strident right-wing ideologue depicted by some critics before the hearings. The Thomas now on view appears thoughtful and fair-minded, albeit an artful dodger, if not dissembler; a man of warmth, compassion and eloquence who possesses, as his mentor, Sen. John C. Danforth (R-Mo.) signaled, an appealing sense of humor.

In one sense, all sides should be able to agree that Thomas has given the nation a gift. He is forcing Americans to rediscover and reexamine their grandparents.

That may be a mixed blessing because the nation may not like what it learns about them. Were they, like his grandfather, strong, self-reliant types who lived in the belief that the Lord helps those who help themselves? Were they people of principle or prejudice, racists or atheists, scoundrels or sexists, rugged individualists or joiners, educated or ignorant, rich or poor, of old or new stock?

Or, more likely, were they a mixture of all these traits and more?

None of this clarifies the central question about Thomas: What kind of Supreme Court justice is he likely to be over the decades in which he might serve? But for a nation that worships youth, is in constant flux, lives for the moment and has lost its sense of place and past, a little introspection about what makes Americans distinctive and how they got that way can't be bad.

That doesn't mean that Thomas should be confirmed. It does mean that in viewing him, this contradictory nation is getting a useful look at itself.

offer Biden his sword. But at least it would have been a surrender required to run away from these propositions if he is to be confirmed by the

Senate.

What is so odd about Thomas's reversals is that he probably has a majority of Americans with him on most of his controversial views. As indicated by their votes against tax-tion over the last decade, most Americans value property rights very highly. And in this, the most deeply religious country in the West, most citizens would agree that there is a higher law beyond the Constitution and the laws of Congress that estab-

Intellectual groveling has become part of the required ritual for Senate confirmation for the Supreme Court. Robert Bork, who declined to grovel, learned that the hard way. David Souter was exempted from the game. He was not required to undergo ritual self-denial because there was no self to deny. He came before the Senate as an intellectual non-entity. Thomas did not. It is sad to see him pretend to be one now.

Advantage of the pride effect

After the first few days of his hearings before the Senate Judiciary Committee, it has become increasingly clear that Judge Clarence Thomas' critics are going to have a very hard time denying him Senate confirmation as a Supreme Court justice.

This isn't because of his up-from-poverty background, or because he has satisfied his critics that he will vote their way on controversial issues like abortion that may come before the Supreme Court. It's because

his performance has confirmed the president's opinion of his intelligence, his thoughtfulness, his fairness, his knowledge of the law, his respect for the Constitution.

As an individual, he is clearly highly qualified to join the justices already serving on the court. As his chief leftist inquisitor, Sen. Howard Metzenbaum, Ohio Democrat, has admitted, he'll fit right in.

Of course, Mr. Metzenbaum was expressing his objection to the fact that Judge Thomas might share the generally conservative leanings of the majority of justices already on the court. Despite Judge Thomas' obvious qualifications, Mr. Metzenbaum believes confirmation should be denied because Judge Thomas refuses to ally himself with the left-wing agenda.

This refusal is in fact one indication of his most important qualification — his unwillingness to prejudge cases and issues based on a preconceived political agenda. Because Judge Thomas refuses to be biased, Mr. Metzenbaum says he is unqualified.

I doubt that many fair-minded Americans will agree with him. I believe that in any case the general impression Judge Thomas makes on the public will be more important than his specific answers to the questions put to him. Most of us realize that we can't know or control how he will vote on future cases.

However, he comes across as a highly decent, knowledgeable man, confident of his own judgment without being arrogant or overbearing. Though his experiences as a black American have deeply influenced and sensitized his heart and mind, he has also made the effort to think as an American about the great principles of our republic.

He will be able to see all sides, making his decisions with respect for the fact that a justice's role under

the Constitution isn't to represent blacks or whites; it's to seek justice for all.

These favorable impressions have come through unequivocally during the hearings. I believe they will further strengthen the positive judgments people, and especially blacks, have made about Judge Thomas.

Whatever litmus tests the biased leadership of the black establishment may try to impose, regular folks will respond to the inevitable sense of pride Judge Thomas' presentation has to inspire.

Up against senators backed by staffs, thumbing through voluminous notes and memos, he sits calmly, without notes or aides, articulately drawing upon his own knowledge and experience. As that image is beamed across the country, into classrooms and homes in poor black neighborhoods and communities, our young learn an object lesson more important and powerful than all the rhetoric the so-called civil rights leaders can muster. They learn that they can make it, that they have the potential, the spirit, the in-

nate capacity to serve their community and their country at whatever level they choose.

Beyond this, there is an important lesson for the country as a whole. Apathetic and discouraged souls sometimes disparage this country's future prospects because, they say, we haven't the wherewithal to compete with Japan and other countries now nipping at our economic heels. They cite with dismay the fact that more and more of our work force in the future will be composed of minorities.

Clarence Thomas' performance reminds us that quality is not a function of background or material circumstances. Great souls exist among the poor, among the struggling working people who are the backbone of this nation's strength.

One result of Judge Thomas' hearings will be his confirmation. But beyond that, they offer us the chance to celebrate the human riches America has developed. It just feels good to know that people of this caliber are available to enrich and secure our country's future. Thanks to that good feeling, senators who vote to confirm this nomination will do so with the same pride their constituents are feeling as they watch the process unfold.

Background and Ability Qualify Thomas for Court

 DATE: 9/12/91
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By Stephen M. Shapiro

THE Supreme Court's work extends to every facet of life in the United States. Each year the high court considers more than 4,000 applications for review and renders decisions in approximately 160 cases. Plainly, a Supreme Court nominee's qualifications must be considered against the broad range of issues that the justice will confront, not only this year but for many years to come.

Because of these realities, the Senate confirmation hearings on Clarence Thomas should not be focused exclusively on abortion or racial quotas. They should explore Judge Thomas's judicial fitness, measured by his independence, integrity, ability, and life experience. Evaluated under these traditional standards, Clarence Thomas is an excellent choice for the Supreme Court.

Diversity of experience is an important qualification for a judge on any court. Thomas's story is an impressive one. Raised in an environment of discrimination and deprivation, but educated by family members and teachers committed to the values of discipline and scholarship, he attended Holy Cross and Yale Law School. In a course on federal taxation - among the most daunting courses a law student faces - Thomas's examination answers were held up by the professor as a model for the rest of the students.

After law school, Thomas worked as a lawyer in the private sector, served as an assistant attorney general in Missouri, joined Sen. John Danforth's staff in Washington, and served as assistant secretary in the Department of Education. As chairman of the Equal Employment Opportunity Commission (EEOC), Thomas rehabilitated an agency that had earned harsh criticism from the General Accounting Office, boosting both the efficiency and morale of his staff.

Perhaps the best measure of Thomas's judicial fitness is his record as a judge on the Court of Appeals for the District of Columbia Circuit, second in importance only to the Supreme Court. Although he has served for only one year, Thomas has participated in deciding more than 100 appeals and has written majority opinions in more than 20 cases.

His opinions are concise and clear, written with recognition that the public is entitled to practical guidance from appellate judges.

At a time when the war against drugs and violent street crime are of nationwide concern, it is reassuring to see Judge Thomas's mastery of criminal law. His opinions show a reluctance to reverse criminal convictions on legal technicalities, but a readiness to set aside convictions that are unsupported by the evidence. Judge Thomas has dealt sternly with drug dealers in several opinions,

including his affirmation of a conviction of drug traffickers plying their wares in an "open air drug bazaar" in the nation's capital (US v. Rogers). A judge who is tough on crime but alert to unfairness in the criminal justice system will not appear outside the mainstream of American opinion.

The Supreme Court sits atop a pyramid of agencies and bureaus that regulate the private enterprise system, and it makes law in business disputes under a host of constitutional and statutory provisions. Because its jurisdiction as a business regulator is nationwide and its word final, the Supreme Court has much to do with the competitiveness and prosperity of our economy. Thomas has delivered a series of thoughtful opinions in business cases. In one widely publicized antitrust case (US v. Baker Hughes Inc.), he thoroughly refuted the Bush administration's economic analysis.

Some critics have found troubling Thomas's scholarly writing on constitutional interpretation, including his references to "natural-law" reasoning, a legacy of the framers of the Declaration of Independence, who believed certain fundamental principles of liberty and equality to be self-evident.

Thomas's sympathy for natural-law reasoning derives from the founders of the Constitution and the writings of Abraham Lincoln. If special-interest advocates are uneasy about this tradition, it is a reflection of their own distance from the American mainstream.

Thomas's sharpest opposition comes from certain leaders of the civil rights movement who have criticized his views on quotas and racial preferences. But this difference over one facet of the civil rights agenda should not obscure Thomas's accomplishments as a crusader for racial justice. As he explained in one of his prior Senate confirmation hearings: "The reason I became a lawyer was to make sure that minorities, individuals who did not have access to the society, gained access."

Those who know him best, such as the liberal dean of the Yale Law School, Guido Calabresi, and Margaret Bush Wilson, former national chair of the NAACP, predict that Thomas's

confirmation will advance the cause of civil rights. In Dean Calabresi's words, "He is a decent human being, who cares profoundly for his fellows.... [He] does know the deep need of the poor and especially of poor blacks, and wants to help."

As chairman of the EEOC, Clarence Thomas went to court on behalf of victims of racial discrimination far more often than his predecessors. He adopted a new policy of bringing every meritorious case to litigation and insisted on tough new sanctions for violators. During his tenure as EEOC chairman, he collected nearly \$1 billion on behalf of American workers. And he chastised the Reagan administration for what he believed to be tardiness in pursuing voting rights reform.

Significantly, Thomas's own experience with racial discrimination is not confined to abstract theory. As he explained in a recent interview, "I've showed up in some of the nicest places in this city [Washington, D.C.]. You walk in one of the top-of-the-line restaurants, people look at you like you're out of your mind.... In my own neighborhood, I used to get stopped by the cops." Experiences such as these are not likely to be forgotten by a newly appointed Supreme Court justice, nor are they likely to be duplicated by another nominee if Thomas is rejected.

Thomas's opposition to quotas and racial preferences arises not from a reluctance to challenge discrimination, but from an honest disagreement over the best means to achieve racial equality. Racial preferences, in his view, result in unfair reverse discrimination, while perpetuating dependence upon a welfare state.

Only the most rigid advocates of racial quotas and preferences would suggest that Thomas's views are disqualifying for a position on the Supreme Court. Most Americans, who support the goal of a color-blind legal system, agree with his assessment.

PERSONAL attacks on Judge Thomas, voiced in the press in recent weeks, do little to advance the search for the nominee's judicial qualifications. Florence Kennedy, a pro-choice advocate, is quoted as stating that "we're going to Bork him. We're going to kill him politically."

Thomas himself appears to be braced for the worst. As he commented in a recent interview, "When you're up before those confirmation hearings, it's like going through Dante's Inferno. ... When you get up there, you just hope that you don't get destroyed so that even if you don't make it, you can go on with your

life." Lobbyists who fuel this inferno may well do more harm to their own credibility than to the nominee.

Clarence Thomas's career as a public servant and his personal triumph over poverty and discrimination make it impossible to credibly characterize him as a reactionary jurist insensitive to racial justice.

■ Stephen M. Shapiro, a partner at Mayer, Brown & Platt in Chicago, is a former deputy solicitor general. He has argued cases for the federal government in the Supreme Court and is co-author of "Supreme Court Practice" by Stern, Gressman & Shapiro.

Judge Thomas Is Locked in to Laissez Faire

By James Boyle

AS Judge Clarence Thomas's confirmation hearings proceed, some senators will object to scrutiny of his beliefs. After all, they will say, this is a judge. His job is to apply the law, not make it. The Senate should be concerned with his competence, not his empathy for the powerless or his view of the world.

There is an answer to this objection. Ironically, it comes from another controversial conservative nominee to the Supreme Court, Judge Robert Bork. "It is naive to suppose that the [Supreme] Court's present ills could be cured by appointing justices determined to give the Constitution 'its true meaning,' to work at 'finding the law' instead of reforming society. The possibility implied by these comforting phrases does not exist.... The question ... is not whether courts should make the law, but how and from what materials."

Judge Bork wrote these words in 1968. Then, it seemed obvious to him that the vagaries of language and history made it impossible for a judge simply to "apply" the law. Things are clearer to him now. He says he has no difficulty in "finding" the

law. I think he was right in 1968 and that his words have some profound implications for Judge Thomas.

All judges have an ideology, a set of values and criteria that they use to "illuminate" the meaning of the law. For some, the intent of the framers is what counts; for others it is economic efficiency. Some judges think the words of the law alone will decide the case; others think that you must look to its purpose, or to some general set of principles underlying our social order. This issue cuts across party lines. Conservatives habitually browbeat liberals with charges of "judicial legislation," but they, too, cannot agree among themselves on the right way to interpret the law. (Judge Bork, for example, has at one time or another believed each of the above views to be "undeniably" correct.)

Judge Thomas apparently favors natural-law philosophy and laissez faire political theory as his guides to the meaning of the law. Should this disqualify him from confirmation? Not at all. But if all judges have an ideology, then the Senate should reconsider the questions it wants to ask.

One important question is whether this particular judge would ever modify his creed because of compassion or contrary evidence, or whether it shapes his perceptions so strongly that contrary evidence will be explained away, compassion pre-

empted. How is this question to be answered about Judge Thomas?

In comments that have often been quoted since his nomination to the Supreme Court, Judge Thomas once portrayed his sister, Emma Mae Martin, as welfare-dependent, trapped in a cycle of weakness and reliance on the government. This is the picture that his laissez faire philosophy tells him "must" be there. But as Joel Handler pointed out in a letter to the New York Times, the reality is entirely different.

IN fact, Ms. Martin's story is that of a woman who, unlike her brother, was not sent to live with their businessman grandfather. Instead, she finished high school, married, had children, and worked hard to support her family at a variety of grueling minimum-wage jobs. A task made all the more difficult after her husband left her. She went on welfare for a time only to take care of a sick relative. Ms. Martin is now working as a cook. Of her three children, one is employed, one has been laid off, and the third is in school.

Professor Handler concludes that this story is not one of welfare dependency, but of courage in the face of racism, structural poverty, sexism, and lousy health care - all problems to which Judge Thomas seems remarkably indifferent.

The nicest thing one could say about these comments is that Judge Thomas's philosophy is so ingrained that he insists on it even when it is contradicted by the facts, even when Horatio Alger could not have overcome the structural barriers involved. Even when it is his own sister. Can we doubt he would do the same thing as a Supreme Court justice when the people whose lives depended on his decisions were strangers?

Twenty years ago, Robert Bork told us that the question was not whether judges would have to make law, but how. The greatest judges have made law with reverence, with an understanding for the powerless that illuminates the legal materials. They have had a skepticism about power - all forms of power, whether governmental or corporate or entrenched in a community. They have had a respect for unruly facts and a willingness to doubt. Thurgood Marshall was such a justice. The record indicates that Mr. Thomas is not. The confirmation hearings should ask whether he falls below not only the standard of greatness, but the standard of the acceptable.

■ James Boyle is a Visiting Professor of Law at Boston University Law School.

Judge Thomas deserves sympathy,

COMMENTARY

but ...

IF you watched Clarence Thomas tell the story of his early life and didn't feel a catch in your throat, then you have a problem. If that story becomes the reason for his confirmation, then we have a problem.

His vividly painted portrait of growing up poor and black in the apartheid South of the 1950s was touching and enraging. We will not soon forget the image of two small boys, with all their belongings in shopping bags, being sent to live with their grandparents because their mother could not afford to raise them.

I have absolutely no doubt about the authenticity of Judge Thomas' memories, or the force those memories have on his life. I have a great deal of doubt, however, about whether any of this

JEFF GREENFIELD

tells us anything about whether he should become

Justice Thomas.

When the time came for questioning, Thomas appeared decidedly uncomfortable with some of the probes Sen. Joe Biden sent his way.

Why did he praise a published "natural law" theory that would forbid all abortions? It was, he said, a "throwaway" line, a murmur of politeness to the author whose large checkbook had underwritten conservative causes. It was a way to get conservatives to look kindly on civil rights.

What did he mean by suggesting that "economic rights" needed to be elevated to a higher level of constitutional respect? Nothing much; under the gentle prodding of Orrin Hatch, Judge Thomas assured the committee he had no intention of going back to the pre-New Deal days of striking down government regulation of the economy.

Is there a constitutional right to privacy? Yes, but Judge Thomas would not sketch out even a hint of what that might mean - that would, he said, affect his impartiality in future cases.

But when Sen. Strom Thurmond read, apparently uncomprehendingly, a long list

of questions about recent court decisions, Thomas seemed almost eager to give his views on them.

The point is that Clarence Thomas has some tough, legitimate questions to answer, and those questions have to do with his sense of what the Constitution means. They are not questions that can be answered by a resort to the venerable political tradition of pointing to the log cabin you were born in to prove your link to ordinary folks.

Because the nominating process has indeed become "political" in recent years, both sides have resorted to tactics once thought unimaginable in confirmation proceedings.

Television ads are one sign; the recruitment of Washington consultant Kenneth Duberstein to organize a public relations campaign and to "prep" nominees for their Senate appearances is another.

It's understandable, given the fate of Robert Bork, that the White House has sought to "sell" this latest nominee as if he were running for office. And it is true that some of Thomas' likely opponents are prepared to use just about any club they can find with which to belabor him.

These excesses, however, seem to have spawned the idea that if Thomas can present himself as an inspiring

success story, which he surely is, that alone will prove he belongs on the highest court in the land. It doesn't - and it shouldn't.

**PRUDEN ON
POLITICS**
By
Wesley Pruden

Slipping a noose in the Senate

Clarence Thomas is giving the Senate's Burning-Bra Patrol, mostly Democrats, a lesson in basic constitutional law, and it hurts.

Several times yesterday Judge Thomas was asked to say what he thinks about a woman's constitutional right, if there is one, to an abortion.

Every time, Judge Thomas, who earlier had said he finds a right of privacy for married folks in the Constitution but wouldn't say whether this includes the right to an abortion, replied: "Whether or not I have a view is irrelevant."

And so it is, since the duty of a justice of the U.S. Supreme Court is to interpret the Constitution, not his own congeries of opinions, summer wishes, winter dreams, hunches, prejudices and whims.

This common-sensical view was once the settled norm in American law, and one day it may be again, but the rule of judicial whims and theoretical wishes, hardly questioned for decades, has so indoctrinated a generation of Americans that basic constitutional principles often sound quaint, like the throaty roar of a Duesenberg.

The judge sat alone at the witness table, neither scribbling notes nor thumbing reference books, and he declined to talk about what he might have said in speeches and articles, when he was free to be an advocate, and before he subjected himself to the discipline of a written Constitution.

If this is stressful to the judge, he isn't showing it. The strain of trying to conduct a lynching with a man skilled in bobbing his head just enough to slip the noose, on the other hand, is beginning to show on the Democratic tormentors. Joe Biden of Delaware, trying to get Judge Thomas to say something he doesn't want to say about the theory of natural law, finally told the nominee: "That's the most unartful dodge I've heard."

Poor Joe. He had no doubt picked up somebody else's questions and notes and, left on his own, couldn't find the right page.

The Democratic obsession with abortion continues, which is the one topic we wouldn't imagine it possible that any of these old geezers still has a personal stake in. When the session recessed someone asked Paul Simon of Illinois what he thought of



Alan Simpson

the judge's persistent refusal to say he had an opinion. "If that's so," said Mr. Simon, "he's the only person gathered in the room who does not have an opinion."

Howell Heflin of Alabama, who tries to suggest

that his own considerable avoirdupois is made up not of cornmeal mush and blubber but of rectitude and sobriety, sneered at Judge Thomas' candor and caution, his willingness to consider everything anew as he takes on the unique duties of a Supreme Court justice. This, he said, gives the judge the "appearance of a confirmation conversion." Without so much as blushing, Mr. Heflin says he may now have questions about the judge's "integrity and temperament."

Howard Metzenbaum of Ohio, the most oleaginous senator since the late Theodore G. Bilbo of Mississippi prowled the corridors of the Capitol, proclaimed, with his usual unctuousness, that since Judge Thomas did not give the answers he wants he finds it "more difficult to vote for him." This doesn't make sense, since Mr. Metzenbaum had said even before the hearings started that he would vote against confirming Judge Thomas.

The television camera has given the average American a glance at the way we choose and confirm our Supreme Court nominees, but only a glance. There are no cameras on the chaos outside the hearing room, where pols and pressies, together with "spokespersons" for groups of every hue and cry, jostle for a chance to launch a sound bite.

The National Organization for Women feels insulted by Judge Thomas, the Women's Legal Defense Fund says the judge treats women as second-class citizens. Why these women with so much contempt for men in their hearts imagine they'll ever need the services of an abortionist is one of the enduring mysteries of American politics.

At day's end, Alan Simpson of Wyoming, a Republican, summed up the growing bipartisan sentiment. "You've got 'em," he told Clarence Thomas. "They're very frustrated by you."

What's News—

* * *

World-Wide

BUSH WARNED he would use his veto to delay approval of Israeli loan guarantees.

The president declared that "nothing should be done that might interfere" with a Mideast peace initiative as he appealed for a 120-day delay in congressional consideration of the \$10 billion in loan guarantees. Bush also said he wouldn't promise unequivocal support for the aid package even if Congress postpones action on it. In Jerusalem, the official reaction to Bush's position was low-key. Israel received the body of a soldier missing in Lebanon and allowed a Palestinian deportee to return home. The trade improved chances for a comprehensive hostage swap. (Story on Page A8)

A Lebanese government minister told Reuters news agency that an American hostage and a European captive will be released within a week.

* * *

The Kremlin expects a Soviet troop withdrawal from Cuba to be matched by the removal of U.S. forces from Guantanamo Bay and a halt to U.S. military maneuvers in the region, Foreign Minister Pankin told reporters in Moscow. He said that visiting Secretary of State Baker indicated Washington would consider the demands.

The Security Council recommended that the three newly independent Baltic republics be admitted to the U.N. Meanwhile, the EC said it would study a Soviet request for \$7.25 billion of food to help ease expected winter shortages. In Soviet Georgia, the opposition held more protests to press for the resignation of President Gamsakhurdia.

* * *

Some Senate Democrats criticized Supreme Court nominee Clarence Thomas for avoiding the topic of abortion during his confirmation hearings while answering questions about a number of other important constitutional issues. (Story on Page A12)

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Philippine guerrillas declared a unilateral truce to celebrate the Philippine Senate's expected rejection of a new military base treaty with the U.S. The rebels announced the cease-fire in their 22-year-old insurgency after President Aquino met with senators and conceded defeat in her effort to keep U.S. forces in the Philippines.

* * *

The Senate passed legislation revoking a ban on abortion counseling by federally funded clinics, and allowing taxpayer-paid abortions for women who are victims of rape or incest. The measure, adopted 78-22, faced a veto threat from Bush.

* * *

Zulu leader Buthelezi expressed doubts about whether a peace pact he is due to sign tomorrow with the South African government and the African National Congress would work. Buthelezi, head of the Inkatha movement, accused the ANC of hypocrisy in agreeing to sign the accord while failing to accept an Inkatha request for talks.

* * *

The shuttle *Discovery* rocketed into space from Cape Canaveral, Fla., with five astronauts and a research observatory designed to study the shrinkage of the Earth's protective ozone layer.

* * *

Yugoslavia's defense minister rejected President Stipe Mesic's calls for the federal army to pull back in Croatia, and two Croats quit the national cabinet out of frustration that fighting persists. Mesic, meanwhile, accused the Serb-dominated army of staging what amounted to a coup by defying his order to return to barracks in Croatia.

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* * *
Air Force Secretary Rice dropped a potential bombshell in the debate over the B-2 bomber by acknowledging that the plane can be detected more easily by certain long-range radars than the Pentagon has said. (Story on Page B6)

* * *

CIA records raised questions as to when Robert Gates was warned that profits from U.S. arms sales to Iran were being diverted to aid Nicaragua's Contra rebels. Gates is Bush's nominee to head the CIA. Separately, ex-CIA aide Clair George pleaded innocent to 10 criminal charges tied to the Iran-Contra affair. (Story on Page B2)

* * *

A Cuban emigre was sentenced to 12 years in prison for his role in the 1976 car-bomb killing of Chilean diplomat Orlando Letelier in Washington. Virgilio Paz Romero, 39, received the maximum term allowed under a plea-bargain agreement.

* * *

House members took 4,000 privately funded trips in 1989 and 1990, two-thirds of which were paid for by corporations and trade associations, according to a report by Public Citizen, a consumer advocacy group. The leading trip sponsors were the Chicago Board of Trade and the Chicago Mercantile Exchange, the report said.

Washington Wire

A Special Weekly Report From The Wall Street Journal's Capital Bureau

RISING TENSIONS on Israeli aid portend a confrontation nobody wants.

"Both sides realize this could be a bloody fight that should be avoided," says a top Israeli diplomat. Pro-Israeli groups say they can live with a delay in \$10 billion of housing loan guarantees if Bush will promise to back the aid. But Bush, who yesterday vowed to veto an aid bill now, would lose all leverage on Israeli settlements.

Lawmakers are unhappy with having to support the aid now. Democrats face the dilemma of complaining there isn't enough money for domestic problems such as health care while supporting the high-profile aid. Republicans don't want to cross Bush. "I am personally disappointed that the Israeli government didn't heed" his request for delay, says GOP Sen. Kassebaum of Kansas.

Privately, many lawmakers support Bush's stance but fear opposing the politically powerful Israeli lobby.

FRUSTRATED DEMOCRATS move to break last fall's budget agreement.

Democratic lawmakers chafe under the five-year budget accord's separate limits for domestic, defense and foreign aid. In what Massachusetts Rep. Frank calls "Operation Jericho," they want to tear down the walls between the three so they can take money from defense to pay for domestic items such as unemployment compensation and farmers' disaster aid.

Most members of both parties expect the real showdown to occur early next spring. But the first breach in the agreement may come this fall in final work on the next fiscal year budget. Under this scenario, Bush would have to accept added domestic spending and a defense cut in exchange for foreign aid to the Soviet Union. But the White House and even House Democratic leaders oppose changing the accord for now.

BROWN'S DECISION to run for president roils California politics.

With the former governor dropping his Senate bid, Lt. Gov. McCarthy leads polls in the Democratic race to replace retiring Sen. Cranston. But most experts think liberal

Rep. Boxer or moderate Rep. Levine would be a stronger candidate. Levine is the best-financed but has done little with a strong position, and doubts persist about the negative-campaign style of his consulting firm, Berman D'Agostinoto.

Some California Democrats are relieved that Brown is out of the Senate contest. "His negatives are still so high that he'd have trouble winning a race," says Democratic consultant Paul Maslin, who is working for Dianne Feinstein's bid for the other Senate seat. Conservatives fear that Republicans will nominate two moderates for the Senate races, but can't seem to do much about it.

There is a glimmer of hope for advancing the state's presidential primary. "There is majority sentiment for moving the primary," says newsletter editor Bill Bradley, but a plan is elusive.

DRAFT CHOICE? Texas Sen. Bentsen leaves open the option that he could be a Democratic presidential candidate. Though he says "I don't have any plans to run," friends say he doesn't want to close the door completely. One potential plus: He already has a nationwide fund-raising base that could move quickly.

STEALTH MESSAGE: White House Chief of Staff Sununu insisted on TV last weekend that Bush has plugged a capital gains tax cut in every other speech during his presidency. But according to White House transcripts, Bush has made only one passing reference to capital gains in 45 speeches and remarks since June 4.

COMPROLLER CLARKE faces new blasts as his confirmation hearing nears. A coming GAO report critical of his handling of Bank of New England's problems charges that regulators were inattentive to \$300 million in real-estate loans to the failed bank's insiders. The Senate Banking Committee will fault Clarke for not conducting enough on-site bank exams to catch problems.

EXPERTS WARN the Soviets face a major health crisis. Visiting Project Hope teams find serious shortages of basic drugs and medical supplies, exacerbated by a lack of hard currency to import the goods. U.S. foundations and religious organizations look to step up relief efforts.

THE SEC CHAIRMAN moves quickly to capitalize on the Salomon scandal.

Chairman Breeden, eager to broaden SEC powers in the wake of abuses in Treasury-bond auctions, plays up his agency's lack of jurisdiction over the bidding. At hearings, he calls the bidding processes at the Treasury and Fed "by no means state of the art." Lawmakers on the securities committees blast the other two agencies and praise the SEC's law-enforcement unit.

New legislation would give the SEC broader powers to use the securities laws against false bidders. Other measures would widen its mandate by forcing securities firms to put new monitoring devices in place. Even the Treasury turns to the SEC, involving the agency for the first time in its plan to automate the bidding process.

The SEC also is asked to join a regulatory panel to beef up surveillance in the Treasuries market.

MINOR MEMOS: Peter, Paul and George? A Stanford University centennial celebration show will feature both '60s folk singer Joan Baez and a speech by former Secretary of State Shultz on "the New World Order." . . . He's no Joe Montana: New York Fed president Corrigan says of the \$23-million-a-year pay of a Salomon Brothers trader. "This guy probably can't even throw a forward pass."

—Compiled by RONALD J. SHAFER

Judges and Natural Law

Supreme Court nominee Clarence Thomas has expressed a belief in natural law and natural rights. In the overheated, brightly lit arena of Supreme Court politics, that simple allegiance has caused consternation at both ends of the political spectrum.

Some conservatives, who insist that judges should stick to the "original understanding" of the Framers and ratifiers of constitutional provisions, wonder whether Thomas might eschew "judicial restraint" and look beyond the Constitution to natural law as a primary source of principles for resolving constitutional cases.

Some liberals, who applaud when judges of their own stripe purport to discover "unenumerated" rights in background principles not spelled out in the Constitution, worry about how Thomas might exercise that prerogative. They are concerned that his ideas about *what* natural rights people have and *when* they come to have them could turn out to be distressingly different from their own.

The fretful on both the left and the right misunderstand the basic idea of natural law. Believers in natural law and natural rights hold that there are true standards or principles of morality that human beings are bound in reason to respect and that among these are norms of justice and human rights that may not be sacrificed for the sake of social utility. These beliefs should alarm neither liberals nor conservatives. While a few more skeptics and hard-core utilitarians can be found in both camps, most liberals and conservatives share a belief in "natural" (i.e., true, not merely conventional) principles of justice and right, however much they disagree about the *exact* content and implications of some of these principles.

If you believe that, say, slavery is inherently unjust and should therefore have been abolished regardless of who or how many people benefited from it, then you are a natural lawyer of some sort.

As Laurence Tribe, one of Thomas's most vociferous liberal critics, has conceded, the philosophy of natural law and natural rights was the philosophy of the Framers of our Constitution. And long after the founding generation had passed into history, America's greatest statesmen and moral leaders, from Abraham Lincoln to Martin Luther King Jr., continued to invoke this philosophy when they demanded the overthrow of slavery, segregation and other injustices in the name of "higher law" and "natural justice."

How odd, therefore, to declare that Clarence Thomas's belief in natural law and natural rights makes him unfit to interpret the Constitution.

Nevertheless, conservatives ask: How can someone who believes in natural law practice judicial restraint? And liberals ask: Isn't someone who believes in natural rights bound to oppose abortion and to read his opposition to abortion into the Constitution?

The answer to conservatives is simple. The existence of principles of natural justness does not entail the proposition that judges are authorized to substitute their own understanding of these principles for the understanding set out in the Constitution. True, the tradition of natural law theorizing includes elements of a philosophy of judg-

ing. Chief among these, however, is the requirement that judges recognize the limits of their own authority out of respect for the rule of law.

The scope of a judge's authority is settled not by natural law but by the constitutional allocation of political authority among the judicial and other branches of government. Belief in natural law, therefore, is perfectly consistent with fidelity to the Constitution as the supreme law of the land and with a commitment to judicial restraint.

The answer to liberals is simpler still. A belief that good law honors natural human rights does not resolve the question of what those rights are or who has them. Thomas's endorsement of natural law theory, and (contrary to some reports) even his praise for Lewis Lehrman's article applying natural law theory to the question of fetal rights, does not commit him to the proposition that laws permitting abortion are unconstitutional (or even that they are morally wrong). Natural law arguments have been made by thoughtful people on both sides of the abortion question.

For example, University of Pennsylvania Prof. Michael Moore, probably the leading exponent of explicit natural law theory among American legal scholars, vigorously defends *Roe v. Wade* on the very principle that abortion rights are natural rights. What Thomas praised in Lehrman's article could also be praised in Moore's writings, namely, an understanding of the Constitution as protecting true human rights and as constituting, in the words of Justice Brennan, "a grand location on human rights and dignity."

Whatever may be Thomas's view of the rights and wrongs of abortion, his commitment to natural law and natural rights neither requires nor permits him to treat the Constitution as a vehicle for imposing his own ideas about morality and public policy. A Supreme Court justice with the firm moral foundation of a belief in natural law and a responsible judicial philosophy that prevents him from confusing his own judgments of morality and policy with the mandates of the Constitution, is the best protector of law and liberty that Americans, liberal or conservative, could wish for.

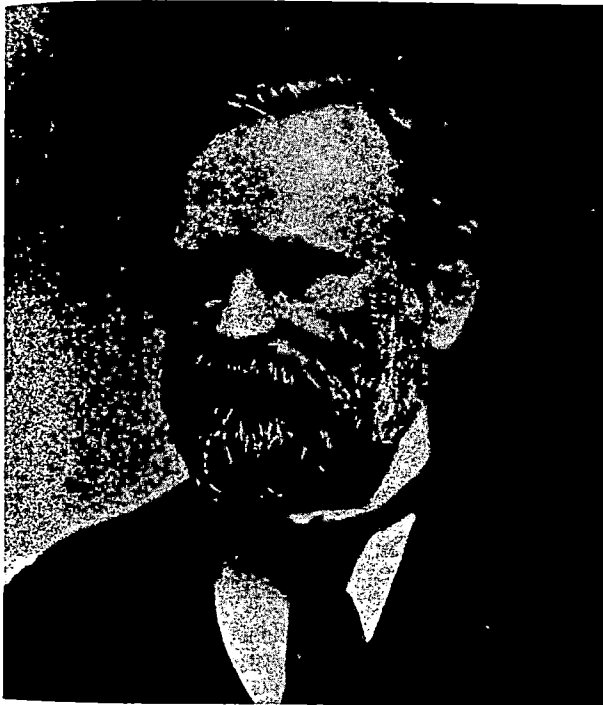
The writer, a member of the Department of Politics at Princeton University, is a graduate of Harvard Law School and holds a doctorate in legal philosophy from Oxford University.

C. Thomas

In regard to environmental issues, Marshall spoke for the Court in both *Hodel v. Indiana* and *Hodel v. Virginia Surface Mining and Reclamation Association* (1981), holding that federal strip mining reclamation requirements did not infringe on the powers reserved to the states by the 10th Amendment and were a legitimate exercise of the constitutional power of Congress to regulate interstate commerce.

MATTHEWS, STANLEY

b. July 21, 1824; various legislative and judicial positions in Ohio; U.S. senator (1877-1879); associate justice, U.S. Supreme Court (1881-1889); d. March 22, 1889.



Stanley Matthews

Born in Cincinnati, Ohio, the son of the president of Woodward College, Matthews was educated at Kenyon College (Class of 1840) and studied law in Cincinnati. In 1842, he moved to Tennessee and was admitted to the bar, later establishing a private practice in Columbia. A supporter of James Polk, Matthews edited the weekly *Tennessee Democrat* in 1843 and after his return to Ohio the following year, he edited the *Cincinnati Morning Herald*. In 1848, he was elected clerk of the Ohio House of Representatives. He later served in the Ohio Senate (1855-1857) and as U.S. attorney for the southern district of Ohio (1858-1861). In 1863, after active service in the 23rd Ohio Infantry and 51st Ohio Volunteers, Matthews served as judge of the Cincinnati superior court, resigning two years later to pursue his private law

practice. In 1881, after the resignation of Associate Justice Noah Swayne, Matthews was nominated to the Supreme Court by Pres. James Garfield.

Matthews's nomination to the Court in 1881 was actually his second; in 1880, his nomination by President Hayes had been rejected by the Senate on the grounds that Matthews's former railroad and corporate clients might exert undue influence on his judicial decisions. His subsequent nomination was confirmed by a majority of only one vote.

During his eight-year tenure on the Court, Matthews ruled on several important commercial and economic issues. In *Yick Wo v. Hopkins* (1886) he wrote the Court's opinion holding that a city licensing scheme that was administered in a racially discriminatory way was unconstitutional. He wrote the majority opinion in *Bowman v. Chicago and North Western Railway Company* (1888), in which the Court overturned a state law prohibiting the shipment of alcoholic beverages as a restriction of interstate trade. His most important constitutional decision came in the case of *Hurtado v. California* (1888), which held that states may charge private citizens with crimes without the prior indictment of a grand jury. His opinion was one of the Court's most important discussions of the meaning of "due process of law."

Matthews served on the Court until his death in Washington, D.C., in 1889.

MILLER, SAMUEL FREEMAN

b. April 5, 1816; associate justice, U.S. Supreme Court (1862-1890); d. October 13, 1890.

Born in Richmond, Kentucky, and having received a medical degree from Transylvania University in 1838, Miller began a law career relatively late in life. While practicing medicine in Barborville, Kentucky, he studied law in his spare time and was admitted to the bar in 1847, at age thirty-one. As an opponent of slavery, he moved his family to Keokuk, Iowa, in 1850, becoming a partner in a local law firm. After the Dred Scott decision (*Scott v. Sandford*, 1857), Miller became active in the Iowa Republican Party and was a candidate for governor in 1861. In 1862, Miller was appointed to the Supreme Court by Pres. Abraham Lincoln to fill the vacancy left by the resignation of Associate Justice John Campbell of Alabama.

Miller's career on the Court was long and influential. He was described by Chief Justice Salmon P. Chase as "beyond question the dominant personality" on the Court in his steadfast support of individual rights against vested interests. In the Reconstruction period he was a strong advocate of federal power. He wrote the dissenting opinion in *Ex parte Garland* (1867), in which Chief Justice Chase, Justices Swayne and Davis joined, supporting the requirement of loyalty oaths for lawyers, teachers, and ministers during the period immediately following the Civil War. Justice Miller wrote the dissent in *Hepburn v. Griswold* (1870) and was joined by Justices Swayne and Davis, arguing the right

Marshall TP of Tom C. Clark TP of

Frank Murphy TP of Pierce

Butler TP of William R. Day

TP of George Shreve Jr. TP of

Joseph P. Bradley TP of James

Wayne TP of William Johnson

TP of Alfred Moore TP of

James Iredell ~~TP of~~

who was apt. by Washington



U.S. Supreme Court

**Thurgood Marshall
(1967-)**

Born: July 2, 1908, Baltimore, Maryland.
Education: Lincoln University, A.B., cum laude, 1930; Howard University Law School, LL.B., 1933.
Official Positions: judge, Second Circuit Court of Appeals, 1961-1965; U.S. solicitor general, 1965-1967.
Supreme Court Service: nominated associate justice by President Lyndon B. Johnson June 13, 1967, to replace Tom C. Clark, who retired; confirmed by the Senate August 30, 1967, by a 69-11 vote.
Family: married Vivian Burey, September 4, 1929, died February 1955, two sons; married Cecelia Suryat, December 17, 1955.

Personal Background

Marshall was the son of a primary school teacher and a club steward. In 1926 he left Baltimore to attend the all-black Lincoln University in Chester, Pennsylvania, where he developed a reputation as an outstanding debater. After graduating cum laude in 1930, Marshall decided to study law and entered Howard University in Washington, D.C. During his law school years, Marshall developed an interest in civil rights. After graduating first in his law school class in 1933, he began a long and historic involvement with the National Association for the Advancement of Colored People (NAACP). In 1940 he became the head of the newly formed NAACP Legal Defense and Education Fund, a position he held for more than twenty years. Over those two decades, Marshall coordinated the fund's attack on segregation in voting, housing, public accommodations, and education. The culmination of his career as a civil rights attorney came in 1954 as chief counsel in a series of cases grouped under the title *Brown v. Board of Education*. In that historic case, which Marshall argued before the Supreme Court, civil rights advocates convinced the Court to declare segregation in public schools unconstitutional.

Public Career

In 1961 Marshall was appointed by President Kennedy to the Second Circuit Court of Appeals, but because of heated opposition from southern Democratic senators, he was not confirmed for a year. Four years after he was named to the appeals court, Marshall was chosen by President Lyndon B. Johnson to be the nation's first black solicitor general. During his years as the government's chief advocate before the Supreme Court, Marshall scored impressive victories in the areas of

civil and constitutional rights. He won Supreme Court approval of the 1965 Voting Rights Act, voluntarily informed the Court that the government had used electronic eavesdropping devices in two cases, and joined in a suit that successfully overturned a California constitutional amendment that prohibited open housing legislation. On June 13, 1967, President Johnson chose Marshall to become the first black justice of the Supreme Court.



U.S. Supreme Court

**Warren Earl Burger
(1969-1986)**

Born: September 17, 1907, St. Paul, Minnesota.
Education: attended the University of Minnesota, 1925-1927; St. Paul College of Law (now Mitchell College of Law), LL.B., magna cum laude, 1931.
Official Positions: assistant U.S. attorney general, Civil Division, Justice Department, 1953-1956; judge, U.S. Court of Appeals for the District of Columbia, 1956-1969.
Supreme Court Service: nominated chief justice by President Richard Nixon May 21, 1969, to replace Chief Justice Earl Warren, who retired; confirmed by the Senate June 9, 1969, by a 74-3 vote; retired September 26, 1986; replaced as chief justice by William H. Rehnquist, named by President Ronald Reagan.
Family: married Elvera Stromberg, November 8, 1933; one son, one daughter.

Personal Background

Burger was the fourth of seven children of Swiss and German parents. Financially unable to attend college full time, Burger spent the years following his 1925 graduation from high school attending college and law school evening classes—two years at the University of Minnesota and four at St. Paul College of Law, now Mitchell College of Law. To support himself, Burger sold life insurance.

After graduating with honors from law school in 1931, Burger joined a respected law firm in Minnesota, where he practiced until 1953. He also taught part time at his alma mater, Mitchell College of Law, from 1931 to 1948.

Burger developed a deep interest in art and is an accomplished sculptor; as chief justice, he served as chairman of the board of the National Gallery of Art. He is also an antiques buff and a connoisseur of fine wines. He also served as chancellor of the Smithsonian Institution.

Public Career

Soon after beginning his law career in Minnesota, Burger became involved in Republican state politics. In 1938