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OA/ID Number: 13776
Folder ID Number: 13776-014

Folder Title:
Swearing-In of Clarence Thomas 10/18/91 [OA 8330][3]

Stack:	Row:	Section:	Shelf:	Position:
G	26	21	7	1

Pinpoint, GA

- 6000 miles

approx 12 hours
w/ stops

• 10 ³/₄ hours
~~w/ no delays~~
rush hour

Fact Check Copy 2
Final

McGroarty/Nix
October 18, 1991
8:15 am
[THOMAS]

PRESIDENTIAL REMARKS: SWEARING-IN OF JUSTICE CLARENCE THOMAS
THE SOUTH LAWN
OCTOBER 18, 1991
2:00 PM

Welcome to the White House. / First a warm welcome to the members of the Supreme Court -- Barbara and I join with you and the nation mourning the loss of Nan Rehnquist, the wife of the Chief Justice. // [[IF CHIEF JUSTICE REHNQUIST IS IN

Supreme Court Pub Affairs

ATTENDANCE: Mr. Chief Justice, may I say that Barbara and I and our entire nation are thinking of you and your family as we mourn the loss of your beloved wife, Nan.]] //



Let me also welcome the many members of Congress and my Cabinet. / Friends of Clarence Thomas, who have worked with him here in Washington -- and let me single out Senator Jack Danforth, a man every American would be proud to call friend. /

Leg Affairs
Becky Anderson

The many members of Clarence Thomas's family here today: his wife Ginnie and son Jamal. Clarence's mother, Mrs. Leola Williams. [Sister, brother.] The cousins -- whether they're first, second, third or fourth -- all the aunts and uncles and friends, some of whom drove all the way up from Pin Point, Georgia to be here this afternoon. 600 long miles -- but they would have driven 6000 miles to share this proud day. //

Council's Office
M. Baker

Triple AAA
Rob Krebs
Virginia Office

The fact that people have come here from far and wide -- people from all walks of life, all levels of education and income -- is testament to the character of this individual. But it's also something more: proof of the power of the American ideal -

- vindication of the values of faith and family, of hard work and opportunity. These values unite us all -- these values give America meaning. //

America is the first nation in history founded on an idea: on the unshakable certainty that all men are created equal. / When we ask our Justices to swear allegiance -- to uphold the supreme law of the land, we entrust to them not mere words on parchment, but the living soul of a Nation. / Clarence Thomas joins the distinguished ranks of jurists to whom we entrust this sacred task -- who, in the stark and simple phrase of Chief Justice Marshall, to tell us "what the law is." //

Bartlett's

I said when I nominated this man that Clarence Thomas is "a fiercely independent thinker, with an excellent legal mind, who believes passionately in equal opportunity for all Americans." Since then, the whole nation has learned that the passion and the intellect and the independence of mind all spring from an inner strength indelibly stamped on his character long ago, when he walked the dirt roads of Pin Point. //

Clarence Thomas comes to the Supreme Court having worked in the private sector -- having served in state government, and in every branch of federal government. He has served as Assistant Attorney General of the State of Missouri; in the United States Senate, as Legislative Assistant to Senator Danforth; in the Executive Branch as Assistant Secretary of Education and Chairman of the EEOC; and as Judge on the U.S. Court of Appeals, D.C. Circuit. Each position will serve him well on the Court --

*What's
Who
Among
Black
Americans*

sharpening his vantage point on the many questions that come before him. //

These are some of the man's qualifications. They are not the same as his experience.

Clarence Thomas knows first-hand the searing hate and sting of segregation. He knows the cold face of indifference -- the unintentional cruelty that tells men and women with every claim to equal citizenship that we expect little of them, and offer less.

But Clarence Thomas would not be here today if there were not more to his story. He has known his share of the joys of life: The love of family, / the devotion of friends, / the kind gestures from people committed to decency and fairness, to justice and the American Dream. //

Clarence Thomas has endured America at its worst -- and he has answered with America at its best. // He brings that hard-won experience to the High Court -- and America will be better for it. //

So let me say to everyone here: Don't be overawed by the solemnity of this moment. / Celebrate this day. See what this son of Pin Point has made of himself. See how he makes us proud of America -- proud of all that is best in us. ///

In just a few moments, we will bear witness as the oath of office is administered to our Nation's newest Supreme Court Justice. Before we do, let me say on a personal level: America

is blessed to have a man of such character serve on its Highest Court. //

Clarence Thomas -- Mr. Justice Thomas: congratulations. /
I now ask Justice Byron White to administer the oath.

#

Let us all recognize the man whose seat Justice Thomas takes for his long service to this country: Justice Thurgood Marshall. //

[[Judge Thomas, before we begin, and with your fellow justices here, let me warn your new colleagues -- read the last line in Clarence's college yearbook: "...Likes to argue." // I suspect more than once, even as the newest Associate Justice, Clarence Thomas will get the last word.]]

Fact Check Copy 1

McGroarty/Nix
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Leg Affairs
x 2230

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Bucky A.
Leg Affairs

NEXIS

NEXIS

NEXIS

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Barrett's
Who's
Who
Among
Black
Americans

Attorney General of the State of Missouri; in the United States Senate, as Legislative Assistant to Senator Danforth; in the Executive Branch as Assistant Secretary of Education and Chairman of the EEOC; and as Judge on the U.S. District Court of Appeals.

*Who's
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Each position will serve him well on the Court -- sharpening his vantage point on the many questions that come before him. //

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No one said it better than Clarence Thomas himself: "Only in America." // In the words of the 35th Psalm, "Let them shout for joy, and be glad." //

NEXUS
Holy Bible

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Clarence Thomas -- Mr. Justice Thomas: congratulations. I now ask [-----] to administer the oath.

#

WHITE HOUSE STAFFING MEMORANDUM

OCT 18 11:30

DATE: 10/17/91 ACTION/CONCURRENCE/COMMENT DUE BY: 9:00 a.m. Friday 10/18

SUBJECT: PRESIDENTIAL REMARKS: CLARENCE THOMAS SWEARING-IN CEREMONY
(10/17 7:00 p.m. draft)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HORNER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PETERSMEYER	<input type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BRADY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGICH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BROMLEY	<input type="checkbox"/>	<input type="checkbox"/>	SMITH	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	McBRIDE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DEMAREST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SNOW	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	FIRESTONE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
GRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PORTER ROSE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HOLIDAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please provide any comments directly to Tony Snow no later than 9:00 a.m., Friday, 10/18, with a copy to this office. Thanks.

RESPONSE:

Comments from Cabinet Affairs are attached.

Thanks,

Elizabeth Luttig

PHILLIP D. BRADY
Assistant to the President
and Staff Secretary
Ext. 2702

THE WHITE HOUSE
WASHINGTON

October 17, 1991 31 OCT 17 P7:24

INFORMATION

MEMORANDUM FOR THE PRESIDENT

THROUGH: DAVID DEMAREST
TONY SNOW *TS*

FROM: DAN MCGROARTY *DMG*

SUBJECT: CLARENCE THOMAS SWEARING-IN CEREMONY

I. SUMMARY

On Friday, October 18, at 2:00 p.m., you will deliver remarks (6 minutes, on cards) to an audience of approximately 1,000 people on the South Lawn. The audience will include members of the Cabinet, Congress, and friends and family of Clarence Thomas.

II. DISCUSSION

Your remarks highlight the promise Thomas holds as a Supreme Court Justice -- specifically as a man who has served this country well as a public servant and as a justice who will champion the Constitution.

NOTE: This draft is in simultaneous staffing to senior staff.

McGroarty/Nix
October 17, 1991
7:00 pm
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→ Let me welcome the many ^{my} members of Congress and my Cabinet. Friends of Judge Thomas who have worked with him here in Washington -- and let me single out Senator Jack Danforth, a man every American would be proud to call friend. / The many → members of Clarence Thomas's family here today: his wife Ginnie and son Jamal. Clarence's mother, Mrs. Leola Williams. [Sister, brother.] The cousins -- whether they're first, second, third or fourth -- all the aunts and uncles and friends, some of whom drove all the way up from Pin Point, Georgia to be here this afternoon. 600 long miles -- but they would have driven 6000 miles to share this proud day. //

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Attorney General of the State of Missouri; in the United States Senate, as Legislative Assistant to Senator Danforth; in the Executive Branch as Assistant Secretary of Education and Chairman of the EEOC; and as Judge ^{of} ~~on~~ the U.S. ~~District~~ Court of Appeals. ^{for the District of Columbia Circuit}
 Each position will serve him well on the Court -- sharpening his vantage point on the many questions that come before him. //

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Clarence Thomas -- Mr. Justice Thomas: congratulations. I
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#

WILLIAM F. BUCKLEY JR.

Thomas: Beyond the black monolith

The 24 hours after the nomination of Clarence Thomas were great fun, with everybody in sight speaking in the Aesopian mode, their mouths saying one thing, their eyes something a little different. And our dear president was no exception.

George Bush said that the race of Clarence Thomas was "not the factor" in his selection, which is a little like saying that Cleopatra's body was not a factor in her selection by Antony. The president went further: "He is the best man."

We have got to assume that there is one other lawyer in America, maybe even two, who are "better" than Judge Thomas, according to generally acknowledged criteria — experience, learning, intelligence. Moreover, said Bush, Thomas is a "fiercely independent thinker."

That phrase, for reasons that don't come readily to mind, is supposed to be a high compliment. I don't know why. Hitler was a fiercely independent thinker; so was John Brown. I prefer the maxim that goes: If it's true, it's not new. If it's new, it's not true.

And then, among the instant critics of the choice of Thomas, Eleanor Holmes Norton was everywhere. National Public Radio, PBS — I am certain she was talking about the shortcomings of Judge Thomas to the sleepy bartender at 3 in the morning.

Her line is very interesting. You see, what we should want, in a black Supreme Court justice, is someone who has had the experience of an American black.

But isn't this exactly what Clarence Thomas has had? A very poor boy, deserted by his father? The only routine experience of an American black he hasn't had is a crush on Jesse Jackson.

Well, yes, but the point is that he hasn't had the kind of experience that led him to thinking like Thurgood Marshall or like Eleanor Holmes Norton, if you see what I mean, and Jim Lehrer did see what she meant when he said to her, "Would you rather have a white liberal on the court than a black conservative?" to which she answered, "Of course!" — releasing us from the logjam of her strictures about the ideal background for an American black going to the court.

Alan Keyes, the brilliant black intellectual who served as an assistant secretary of state for Ronald Reagan, punctured the quota argument. This was a little twist the liberals had been playing with, beginning at the presidential press conference at

which Thomas was launched.

It goes like this: A is opposed to quotas. A nominates a black to succeed a black on the court. Therefore, A is actually in the quota business. The distinction, said Keyes, is between representation and quotas. There is nothing un-American (or unconstitutional) in seeking variety, when the time comes to staff a government agency. It is perfectly rational to say, for example, that women are underrepresented in Congress. It is something quite different to say that Congress ought to be 51 percent female. The explanation need go no further than exactly that.

Bush has accomplished something quite other than bringing to the Supreme Court someone who appears to be a promising jurist. He has done more in one day to remind the nation and above all to remind black Americans that it is incorrect to think of the black population as a monolith. Blacks tend to vote the way they do because the Democratic Party has perfected instruments of seduction that tend to attract, dealing as they do in victimology.

Black leaders like Benjamin Hooks and Jesse Jackson are constantly engaged in stressing the black race's helplessness in the hands of the oppressive white race. But it is quite wrong to suppose that the situation is frozen, that blacks are immovable on the subject. Gov. Thomas Kean had the support in New Jersey of the majority of the state's blacks. New York Rep. Charles Rangel told me one night with impish glee how lucky the Democrats were that George Bush hadn't named another vice-presidential candidate: "If he had named Colin Powell, the Democrats could have kissed the black vote goodbye."

Bush has picked a black man of true distinction, forever to divide the political monolith.

The point was best made in an op-ed piece appearing in the Los Angeles Times in 1982: "There seems to be an obsession with painting blacks as an unthinking group of automatons, with a common set of views, opinions and ideas. Anyone who dares suggest that this may not be the case or has a viewpoint that disagrees with the 'black viewpoint' is immediately cast as attacking the black leadership or as some kind of anti-black renegade. We certainly cannot claim to have progressed much in this country as long as it is insisted that our intellects are controlled entirely by our pigmentation." Those words were written by Clarence Thomas.

FRIDAY, JULY 12, 1991

A man for this season

FI

WARREN BROOKES

In politics, timing is almost as important as substance. President Bush's nomination of Judge Clarence Thomas to the Supreme Court has both. But contrary to critics, it is in no way a rebuke to retiring Justice Thurgood Marshall. Indeed, without the legacy of Justice Marshall, both the great and the not so great, Clarence Thomas might not now be the likely next justice of the Supreme Court.

Just as Justice Marshall was the man for his time, leading the essential charge for civil rights for black Americans in a nation where racial discrimination was official policy, so now Judge Thomas is the right man for this time, when official policies of racial preference — promoted in part by Justice Marshall — threaten the essential fabric of racial integration and harmony. Sadly, such a large constituency has developed around those dangerous policies, and so many so-called "black leaders" have argued for them. Judge Thomas is seen as much of a threat to their turf today, as Justice Marshall appeared to the segregationists of his time.

This is why a campaign of disinformation has already started similar to that waged against Judge Robert Bork. Three areas of criticism merit examination: First, and foremost, knowing that Judge Thomas' life career, not to mention his exemplary personal character and temperament, stand as a powerful rebuke to any white liberal presuming to judge his "sensitivity" on civil rights, the attack has shifted to the even more inflammatory issue of abortion. We don't know how Judge Thomas would vote on Roe vs. Wade. We do know the premise on which abortion rights folks are now attacking him is false, namely that he is, as

Virginia Gov. Douglas Wilder said the other day "a devout Roman Catholic." "I don't know where they got that," Judge Thomas told us, "perhaps because I was schooled by Catholic nuns, and attended Holy Cross. But the fact is, I am not a Catholic. Currently I am attending the Episcopal Church."

That does not mean that Judge Thomas does not share most Christians' skepticism about the morality of abortion, but his views cannot be

prejudged based on something he isn't. Indeed, one of the strongest pro-choice advocates is a Roman Catholic: Sen. Joseph Biden, chairman of the Judiciary Committee.

The second point of attack is Judge Thomas' alleged "insensitive and questionable enforcement record" at the Equal Employment Opportunity Commission. This is one of the most fraudulent charges of all. In the first place, when Judge Thomas took over this agency, it was by far the most disorganized and

chaotic operation ever seen in Washington where such conditions are the norm. One of Judge Thomas' most strident black critics is D.C. Delegate Eleanor Holmes Norton, his predecessor at the EEOC, of whose management stewardship the General Accounting Office was hugely critical, concluding in 1982 the internal record keeping of that agency was so bad that "EEOC faces a formidable task in correcting the operational deficiencies that allowed the unreliable records to develop."

Agency records weren't even computerized. Mrs. Norton, incidentally, very nearly lost an election in 1990 when it came out that her husband had repeatedly failed to file income tax returns to the Internal Revenue Service, and she pleaded ignorance. More to the point, under Judge Thomas, not only was EEOC fully computerized, and records brought up to date, but court actions filed on behalf of plaintiffs rose from less than 250,000 in 1982 to more than \$60,000. That's hardly "insensitivity."

Overall, the EEOC data reflect the fact that Judge Thomas was an energetic manager and prosecutor of legitimate (as opposed to frivolous) EEOC actions. The one area where Judge Thomas' performance has been most severely questioned is in age discrimination cases, whose backlog reached critical mass in

1987, precipitating a witchhunt by Sen. John Melcher, Montana Democrat, in 1987-88 that was so grossly ham-handed it contributed to his own loss in his 1988 Senate re-election bid. At least part of that backlog problem can be traced both to the chaotic records mess Judge Thomas inherited, and to the fact that Congress repeatedly appropriated less

for EEOC than even the Reagan administration requested.

The final area of disinformation is that Judge Thomas is a conservative ideologue. That charge should have been laid to rest by Mark Gitenstein, a liberal, former Senate Judiciary counsel, who now heads the Foundation for Change, a Washington think tank, who told the Legal Times in October 1989, "In my view, in the context of this administration, Mr. Thomas is a moderate, pragmatic, reasonable nominee." That echoes the sentiments of Carter-appointed Judge Damon Keith on the 6th U.S. Circuit Court of Appeals in Detroit, a black liberal who nevertheless said, "If I or a member of my family were in trouble, he is the kind of person I'd like to appear before."

In an interview with Dinesh D'Souza for the Wall Street Journal, Judge Keith called Judge Thomas "a bright and reflective man who believes passionately in fairness. I say this without reservation and in full knowledge of all the people who complain about him." Indeed, for making this statement, Judge Keith has been the target of angry phone calls from around the country.

Yet an examination of Judge Thomas' record and writings confirm one of the ironies of his career: He was accused of being too "moderate" both by members of the Reagan administration and by civil rights activists. The reason is simple. Judge Thomas deeply believes in affirmative action for qualified individual minorities, but equally strongly opposes the notion of groupwide remedies like quotas.

This puts Judge Thomas right where the American people are. There is no toleration in the general public either for discrimination or for racism. There is equally no sympathy for group "victimization" remedies. The backlash against such policies, very nearly gave us a Ku Klux Klan member of the U.S. Senate in 1990, and has triggered an outbreak of renewed racism in recent years that belies otherwise tremendous progress in overall race relations.

Judge Thomas stands as living proof that in a colorblind society that the Rev. Dr. Martin Luther King preached, even the poorest black American can rise by the sheer quality and character of his life, out of a Savannah, Ga., sharecropper neighborhood to the highest court in the land. He has also vindicated Thurgood Marshall's original struggle for equality before the law: His appointment has breathtaking symbolic as well as substantial value. Just as Thurgood Marshall was a man for his time, Clarence Thomas appears to be heaven-sent for this one.

The Evening Sun

Baltimore, Friday, July 12, 1991

Fear and loathing of Clarence Thomas

PRESIDENT Bush's nomination of Judge Clarence Thomas to the U.S. Supreme Court has prompted vehement, sometimes reckless denunciations from the political left.

Patricia Ireland, executive vice president of the National Organization for Women (NOW), labeled Thomas an "extremist." Harvard law professor Derrick Bell accused

**Betsy
Hart**

Bush of "gross tokenism in the appointment of a black who is a conservative and shares the views of upper-class whites." Ellen Convisser, president of

NOW's Massachusetts chapter, and Virginia Gov. Douglas Wilder expressed serious concern that Thomas might be too Catholic. Feminist attorney Flo Kennedy said of Thomas, "We must kill him politically," and Arthur Kropp, president of People for the American Way, said he "could hardly imagine a more troubling choice" for the high court.

What may trouble Kropp and company most is the fact that Thomas was born black and poor in the heart of the segregated South. Yet without benefit of quotas, set-asides or special privileges, he rose above it. But why are the liberals hurling such attacks at Thomas, a man who humbly said when accepting Bush's nomination to the court, "As a child, I never dreamed I would see the Supreme Court, much less be nominated to it"?

The answer lies not in the fact that Thomas would drastically change the direction of the court. After three landslide elections of presidents who promised to put conservative justices on the Supreme Court, a majority committed to upholding the Constitution and letting the democratic process decide political issues already is in place. No, the real reason activist liberals oppose Thomas is because he affirms those values they have attacked for the last 30 years, standing firmly against the dehumanizing racial politics of quotas, affirmative action and other "group remedies" sponsored by the left.

Indeed, with Thomas on the high court, the political debate might fundamentally change in the United States. We might, after all, be able to rise above the divisive politics of race and gender and debate such fundamentals as individual liberty vs. gov-

ernment power and personal responsibility vs. group entitlements.

Though Thomas would join a conservative majority already on the court, he would add one entirely new dimension: He would challenge the "moral monopoly" the left has exercised over blacks, other minorities and women. The monopoly view is to classify people according to their alleged group "victimization" status, and then present each group as a monolith in its thinking, allowing for no differences or debate.

The left seems to think that no one, except a white male, is capable of succeeding on his or her own, so it demands that group members be awarded rights and handouts based only on their group membership, not on any individual initiative or merit. The civil rights and feminist establishment base their political agendas on such views.

The problem for the left is that Thomas threatens to expose such follies. Soon, an African-American of humble origins might be sitting on the highest court in the land, interpreting, upholding and honoring the Constitution — proclaiming, if his previous writings are any indication, that the best

way to overcome discrimination and bias is not to advance it through race-based government action, but to apply the law equally to all individuals. The left is afraid that Thomas has escaped from the liberal plantation and will now shed light on the lies used to keep minorities and women enslaved there.

For too long, debate in the United States has been dominated by self-appointed group spokesmen. Thomas' presence on the high court would open debate by focusing new attention on individuals who don't think like their group "leaders" say they should, and then emboldening them to become part of the political process.

The liberals should be apprehensive: with more issues returned to the American people to be decided through democratic means, and the political process opened up to debate from new and different voices, many liberals will find themselves without "groups" to speak for.

Betsy Hart is director of lectures and seminars at the Heritage Foundation in Washington.

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

October 16, 1991

REMARKS BY THE PRESIDENT
IN PHOTO OPPORTUNITY WITH SELECT HOUSE MEMBERS

The Cabinet Room

10:04 A.M. EDT

Q Where are the women?

Q New meaning to Helen's question.

Q Mr. President, are you going to speak to the nation about the process of confirmation?

THE PRESIDENT: Well, I'm going to have something to say. Whether I speak to the nation about it, and -- if you mean an Oval Office and that, I don't know about that; there's no decision. But I think I owe the people my observations and, more importantly, some suggestions to improve the process. That comes under the heading of the Senate business clearly, but I have some views and there is some interaction between the administration, obviously, and the Senate.

So we're thinking -- going to get working on some ideas, flushing out some and, clearly, I'll go public with it. How I do it is yet to be determined.

Q And how soon?

THE PRESIDENT: Well, that hasn't been determined yet, but fairly soon, I'd say, because I think it's fresh in people's minds.

Q Today?

THE PRESIDENT: No, you won't have anything --

Q You're not going to tie this in with the swearing-in, are you, sir?

THE PRESIDENT: Do what?

Q You wouldn't tie that in with the swearing-in?

THE PRESIDENT: No. I want to go forward with the swearing-in as soon as possible. There's a vacancy on the Court and we haven't decided on a firm time for that, but it will be very soon indeed, if that is agreeable to soon-to-be Mr. Justice Thomas.

Q Are you going to clamp down on the use of FBI reports or sharing of those with the Hill?

THE PRESIDENT: I don't want to prejudge what I'm going to say. But I think there's general agreement around the country and certainly in the Senate that the present process is simply not fair. And I think senators on both sides of the aisle are going to want to see changes in several areas.

MORE

Thank you all very much.

Q Including use of FBI reports?

THE PRESS: Thank you.

END

10:07 A.M. EDT

Allen Moore

The Clarence Thomas I Know

I have been reading and hearing a lot about Clarence Thomas these days. Some of it makes me wonder: Can this be the same Clarence Thomas who worked for me in Jack Danforth's office 12 years ago and has been my friend ever since?

The man I read about has been called an "arch-conservative" who has "forgotten where he came from," who believes "affirmative action is like heroin," whose seven years as chairman of the Equal Employment Opportunity Commission were "the most retrograde in its history," whose first marriage ended in a "messy divorce that deserves scrutiny," whose "opposition to abortion is well-known," whose "allegiance to the pope" should be examined, whose actions are "guided by political calculation," and who is "harshly judgmental and self-righteous rather than compassionate and empathetic."

The Clarence Thomas I know is a caring, decent, honest, bright, good-humored, modest and thoughtful father, husband and public servant who has already come farther in 43 years than most of us will in a lifetime.

The president did his nominee no favor when he said race was not a factor in the nomination. Of course it was, and Thomas readily admits it, just as he acknowledges that race played a role in

as chairman, and just as it did when he was nominated and confirmed to his seat on the D.C. Circuit Court of Appeals. The record will speak for itself, but someone should also look inside the agency to find out how people feel about Thomas the man and the leader.

Evan Kemp, his successor as chairman, marvels at what Thomas did with a historically underfunded agency that saw its budget cut nine out of 10 times in the 1980s. (Usually Congress cut the president's request, then beats up the agency for its budget-related shortcomings.) Clarence Thomas inherited a poorly managed, dispirited agency whose employees were embarrassed to admit where they worked. His legacy, according to Kemp, is that employees are now proud to work at the EEOC and even named the new headquarters building after him. Nonetheless, says Kemp, "Clarence won't get the credit that is his due; I will." People throughout the agency sing Thomas's praises—his dedication, his professional standards, his extraordinary sensitivity to and support of the "little people," and his inspiration to employees at all levels.

The suggestion that his actions have been politically motivated is laughable. This is not a political animal. His passionate, behind-the-scenes

his selection for other jobs along the way. He has never denied his indebtedness to, or admiration for, those, such as Justice Thurgood Marshall, who helped open such doors. He does not blindly oppose the notion of taking race into consideration for hiring, promotion or admissions decisions. What he does oppose are rigid numerical goals and quotas, which he considers divisive and unfair.

When he gets a chance to fully explain his views in Senate hearings, he will challenge his listeners to think beyond platitudes and conventional orthodoxy. Clarence Thomas has always supported the idea of giving preferential treatment to the truly disadvantaged, especially minorities, rather than to those from middle- or upper middle-class backgrounds who happen to be members of a targeted minority group. To do otherwise risks stigmatizing those favored—to make it appear as if they are incapable of competing fairly. It also can put the unprepared in situations where they are destined to fail. "God helps those who help themselves," Clarence might say, encouraging self-help and self-reliance. Martin Luther King Jr., Malcolm X and Jesse Jackson have stressed such themes.

Regarding his feelings about the pope, I believe Clarence stopped being a practicing Catholic

when he left the seminary almost 25 years ago. In recent years, he has attended a Methodist church, a Christian church and, most recently, an Episcopal church.

I don't know how he feels about abortion. I would be very surprised if he didn't have an opinion on *Roe v. Wade*. Many liberals and conservatives on both sides of the abortion issue acknowledge the vulnerability of that decision on purely legal grounds, but I personally would bet the ranch on how he would come down on the issue.

I know something about Thomas's first marriage because I spent many hours talking to him as it broke apart. He was tormented about breaking his wedding vows and about the impact of the divorce on his young son. He sought me out for advice because I was a divorced father with two well-adjusted children. His divorce was handled amicably, with Clarence given undisputed primary custody of his children. Both parents have played a major role in the upbringing, and all parties have great respect for each other.

Clarence's record as EEOC chairman deserves close scrutiny, just as it did when he was first nominated and reconfirmed for a second

battles with the White House and Justice Department conservatives during the Reagan years were hardly politic. In addition, several times through the years, I strongly advised him to approach his detractors both on and off the Hill. "They attacked me without knowing the facts," he would say, "and it would be hypocritical to approach them." This is a man who advanced in a political environment in spite of, not because of, his political skills.

Perhaps the most absurd charge leveled at Thomas is that "he forgot where he came from." Thomas's professional and personal life, not to mention his conscience, wouldn't permit him to forget his roots if he wanted to. Neither would the world around him. After lunch a few weeks ago, he and I were strolling around downtown Washington. He suddenly realized he was late for an appointment and asked me (I'm white) to hail him a cab.

"I have trouble getting a cab downtown, and it's virtually impossible in Georgetown," he said, jumping into the taxi I had flagged down as the driver mouthed an obscenity in my direction.

The writer was principal policy adviser to Sen. John C. Danforth (R-Mo.) for 11 years.

CLARENCE THOMAS

From Thomas hearings: Thomas said that his grandfather used to tell him, "Give out, but don't give up."

Calvin Coolidge said, "No person was ever honored for what he received. Honor has been the reward for what he gave."

Although he presided unofficially over the August term of the Court, his nomination as chief justice was rejected by the Senate in December 1795 because of his public opposition to the Jay Treaty with England.

Rutledge attempted to drown himself after hearing news of his Senate rejection and suffered lapses of sanity until the end of his life. He died in July 1800 at the age of sixty.



Library of Congress

William Cushing (1789-1810)

Born: March 1, 1732, Scituate, Massachusetts.

Education: graduated Harvard, 1751, honorary LL.D., 1785; honorary A.M., Yale, 1753; studied law under Jeremiah Gridley; admitted to the bar in 1755.

Official Positions: judge, probate court for Lincoln County, Massachusetts (now Maine), 1760-1761; judge, Superior Court of Massachusetts Bay province, 1772-1777; chief justice, Superior Court of the Commonwealth of Massachusetts, 1777-1780, Supreme Judicial Court, 1780-1789; member, Massachusetts Constitutional Convention, 1779; vice president, Massachusetts Convention, which ratified U.S. Constitution, 1788; delegate to electoral college, 1788.

Supreme Court Service: nominated associate justice by President George Washington September 24, 1789; confirmed by the Senate September 26, 1789, by a voice vote; served until September 13, 1810; replaced by Joseph Story, nominated by President James Madison.

Family: married Hannah Phillips, 1774.

Died: September 13, 1810, Scituate, Massachusetts.

Personal Background

William Cushing was a member of one of the oldest and most prominent families of colonial Massachusetts. He was descended on his mother's side from John Cotton, the seventeenth-century Puritan minister. Both his father and grandfather served in the government of the Massachusetts Bay province.

Cushing graduated from Harvard in 1751. After teaching for a year in Roxbury, Massachusetts, he began studying law under Jeremiah Gridley in Boston. In 1755 he set up a private practice in his home town of Scituate.

In 1760 Cushing moved to what is now Dresden, Maine, to become justice of the peace and judge of probates. He was not an accomplished lawyer and seemed unable to make decisions. Before long, he had lost most of his corporate business to other lawyers. In 1774 Cushing married Hannah Phillips of Middletown, Connecticut.

Cushing is known as the last American judge to wear a full wig, a habit he did not abandon until 1790.

Public Career

When Cushing's father, John Cushing, decided to retire from the provincial superior court in 1772, he insisted that his son succeed him as judge. Although William Cushing was not the colonial government's first choice, he nonetheless was appointed to the position that year.

In 1774 Cushing reluctantly allied himself with the colonials by refusing to accept his salary through the British government. Although his decision did not come until the state legislature began preparing impeachment proceedings against him, he now began to be perceived as a supporter of the revolutionary cause. This belief was strengthened when he was denied a seat on the governor's council because of his stand.

In 1775 the new revolutionary government of Massachusetts reorganized the judicial system but retained Cushing as senior associate justice of the superior court. In 1777 he was elevated to chief justice.

Although Cushing played only a small role in the state constitutional convention of 1779, he actively supported ratification of the Constitution. He also served as vice president of the state convention that ratified the document in 1788.

Cushing was one of Washington's original appointees to the Supreme Court in 1789. In 1794 he was persuaded to run against Samuel Adams for governor of Massachusetts—while retaining his Court seat—but lost by a two-to-one margin. In 1795 he declined an offer from Washington to succeed John Jay as chief justice. As senior associate justice, however, he presided over the court when Chief Justice Ellsworth was absent.

Cushing remained on the bench until his death in 1810, the longest term of the original members of the Court.



Library of Congress

James Wilson (1789-1798)

Born: September 14, 1742, Caskardy, Scotland.

Education: attended University of St. Andrews (Scotland); read law in office of John Dickinson; admitted to the bar in 1767; honorary M.A., College of Philadelphia, 1776; honorary LL.D., 1790.

Official Positions: delegate, first Provincial Convention at Philadelphia, 1774; delegate, Continental Congress, 1775-1777, 1783, 1785-1787; delegate, U.S. Constitutional Convention, 1787; delegate, Pennsylvania convention to

ratify U.S. Constitution, 1787.

Supreme Court Service: nominated associate justice by President George Washington September 24, 1789; confirmed by the Senate September 26, 1789, by a voice vote; served until August 21, 1798; replaced by Bushrod Washington, nominated by President John Adams.

Family: married Rachel Bird, November 5, 1771, died 1786, six children; married Hannah Gray, September 19, 1793, one son died in infancy.

Died: August 21, 1798, Edenton, North Carolina.

Personal Background

James Wilson was born in the Scottish Lowlands, the son of a Caskardy farmer. Although the family had little money, his devout Calvinist parents were determined that James be educated for the ministry.

After study in local grammar schools, Wilson at fourteen won a scholarship to St. Andrews University and matriculated in the fall of 1757. During his fifth year, he entered the university's divinity school but was forced to leave for financial reasons when his father died.

To help support his family, he took a job as a private tutor but left the position to study accounting and book-keeping in Edinburgh. In 1765 he decided against becoming a clerk and sailed for America.

After studying law in the new country, Wilson became one of its foremost legal scholars. Described as a man of extreme energy, he was driven by a desire for wealth and fame, constantly involved in various speculation schemes, primarily in land. He was part-owner of the Somerset Mills on the Delaware River and president of the Illinois and Wabash Company, which had vast western land holdings.

From 1777 to 1787 Wilson devoted most of his energy to developing new business interests. As his financial commitments built, he continued to seek new investments. But the credit cycle eventually caught up with Wilson. As an associate justice, he traveled the southern circuit in constant fear of being thrown in jail for bad debts.

Public Career

Wilson arrived in Philadelphia in the fall of 1765 and immediately obtained a tutorship at the College of Philadelphia. Teaching tired him, however, and he saw a better opportunity in law. He soon began reading law in the office of John Dickinson, a prominent attorney who had studied at the Inns of Court.

In 1768 Wilson opened private practice in Reading, Pennsylvania. Two years later, he moved west to Carlisle, where his practice expanded rapidly. By 1774 he was practicing in seven counties, specializing in land law.

In 1775 Wilson was elected a delegate to the Continental Congress, where he served on several committees. He aligned himself with other members of the Pennsylvania delegation in opposing separation from England. In the end, however, he followed the state assembly's instructions and signed the Declaration of Independence.

Wilson's opposition to the Pennsylvania constitution of 1776 attracted criticism from state populists and earned him a reputation as a conservative aristocrat. That reputation grew when he developed an active practice in Philadelphia defending wealthy Tories and other rich businessmen. In 1779 he was forced to barricade his home against an armed attack by a riotous mob angered over high inflation and food shortages. He eventually had to go into hiding.

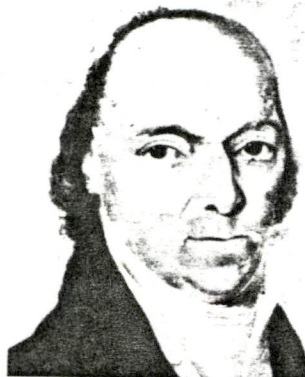
At the Constitutional Convention in 1787, Wilson was a member of the committee of detail, responsible for writing the first draft of the Constitution. Although his populist foes refused to believe it, Wilson was a fervent advocate of popular sovereignty and democracy who supported popular election of the president and members of both the Senate and House. One of the first to envision the principle of judicial review, Wilson fought for a strong national judiciary and a powerful presidency. He saw no conflict between the ideal of popular rule and a strong national government because, in his view, the national government existed only by virtue of the popular will. Wilson is credited with incorporating this idea of popular sovereignty into the Constitution.

As the new national government was being formed, Wilson hoped for federal office and offered his name to Washington as chief justice of the new Supreme Court. Washington appointed John Jay instead and named Wilson an associate justice.

Of the original Washington appointees to the Supreme Court, Wilson was its most accomplished legal scholar. A pamphlet he had published in 1774 presaged the concept of "dominion status" that serves today as the official guiding principle of the British Commonwealth.

His defense of the Bank of North America in 1785 anticipated constitutional opinions delivered by Chief Justice Marshall at least twenty-five years later. In 1964 Associate Justice Hugo Black cited Wilson in *Wesberry v. Sanders* as a supporting source for the "one-man-one-vote" principle.

Around 1796 Wilson's investment schemes began to collapse around him. While riding circuit, he was chased by angry creditors who caught up with him at least once and had him jailed. He then sought refuge in Edenton, North Carolina—the hometown of fellow justice James Iredell—but was soon discovered and imprisoned again. Eventually released, he remained in Edenton in ill health. He died at fifty-five in a dingy inn next to the Edenton Court House.



Library of Congress

John Blair, Jr.
(1789-1796)

Born: 1732, Williamsburg, Virginia.

Education: graduated with honors from College of William and Mary, 1754; studied law at Middle Temple, London, 1755-1756.

Official Positions: member, Virginia House of Burgesses, 1766-1770; clerk, Virginia Governor's Council, 1770-1775; delegate, Virginia Constitutional Convention, 1776; member, Virginia Governor's Council, 1776; judge, Virginia General Court, 1777-1778; chief justice, 1779; judge,

two U.S. senators. His administrative skills were immediately put to use as he helped draft the first set of Senate rules and organize the army, a U.S. Post Office, and a census. Ellsworth engineered the conference report on the Bill of Rights and helped draft the measure that admitted North Carolina to the Union. It was Ellsworth's idea to force Rhode Island to join the federation by imposing an economic boycott.

A staunch supporter of Hamilton's monetary policies, Ellsworth had by this time become a strong Federalist. His most important work in the Senate came when he was chosen to head a committee to draft a bill organizing the federal judiciary. The bill, which provided for the Supreme Court, the district courts, and the circuit courts, became the Judiciary Act of 1789.

When John Jay resigned as chief justice in 1795, President Washington appointed John Rutledge as his successor. The Senate refused to confirm Rutledge, however, and Washington chose to elevate Associate Justice William Cushing. When Cushing declined, the nomination fell to Ellsworth.

Ellsworth had been on the Court only three years when President Adams sent him to France with two other envoys in an effort to soften hostilities between France and the United States. The mission, plagued by transportation difficulties and only partially successful, took its toll on Ellsworth's health.

Before returning home, Ellsworth notified Adams of his resignation as chief justice. He lived on his estate in Windsor until his death in 1807.



Library of Congress

Bushrod Washington (1798-1829)

Born: June 5, 1762, Westmoreland County, Virginia.
Education: privately tutored; graduated College of William and Mary, 1778; read law under James Wilson; member, Virginia bar; honorary LL.D. degrees from Harvard, Princeton, and University of Pennsylvania.
Official Positions: member, Virginia House of Delegates, 1787; member, Virginia convention to ratify U.S. Constitution, 1788.
Supreme Court Service: nominated associate justice by President John Adams December 19, 1798, to replace James Wilson, who died; confirmed by the Senate December 20, 1798, by a voice vote; served until November 26, 1829; replaced by Henry Baldwin, nominated by President Andrew Jackson.
Family: married Julia Ann Blackburn, 1785; no children.
Died: November 26, 1829, in Philadelphia, Pennsylvania.

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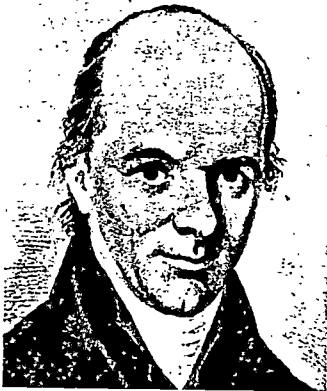
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ington "are commonly estimated as a single judge." Washington disagreed with Marshall only three times during the twenty-nine years they were on the Court together.



Library of Congress

**Alfred Moore
(1799-1804)**

Born: May 21, 1755, New Hanover County, North Carolina.

Education: educated in Boston; studied law under his father; received law license, 1775.

Official Positions: member, North Carolina legislature, 1782, 1792; North Carolina attorney general, 1782-1791; trustee, University of North Carolina, 1789-1807; judge, North Carolina Superior Court, 1799.

Supreme Court Service: nominated associate justice by President John Adams, December 6, 1799, to replace James Iredell, who died; confirmed by the Senate December 10, 1799, by a voice vote; resigned January 26, 1804; replaced by William Johnson, nominated by President Thomas Jefferson.

Family: married Susanna Eagles.

Died: October 15, 1810, Bladen County, North Carolina.

Personal Background

Alfred Moore was the son of a North Carolina colonial judge. He was descended from Roger Moore, a leader of the 1641 Irish Rebellion, and James Moore, governor of South Carolina in the early eighteenth century.

Seeking the best education for their son, Moore's parents sent him to school in Boston. After completing his studies there, Moore returned home and read law under his father. At the age of twenty he was licensed to practice law.

During the Revolution Moore served as a captain in a Continental regiment commanded by his uncle, Colonel James Moore. He saw action in several successful battles, but, after his father died in 1777, left the army and returned to the family plantation to be with his mother. He continued his activities against the British by joining the local militia and participating in raids on troops stationed in Wilmington. The British plundered his property in retaliation.

Public Career

Following brief service in the North Carolina legislature, Moore became state attorney general in 1782, succeeding James Iredell, his predecessor on the Supreme Court, and during that time became a leader of the state bar. In one major case, Moore argued in support of the

North Carolina Confiscation Act, which allowed the state to confiscate all land that had been abandoned by Loyalists during the Revolution.

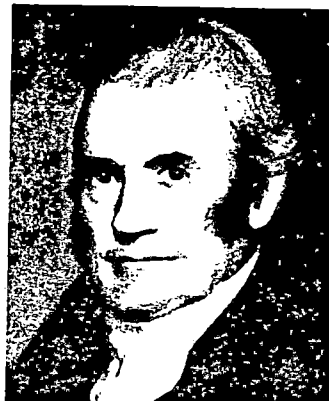
A strong Federalist, Moore lost election as a delegate to the state constitutional ratifying convention, but was instrumental in getting the state finally to approve in 1789.

Moore resigned as attorney general in 1791 when the state legislature created a new office of solicitor general, giving it the same powers and salary as the attorney general. Moore claimed the new office was unconstitutional.

In 1792 Moore was elected to the state legislature again, but three years later lost a race for the U.S. Senate by one vote in the legislature. In 1798 he was appointed by President John Adams as one of three commissioners to negotiate a treaty with the Cherokee Indians, but he withdrew from the discussions before the treaty was signed. In 1799 he served as a judge on the North Carolina Superior Court.

When Justice James Iredell died in 1799, Adams looked to North Carolina for a replacement. William R. Davie was apparently the first choice, but he had just been made a diplomatic agent to France, so the nomination went to Moore.

Moore exerted little influence during his five years on the Court and wrote only one opinion. He resigned in 1804, citing ill health, and returned home to work on the development of the University of North Carolina. He died in North Carolina on October 15, 1810, at the home of his son-in-law.



Library of Congress

**John Marshall
(1801-1835)**

Born: September 24, 1755, Germantown, Virginia.

Education: tutored at home; self-taught in law; attended one course of law lectures at College of William and Mary, 1780; member, Phi Beta Kappa.

Official Positions: member, Virginia House of Delegates, 1782-1785, 1787-1790, 1795-1796; member, Executive Council of State, 1782-1784; recorder, Richmond City Hustings Court, 1785-1788; delegate, state convention for ratification of federal Constitution, 1788; minister to France, 1797-1798; U.S. representative, 1799-1800; U.S. secretary of state, 1800-1801; member, Virginia Constitutional Convention, 1829.

Supreme Court Service: nominated chief justice by President John Adams January 20, 1801, to replace Oliver Ellsworth, who resigned; confirmed by the Senate January 27, 1801, by a voice vote; served until July 6, 1835; replaced by Roger B. Taney, nominated by President Andrew Jackson.

Let every American, every lover of liberty, every well-wisher to his posterity swear by the blood of the Revolution never to violate in the least particular the laws of the country, and never to tolerate their violation by others.

—LINCOLN, Abraham, Address Before The Young Men's Lyceum Of Springfield, Illinois, January 27, 1837, in *I Complete Works of Abraham Lincoln*, Edited by John G. Nicolay and John Hay (New York: Francis D. Tandy Company, 1894), pp. 42-43.

• • •

Thus ended this brief and fruitful exercise of overwhelming force against a weak and ancient state. Britain and Russia were fighting for their lives. *Inter arma silent leges*. We may be glad that in our victory the independence of Persia has been preserved.

—CHURCHILL, Winston S., *The Second World War: The Grand Alliance* (Boston: Houghton Mifflin Company, 1950), p. 482.

• • •

It is emphatically the province and duty of the judicial department to say what the law is.

—MARSHALL, John, in *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803).

• • •

The law book looks with tender eyes on the will of an aged person and in the absence of the clearest and most convincing proof of invalidity the courts will uphold it.

—HEFFERNAN, Christopher J., *In re Beneway's Will*, 272 App. Div. 463, 71 N.Y.S. 2d 361 (3rd, 1947).

• • •

Still you keep o' th' windy side of the law.

—SHAKESPEARE, *Twelfth Night*, III, 4.

• • •

Law has always been unintelligible, and I might say that perhaps it ought to be. And I will tell you why, because I don't want to deal in paradoxes. It ought to be unintelligible because it ought to be in words—and words are utterly inadequate to deal with the fantastically multifarious occasions which come up in human life. . . .

—HAND, Learned, "Thou Shalt Not Ration Justice" 9 *Brief Case*, (No. 4, 1951), pp. 4-5.

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Even when laws have been
remain unaltered.

—ARISTOTLE, *Politica*
trans., Oxford: The Clarendon

LAW AND ORDER

Our defense is not in a
ground. Our defense is in
—EINSTEIN, Albert,

New York Times Magazine

Thus law and order are
Negro children of their
—WARREN, Earl, in *...*

It is the capacity to co-
for power. The force of
untary compliance—is
eralizing influence. In
sense is the very fabric
of the millennium.

—COX, Archibald, *Four
Rights, the Constitution*
Harvard University Press

LAW OFFICE

He considered that the
necessity for the young
his own good fortune

—MARJORIBANKS,
millan Company, 1951

*Criticize in the morning
around five o'clock,*

My friendship with Thomas tells me he is a good choice



**ALPHONSO
JACKSON**

While thumbing through newspapers and listening to television since President Bush nominated Clarence Thomas to the U.S. Supreme Court, I have been quite offended by the unwarranted labeling, outrageous charges and ludicrous judgments made against the appeals court judge.

The Clarence Thomas I know is a self-made man who has worked enormously hard to get where he is today. He will serve the Supreme Court well. Not through "Uncle Toming," buying his way to the top or being a "token," as some have suggested; but through his own strength of character, perseverance and strong belief in the American dream. I should know — I have known him for

almost 20 years.

Clarence and I were introduced in the early '70s by John C. Danforth, then the Missouri attorney general and now the state's senior U.S. senator. Since that time, he and I have become good friends. Most of our earlier moments together were spent in St. Louis with our good friend Larry Thompson, now a partner at King & Spalding in Atlanta.

Later, our political careers took us to Washington, where Clarence became chairman of the federal Equal Employment Opportunity Commission and I headed the district's Department of Public and Assisted Housing. There we spent countless hours debating politics and disagreeing on issues; but, through the years, we remained loyal friends and philosophically in tune.

That is why I am convinced the allegations being made against Clarence Thomas are merely quick and simplistic judgments of the real man behind the

robe and gavel, and oversimplified evaluations of what he might do once in office.

Some are saying Mr. Thomas has allowed himself to be used as an instrument to push African-Americans from the fight for racial justice; I never. The Clarence Thomas I know remembers the pain of discrimination.

From our many private and public discussions, I recall him saying, "I never forget the agony of discrimination — the humiliation of prejudice. Through summer work at the New Haven Legal Assistance Clinic, under a grant from Law Students' Civil Rights Research Council, I did not forget. Through Cross and Yale, I did not forget. As assistant attorney general and assistant secretary, I did not forget. As chairman of EEOC, I cannot and will not forget."

Others are saying Mr. Thomas opposes affirmative action and does not support civil rights. I say the Clarence Tho

know strongly supports civil rights. In an appearance at Holy Cross College, I was proud to hear him say:

"My grandparents, who raised me, are perfect examples of what discrimination can do. No matter what efforts they made, race was a roadblock to taking full advantage of the benefits of this country. As a result of living through this experience and other experiences, I have strong views about civil rights. Many of us have walked through doors opened by the civil rights leaders; now you must see that others do the same."

While some in the civil rights movement contend that they are not convinced that Mr. Thomas is the right choice, I say he is. I think the main issues should be his ability to interpret the law fairly, follow it through and judge with compassion. There is no doubt in my mind that Clarence Thomas will be a fair and equitable Supreme Court justice.

President Bush could not have made a

more sound decision than to nominate Clarence Thomas for the next Supreme Court justice. Mr. Thomas is a man who believes that justice must be colorblind, just as the late Dr. Martin Luther King believed when he, during the march on Washington in 1964, stated that one day, he hoped that his children would be judged by the content of their character, not the color of their skin.

The Clarence Thomas I know is capable, competent and compassionate. His credentials speak for themselves and are above reproach. I firmly believe he will be capable of recognizing racism when it comes before him on the Supreme Court, competent to fairly judge critical issues and compassionate to rule on each case according to facts, not politics.

Isn't that what we really want from a Supreme Court justice?

Alphonso Jackson is executive director of the Dallas Housing Authority.

'He Is Nothing If Not an Independent Thinker'

PERSONAL PERSPECTIVE

By R. Gail Silberman

WASHINGTON

When Clarence Thomas stepped onto the national stage last Monday in Kennebunkport, Me., cheers erupted at the Equal Employment Opportunity Commission, the agency he headed for eight years. That longtime employee of the often beleaguered commission cheered Thomas' nomination to the Supreme Court as a story in itself.

Immediately after President George Bush introduced Thomas, members of the press started calling the commission "Who is this Clarence Thomas?"

For those of us who were his colleagues, the answer is quite simple. He is dignified, reflective, direct, careful, courageous—a friendly, funny man with a hearty laugh. The Clarence Thomas you see is the Clarence Thomas you get.

Everyone at the EEOC remembers that his arrival in May, 1982, aroused a good measure of skepticism from a staff weary of uncertainty and leary of this Reagan-appointed black man. They, too, asked, "Who is this Clarence Thomas?"

This past week, I've been reminiscing with some of the men and women of the EEOC about then-Chairman Thomas. One theme stands out: Thomas profoundly influenced the commission and the men and women who work for it. At his re-nomination hearings in 1987, the line to get into the committee rooms wound around the corridors of the Dirksen Building, so many commission employees had taken annual leave to go down and support their leader.

And lead he did. Clarence challenged his staff to do better, convinced them that he and the agency needed their best. He told them that tough times were ahead (he was right), that they were going to have to break some crockery but, together, they would pick up the pieces and create a revitalized agency of which they could all be proud. And he did just that—when he left the commission, the new building for which he had fought so hard was named the Thomas Building.

There were cheers that day as well.

Clarence loves to tell the story of the day he arrived at the EEOC. His predecessor had left him the title of "chair," but when he finally gained admittance to his office—he had trouble convincing the guard that he, Clarence Thomas, was the new chairman of the EEOC—no chair sat behind his desk. Neither chair, systems nor semblance of organization was to be found. Clarence got himself a chair and a Clams Cola, put his grandfather's and his son's pictures on his desk (it at least remained) and went to work.

Much has been written about Myrtle Anderson, Clarence's grandfather, the most profound influence on his life. When I first came to the commission in late 1984, Anderson had only died recently. When Clarence talked about him, his eyes welled up. Anderson's injunctions to his grandson to "make something of yourself," that "Mr. Can't is dead. I helped bury him" because the rallying cry for an agency in which "Mr. Can't" had been

very much alive.

The men and women of the EEOC love Clarence because, as a real sense, he is one of them.

In the early days of his chairmanship, he would go down to the finance section so



often that he had his own chair there. The supervisors were not sure that the chairman's frequent, unannounced visits were necessarily a good thing. But as staffer Mary Stringer remembered this week: "We closed the books on Sept. 30th and if we were here 'til two in the morning, Clarence was here."

"Pop" Tate, once janitor, now roving EEOC jack-of-all-trades, is keeping a scrapbook of everything that's being written about his friend, Judge Thomas. "Pop" never quite understood how anyone who lived in Washington could root for the Dallas Cowboys, but Clarence is nothing if not an independent thinker.

Clarence does not uncritically accept orthodoxy of any stripe. He questions clichés like "color-blind society," knowing full well that color and race are facts of life, factors in life. You can make them a plus, make them a minus, but you can't erase them.

Clarence publicly questioned the Reagan Administration's seeming reluctance to broaden the Republican Party. He insisted that his party had room for people of all colors, faiths, conditions and classes. That's why he was an inspiring head of the EEOC. His liberating message to all who know him is: You count because of who you are and what you do, not because of what goods you possess or to what race (or religion) you belong.

And that's the significance of his appointment. Clarence Thomas' confirmation hearings present a historic opportunity to reassure the people of this country that the American dream lives. The men and women of the United States Equal Employment Opportunity Commission are getting ready to cheer again. □

Quotas or no, Thomas is best choice

One of the remarkable things about President Bush's nomination of Judge Clarence Thomas to become a Justice of the U.S. Supreme Court was the applause that followed Judge Thomas' brief and moving speech. The President himself commented that he had never heard applause at a press conference before.



THOMAS
SOWELL

That applause was more than a reaction to the speech itself. It was a reaction to Clarence Thomas, who has been around Washington in various roles for more than a decade now.

Not all the people who respect him agree with him, but they have come to know him as a man of honor, intelligence, decency and courage. Those privileged to know him personally al-

so know that he is a man of humor, who could never be one of those judges who confuse themselves with God.

Will Judge Thomas make a good Supreme Court Justice? No one knows the future — especially the future of the Senate confirmation process — but Clarence Thomas has done a good job every place he has been, and there is no reason to think that he will do less than his best on the Supreme Court of the United States. He will be a worthy addition to the high court if the Senate Judiciary Committee lets him get there.

Already there are political threats, ironically from Benjamin Hooks of the National Association for the Advancement of Colored People (NAACP). No one epitomizes the advancement of black Americans more so than Clarence Thomas. Born in poverty during the era of Jim Crow in the South, Thomas confronted all the barriers and overcame them all.

Everyone must now recognize that the NAACP played an historic role in challenging the system of racial segregation and state-mandated discrimination in the South. The tragic irony is that today they seem determined to discredit and destroy all blacks who do not kow-tow to their more recent party line in favor of racial preference and quotas.

Clarence Thomas opposed them on this when he was chairman of the Equal Employment Opportunity Commission during the Reagan administration, so they may try to get back at him by publicly opposing his confirmation and by mobilizing their political allies in Congress and the media against Judge Thomas. If so, it will be a sad example of what Winston Churchill once called the past trying to sit in judgement on the present — with the future being lost as a result.

More is involved than a political vendetta. The waning political influence of the various civil rights organizations has been increasingly apparent in recent years.

The defeat of the Civil Rights Act of 1990 and the slow going of this year's civil rights legislation are symptoms of a changing climate in the country, in which preferences and quotas can no longer be disguised under the label "civil rights."

Not only are white voters less susceptible to the rhetoric and tactics that once carried the day, but among blacks, Hispanics and other minorities, many new voices have arisen to challenge the assumption that yesterday's prescriptions will cure the very different ills of today. If minority individuals can defy the minority establishment viewpoint, as Clarence Thomas has done, and still advance, this will be a crucial sign that blacks, for example, do not have to "come by" Ben Hooks and get his seal of approval.

Considering that clout and turf are at stake, we can expect a desperate, and perhaps even dirty, fight to block Judge Thomas' confirmation to the Supreme Court. But that media applause after his little speech at Kennebunkport suggests that it may not be so easy to get even the liberals in the press and on the air to cooperate in a smear or in an attempt to depict Judge Thomas as some kind of ogre.

The appointment of a black nominee to take the place of retiring Justice Thurgood Marshall opens the Bush administration to the charge of engaging in the kind of racial quota which they claim to oppose. But that is a political problem of the Bush administration, not something that is relevant to the Senate's determining Judge Thomas' qualifications, much less something for Judge Thomas himself to be concerned about.

Back in the early 19th century, there was a "Jewish seat" on the London stock exchange which was filled by the great economist, David Ricardo. There is no evidence, either in Ricardo's public statements or in his private correspondence, that he let that fact worry him or interfere with his doing his job well. In the end, he became highly respected by Jews and gentiles alike.

That is also what we can expect from Judge Clarence Thomas if Senate confirms his nomination to the Supreme Court.

As for a permanent "black seat" on the U.S. Supreme Court, two appointments do not make a lasting tradition. There was once thought to be a "Jewish seat" on the Supreme Court but no Jewish justice has been on the Court for more than 20 years now. With Clarence Thomas being so young — only in his early forties — it should be many years before his replacement will have to be nominated. By then, we can certainly hope that any idea of racial quotas will be long forgotten.

■ Economist Thomas Sowell's column appears every Monday in *The News*.

How to Judge a Judge



Judicial confirmation hearings should not require moral exhibitionism about 'sensitivity'

Praise of the praiseworthy can be problematic when the person praised is a Supreme Court nominee. Come September, Clarence Thomas should be confirmed. Between now and then, the drama of his life will elicit much praise. Too much.

To be sure, his ascent, by dint of will and courage, from grinding poverty to his current eminence has been dramatic and heartwarming and speaks well of America and him. However, Thomas's life story should be of only minor relevance to the debate about his fitness to shape the life of the law for three or more decades. To think otherwise is to partake of pernicious thinking, about the Constitution and courts, that Thomas presumably opposes.

Two rationales for his nomination are in tension. One is that President Bush believes Thomas has the sort of judicial temperament that candidate Bush promised to seek. If so, Thomas is comfortable with the discipline of keeping his moral preferences hermetically sealed from his acts of judging. But the second reason some people praise Thomas's potential as a justice is that his humble origins presumably have given him the "sensitivity" to empathize with individuals and groups whose disadvantages deserve redress. Here, then, is the rub: The best reason for nominating him is that he believes that redressing grievances is usually the responsibility of the political branches of government, legislative and executive, and that courts cannot step in merely because other agencies have not.

If Bush was right to nominate Thomas, it is right to defend the nomination forthrightly on the ground that Thomas believes this: Courts have been cavalierly rendering result-oriented decisions, basing conclusions on personal moral preferences rather than legal reasoning, short-circuiting democratic processes in order to achieve by judicial fiat ends that are essentially political and properly achieved only by processes of persuasion.

Because Thomas is such a sympathetic figure, and has such slight judicial experience (16 months on the bench), the nomination of him may look like capitulation to the anti-intellectual, anti-constitutional, anti-judicial tenor of the anti-Bork campaign. The lyricism of Thomas's life largely immunizes him against the sort of tendentious and demagogic attacks that defeated Bork. Unable to match wits with Bork, critics abandoned philosophic argument in favor of moral assault. The moral vanity of contemporary liberalism manifests itself in constant bragging about "sensitivity." Bork's critics said they had cornered the market on it. And they were murky about how "sensitiv-

serve in the work judges do.

Lawyers have a saying: When you have the law on your side, argue the law; when you have the facts, argue the facts; when you have neither, pound the table. Liberal senators and their allies in the civil rights lobby, reduced to table-pounding about the judicial nominees of conservative presidents, resort to the charge of insufficient "sensitivity." The coming discomfiture of the sensitivity-mongers is going to be delicious. We have the remainder of the summer to savor in anticipation the September spectacle of Senators Kennedy and Metzenbaum tutoring Thomas in "sensitivity" about poverty and racism.

Thomas's supporters may be tempted to take the politically easy and intellectually undemanding path, emphasizing his exemplary life rather than his jurisprudence. He is indeed intimately acquainted with the rough edges of American life. But judges do not have a mandate to decree social ameliorations; they are not licensed to wield power on behalf of whoever is not getting full justice from the political system. The severe ethic of judging requires practitioners of that craft to keep their moral sensibilities on a short leash. Courts do not exist to right all the wrongs that other government agencies have, for whatever reasons, refused to right. Neither the adjective "unwise" nor even "unjust" is a synonym for "unconstitutional" when modifying the noun "law."

Austere self-denial: Judges wear robes to efface personal attributes. Robes affirm the fact that judging, properly pursued, requires an austere self-denial—literally, denial of the self. Judges must ensure, by acts of will, that their personalities and politics are irrelevant to their decisions. True, to some irreducible extent, character is destiny even for judges. But the best judges stringently reduce the extent.

An admirable biography is no substitute for, or reliable indicator of, a sound judicial philosophy. A judge with a truly judicial temperament should try to expunge from his or her reasoning all influences other than legal arguments. Social origins, be they Holmes's on Beacon Hill in Boston or Thomas's in Pin Point, Ga., should not influence judicial reasoning. Such reasoning is about precedents, and the text of a law as the words were understood by intelligent people at the time of its enactment, and the law's legislative history. Concerning constitutional questions, proper reasoning is about the text and structure of the document as seen in such light as is shed by whatever is known of the Framers' intentions.

If Thomas and his supporters flinch from asserting the virtues of his philosophy rather than of his character, they will be truckling to the Senate Judiciary Committee's "political correctness," which is packed into the word "sensitivity." Courts are degraded and constitutional law is distorted when judicial nominees are required to turn their confirmation hearings into an exercise in moral exhibitionism, stressing their "sensitivity" about this or that social problem rather than their understanding of the judicial function.

Thomas's confirmation hearings would be a good time to affirm what the opponents of Robert Bork denied—that mind matters more than moral preening when choosing judges. Otherwise we shall have the kind of Court Roman Hruska suggested. In 1970, Senator Hruska, a Nebraska Republican, was desperate to devise a reason for supporting Nixon's nomination of Judge G. Harrold Carswell. Hruska said: So what if Carswell is mediocre. So are lots of people, and they deserve representation on the Court.

Oh no they don't.

THE BRIEF ON CLARENCE THOMAS

The more one learns about Clarence Thomas, the more compelling he becomes as a nominee to the Supreme Court—and as a fresh hope in breaking America's paralyzing deadlock over race. In recent days, his life story has already been turned into the stuff of legend: a young man who lifted himself from the hardscrabble of rural Georgia, so dark-skinned that other blacks in Savannah called him ABC ("America's Blackest Child"); nurtured by a grandfather who could barely read, but knew enough to instill the old values of hard work, self-reliance and religious faith; taught by nuns, but taunted by classmates in an all-white high school; persevering up the ladder through Yale Law School, onto the staff of John Danforth in Missouri, then to Washington, and always, always, a lonely, personal struggle to be his own man.

Yet Thomas offers far more than inspiring biography. "What Clarence is all about," says his friend, Republican Senator Danforth, "is that in this country you should have the freedom to think what you want to think, whether you're black, white, or anything else." Just as he has cut his own career path, he has plowed his own mental furrow, catching hell from all sides. Many civil-rights groups believe

he betrays blacks because he refuses to march in lock-step with their agenda. From his days running the Equal Employment Opportunity Commission, when he opposed racial quotas, they dismiss him as a black conservative doing the white man's bidding. In truth, Thomas doesn't fit into any political box; he is, as Washington political writer Juan Williams described him four years ago in *The Atlantic*, "ideologically *sui generis*."

Drawing heavily upon his life and his readings, Thomas believes that under natural law (and America's Declaration of Independence), all men and women are created equal, and that the U.S. Constitution provides legal guarantees. Government's role is to protect the rights of the individual but not to advance the interests of any group, black or white; it is up to the individual to make it on his own. Yes, whites tilted the game unfairly in their direction for generations, but rather than compensating blacks for past sins, government should start

the game over, ensuring that it is now played with absolute fairness. To insist upon preferences or quotas for blacks may grant them temporary gain but cost them their own self-confidence and white respect. Stop robbing us of our manhood, he says angrily.

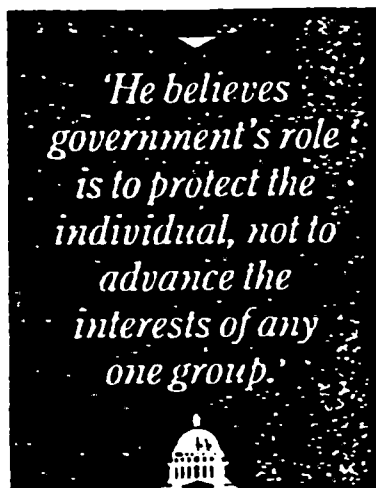
Thomas does not walk away from disadvantaged blacks; indeed, he has invested years trying to help them. But he thinks the proper role for government is to clear away the hurdles of *all* poor people—the drugs, crime and malnutrition that plague inner cities—without regard to race. Nor is he a lackey for white bigots. At the EEOC, he sought much tougher penalties against

whites who discriminate: He wanted to fine them heavily and toss them in jail. As a Reagan appointee, he attacked the administration for dragging its feet on voting rights, for granting a tax exemption to all-white Bob Jones University, and for failing to offer a positive vision to blacks. He is not even certain about the merits of integration. Just to sit next to a white child in school solves nothing, he believes. First, the black child must learn to believe in himself.

In donning judicial robes, Thomas has pledged that his personal views will not matter. So strong is his allegiance to law and precedent that his closest admirers believe he is more

likely to fit the Felix Frankfurter than the William Rehnquist mold, refusing to join conservative activists eager to strike down rulings from the Warren court. We won't know for sure how he will come out on abortion, school prayer or crime until he actually sits on the court.

What we do know is that, as George Bush said, this new nominee is "fiercely independent," and in today's climate, his voice is welcome. America has wound up in a terrible cul-de-sac over race: Most whites, blacks and browns now believe in equality, but we are hung up in arguments and in government programs that aren't working to bring it about. Too many black activists insist that all blacks are victims and need special preferences throughout life; too many whites have given up trying to find answers and suspect a black underclass will be with us forever. Now comes Clarence Thomas insisting that if both races shape up, blacks can still make it on their own. He should know. ■



WEDNESDAY, JULY 17, 1991

BILL REEL

It's Clarence Thomas vs. the Media

AT A HOLY CROSS alumni gathering on June 8, the college's basketball coach, George Blaney, was chatting with a prominent alumnus, Connecticut Supreme Court Justice Angelo Santaniello, when U.S. Court of Appeals Judge Clarence Thomas walked into the room.

Thomas, 43, spotted Santaniello, 67, embraced him and exclaimed, "My friend!" They exchanged greetings, then turned to Blaney to talk their favorite sport, basketball.

That scene was recalled by Santaniello in his chambers in New London this week as he spoke glowingly about Thomas, who, three weeks after their get-together at Holy Cross, was nominated by President George Bush for the U.S. Supreme Court.

"We've known each other since he entered Yale Law School in 1971," Santaniello said. "At the time, Father John Brooks, the president of Holy Cross, asked me to look Clarence up and say hello. I did, and we've been friends ever since. At his request, I swore him in as chairman of the Equal Employment Opportunity Commission in 1982.

"How would I describe him? He's a very warm person. Humble, personable, intense, straightforward, with no airs. Clarence Thomas is a real fair guy. He shouldn't be stereotyped, because he won't walk a stereotyped line. Clarence calls it as he sees it, not as someone wants him to see it."

A few good words from an old friend seem appropriate to balance the bias against Thomas that prevails in the media. For example, in a typically snide swipe, a New York Times op-ed columnist wrote last week that the revelation that he smoked pot a couple of times in college "is the most humanizing thing I have heard about Judge Thomas so far."

Really? This is the man who, after Bush introduced him as his nominee for the Supreme Court, struggled to hold back tears when he thanked the loving grandparents who raised him and the devoted nuns who taught him as a boy. That was as human a moment as America has seen lately.

Thomas is believed to be at least skeptical of abortion and possibly a foe of it. Abortion was anathema to civilized Americans for most of the nation's history, but the killing of unborn babies has come to be fervently championed as an absolute right by media opinion makers.

Thomas is at the media's mercy, and the bashing is merciless. A Page 1 story in last Sunday's Times suggested that he was admitted to Yale Law School on his color and not his qualifications. "Under the program, which was adopted in 1971, the year Judge Thomas applied, blacks and some Hispanic

applicants were evaluated differently from whites," said the story.

The piece went on at great length to imply insidiously that Yale let Thomas in because he was black. Then, in the 25th paragraph of a 26-paragraph story, appeared the line:

"He was in the top 7 percent of his class at Holy Cross."

This telling fact, of course, refutes the premise that Thomas benefited from a quota system. His very high class rank at Holy Cross clearly qualified him for Yale Law School without help from any affirmative action policy.

Was this story a deliberate attempt to diminish Thomas? Sure looks that way. How else can such a smear be explained?

Is the man qualified to serve on the United States Supreme Court? That's the real question, of course, and it will be decided by the United States Senate, where Clarence Thomas will be judged by the likes of Teddy Kennedy. How reassuring.

Coach Blaney of Holy Cross commented the other day, "Clarence is a very solid person, no fanfare, always up-front, always ready to help. We have a lot of Holy Cross friends in common. Clarence has all kinds of friends."

May his friends console him as his enemies attack.

Margaret Bush Wilson

The NAACP Is Wrong on Thomas

The young man standing at my door that summer day in 1974 looked like an African prince. "Hello, I'm Clarence Thomas," he said. "I know," I replied. "I've been expecting you." And so began a friendship with someone I think of fondly as a second son.

I first heard of young Thomas (then almost 26) from his employer-to-be, Sen. John Danforth (R-Mo.), who was attorney general of Missouri at the time. Mr. Danforth told me he had just hired a bright young law graduate from Yale and asked if I knew of a place the young man could live for the summer while studying for the Missouri bar. My own son, Robert, was then a law student with plans to work that summer in Washington. I invited young Clarence to stay in my son's empty room.

I don't recall seeing another young person as disciplined as Clarence Thomas. First thing every day, he would exercise with my son's weights and then be off to his studies. I asked of him only one thing: I would prepare dinner, and he would show up on time. We would eat together every night, often with one or two friends or relatives and talk about any and all of the problems of the world.

We didn't always agree (Clarence was "conservative" even then), but I was impressed continually with one so young whose reasoning was so sound. I must also admit that his arguments, both legal and logical, forced me to rethink some of my own views. I know I sometimes made him see things differently, too, because Clarence Thomas knew how to listen as well as talk.

Across the years, I have kept in touch with Judge Thomas, and to this day I respect his

integrity, his legal mind and his determination. Even when we disagree, I have found him to be a sensitive and compassionate person trying to do what is right, working to make the world a better place.

Back then I sensed that he would one day be in a position to have a larger impact, but I had no way of knowing that this determined young man might one day have the chance to tackle some of our country's problems on this nation's highest court.

Recently, the NAACP National Board took action opposing Judge Thomas's nomination. I wish it had withheld judgment until after the hearings, because the Clarence Thomas I have been reading about often bears little resemblance to the thoughtful and caring man I have known over these years.

Judge Thomas reflects the diversity and complexity of African-American thinking, but his views are not nearly as radical as his critics suggest. He has pushed for a new frontier in civil rights, and heaven knows we need one when one-third of African Americans are still in poverty as we approach the 21st century. He seeks a climate where African Americans and other minorities feel empowered to compete equally with their counterparts of other races, with rational support from government programs.

Some have said that despite his chairmanship of the Equal Employment Opportunity Commission for eight years, he has not been a champion of civil rights. Those people obviously don't know Judge Thomas or the real facts about his tenure with the EEOC. His record will speak for itself and will impress those willing to listen and look

beyond misinformed rhetoric. On a personal level, he knows the struggle and hardship blacks and the impoverished of every race grapple with daily—not to mention the plight of most families, since in my judgment the central issue of our time is that some 82 percent of the families in these United States have no discretionary income after bills and taxes are paid.

We didn't talk much about Judge Thomas's background that summer 17 years ago, so it is only recently that I have learned about his humble beginnings. The cramped house with no plumbing in rural Georgia, his wise but not learned grandparents, the Catholic nuns and the rest have only recently come into full view for me. To rise above the dual curses of poverty and discrimination requires tremendous individual effort from a special kind of person, help from others and luck. All these have been present in Judge Thomas's career.

Throughout the history of the U.S. Supreme Court, I don't believe any other nominee can claim to have come so far. In point of fact, Judge Thomas's unique perspective belongs not only on the Supreme Court but in the legislature, in the work place, at city hall and on our campuses.

No one can deny that Judge Thomas would differ with Justice Thurgood Marshall on some issues. I don't always agree with the justice myself. I do believe that both men show a common, fundamental belief in the inherent worth and rights of the individual. At one of his four previous Senate confirmation hearings, Judge Thomas said, "The reason I became a lawyer was to make sure that minorities, individ-

uals who did not have access to this society, gained access. . . . I may differ with others on how best to do that, but the objective has always been to include those who have been excluded."

As young Clarence Thomas left my home at the end of the summer, he asked how much he owed for his stay. I told him that he owed me nothing, but I did want a promise from him. I asked him to promise that if he were ever in a position to reach out and help others that he would do it, just as some had done for me and as I had done for him.

He promised he would, and Judge Thomas has been keeping his word ever since, looking out for the vulnerable and victimized on the job, in the community and at the court. I know that as a Supreme Court justice Clarence Thomas will continue to defend and protect the rights of the needy. He does not permit anyone to think for him, and he is intellectually honest.

When the history of these times is written, it will be interesting to see how historians view the position of the National Board of the NAACP—an organization committed to advancing colored people, which is opposed, on ideological grounds, to this nomination of a black man to the U.S. Supreme Court.

Let the record show that the NAACP's former national board chair respectfully disagrees with its position.

The writer, an attorney in St. Louis, chaired the National Board of Directors of the National Association for the Advancement of Colored People from 1975 to 1984.

C. Thomas

The New York Times

TUESDAY, JULY 16, 1991

Court Nominee Defied Labels As Head of Job-Rights Panel

By ROBERT PEAR

WASHINGTON, July 15 — As head of the Federal agency responsible for enforcing the laws against job discrimination, Clarence Thomas was often at war with other Reagan Administration officials, with members of Congress, with civil rights groups and with himself.

Judge Thomas, President Bush's nominee for the Supreme Court, was chairman of the Equal Employment Opportunity Commission from May 1982 to March 1990, longer than any of his predecessors. A review of agency files for that period shows that he expressed complex, continually changing, often contradictory views, particularly on questions of affirmative action.

As a member of Ronald Reagan's transition team in 1980, he had written a memorandum challenging affirmative action. But as commission chairman in 1983, he defended the use of numerical hiring goals in several celebrated cases.

He abruptly switched his public position after the 1984 election and assailed such remedies for the next 20 months. Then in July 1986, at a confirmation hearing for his second term on the commission, he said the agency would once again advocate the use of goals and timetables, despite his personal opposition to them.

Trying to elucidate his shifting views on affirmative action, and acknowledging his personal reservations, the chairman once told a Congressional hearing, "I'll abide by the Supreme Court, whether I like it or not."

If confirmed for a seat on the High Court, Judge Thomas would shape the law by which others must abide. It is by no means certain that his judicial rulings would echo his views from the world of politics and policy. But for those searching for clues to his likely course on the Court, his record at the commission yields many clues to what he might do.

Judge Thomas, who has sat on the United States Court of Appeals for the District of Columbia Circuit since early 1990, declines to discuss his record with reporters, but the commission's files, including some of his speeches and correspondence, suggest he was often torn by conflicts inside himself and with others.

For instance, he said the "single most devastating event" of his tenure was the commission's failure to pursue thousands of age-discrimination complaints in a timely manner. He said the agency's performance was "embarrassing and inexcusable," and attributed the lapses in part to management problems in district offices. Congress eventually passed a law extending the statute of limitations for victims of age bias who would otherwise have lost the right to sue employers.

He had mixed results in his effort to improve the internal management of the commission, which he said was "teetering on the brink of self-destruction" when he took office. The agency

adopted many policies to increase the "certainty and predictability" of its law enforcement. Annual statistics compiled by the commission show that the number of lawsuits filed by the agency rose sharply during his tenure, to 640 in the fiscal year 1990 from 241 in 1982. But there was no increase in monetary benefits secured for the victims of discrimination.

Other Reagan Administration officials crusaded against the use of numerical goals for hiring blacks, women and Hispanic Americans; he shunned the flamboyant, confrontational tactics of officials like William Bradford Reynolds of the Justice Department. "We have a job to do," he often said, adding that he was "tired of rhetoric about quotas, about affirmative action."

In a 1985 speech, Mr. Thomas said, "My approach to doing my job has been more methodical, cautious and certainly less noisy and less well-publicized than others." Perhaps remembering his days as a seminary student, he said he had the personality and style of "a monastic recluse."

Judge Thomas contends that goals and quotas, a subject of endless political debate, "don't amount to a hill of beans" in practice, as he put it in a 1986 meeting with reporters, because they are rarely appropriate in cases brought before the commission.

In his memorandum for the transition team in December 1980, he said the commission had gone too far in encouraging affirmative action and should re-examine its policy. But in early 1983, he strongly supported an affirmative action plan under which the New Orleans Police Department was required to promote equal numbers of blacks and whites until blacks accounted for 50 percent of the officers at every rank.

The Justice Department adamantly opposed those goals, telling a Federal appeals court that they were illegal. Echoing the concerns of civil rights groups, Mr. Thomas complained in April 1983 that the Justice Department's position would "invalidate innumerable conciliation agreements, consent decrees and adjudicated decrees to which the commission is a party, as well as the commission's own published guidelines regarding appropriate affirmative action."

The commission had drafted a legal brief in the New Orleans case, but decided, under pressure from the White House, not to file it with the court. Mr. Thomas testified at a Congressional hearing in May 1983 that his agency would continue pressing for affirmative action, including "race-conscious relief" of the type abhorred by the Justice Department.

In October 1983, the commission signed a landmark agreement with the General Motors Corporation setting numerical goals for the hiring, training and promoting of thousands of blacks, women and Hispanic people. In July 1984, Mr. Thomas needed the Justice Department, saying that it was widely perceived as having "a negative rather than a positive agenda on civil rights."

His tone changed after President Reagan won re-election by a landslide in 1984. He indicated that the commission and the Administration were more likely to speak with one voice. He said that numerical goals and timetables were ineffective, and that the commission had overused statistical disparities as evidence of discrimination. In October 1985, the agency's general counsel told staff lawyers not to propose settlements including goals and timetables.

In a speech in February 1986, Mr. Thomas said preferences based on race or ethnic origin were "a ticking time bomb" that would "hasten the socio-economic demise of black Americans." But at the confirmation hearing for his second term, he promised to abide by Supreme Court decisions endorsing the use of numerical goals.

"Whatever reservations I have are purely personal," he testified. "They're subversive literature now." In the spring of 1987, in an article in The Yale Law and Policy Review, Mr. Thomas affirmed his "personal disagreement with the Court's approval of numerical remedies."

Since 1979, the commission has been responsible for enforcing the Age Discrimination in Employment Act, which protects people who are at least 40 years old. Mr. Thomas has said "bad management" was responsible for the agency's failure to act on thousands of complaints from older workers within the two-year statute of limitations.

In a separate case, the commission delayed action on rules requiring employers to make pension contributions for employees who work beyond the age of 65. Federal officials conceded that the delay could cost older workers \$450 million a year in lost benefits.

Ruling on a lawsuit filed here by the American Association of Retired Persons, Judge Harold H. Greene of United States District Court declared in 1987 that the delay was "entirely unjustified and unlawful." He said the commission itself had repeatedly acknowledged over the previous seven years that such contributions were required by the age discrimination law. "That agency has at best been slothful, at worst deceptive to the public," the judge said.

At a Senate hearing six months later, Mr. Thomas defended himself, saying, "To suggest that we are derelict in our duties is an ad hominem attack that impugns my integrity and the agency's."

The commission under Clarence Thomas filed many lawsuits charging that companies had discriminated against women in violation of a 1963 law that requires equal pay for equal work. But he resisted the doctrine of "comparable worth," which holds that men and women should be paid the same for different jobs if the jobs have the same intrinsic value.

Labor unions and women's groups embraced comparable worth as a way to reduce the differences in pay between jobs held mainly by women, like nursing and secretarial work, and those held mainly by men, like truck driving and warehouse work, which tend to pay more.

But in a 1985 case, Mr. Thomas said such pay disparities, by themselves, did not prove a violation of Federal law. "Congress never authorized the Government to take on wholesale restructuring of wages that were set by non-sex-based decisions of employers by collective bargaining or by the marketplace," he said.

The E.E.O.C. chairman's first objective was to solve severe management problems at the commission, on the theory that "there was absolutely no way we could take care of the public's business if we couldn't take care of our own." He said he found financial records in chaotic condition and said there was too much emphasis on settling cases quickly, with little or no investigation, to eliminate a big backlog. He said he tried to establish the commission's "credibility as a law enforcement agency," contending that it had been a forum for "social activism" and arcane legal theories under some of his predecessors.

In its zeal to challenge a broad pattern or practice of discrimination, the chairman said, the commission sometimes overlooked individual "flesh-and-blood victims" of discrimination who came to its offices seeking help. He declared that "every case brought to the E.E.O.C., no matter how small, should be fully investigated and litigated, if necessary," to obtain jobs and back pay for victims.

In 1984, in a major policy change, the commission decided to consider filing a lawsuit in every case in which its staff had found discrimination and tried unsuccessfully to persuade the employer to correct the problem.

Mr. Thomas often asserted that the commission was getting record amounts of money for victims of discrimination through lawsuits, settlements and conciliation. But the agency's data show such monetary benefits were lower in 1989 and 1990 than in 1982. (The figures were \$128.7 million, \$98.9 million and \$134.7 million, respectively, with no adjustment for inflation.)

In 1988, the General Accounting Office, an auditing arm of Congress, said the commission was still closing many cases without full investigations. In many cases closed with no finding of discrimination, "critical evidence was not verified" and "relevant witnesses were not interviewed," the auditors reported.

Mr. Thomas disputed the criticism, saying at the time that the report "trivializes civil rights enforcement to a level commensurate with widget-making."

A nominee with a mind of his own

When Clarence Thomas paused yesterday to look back over an improbable life that has taken him from poverty in the segregated South to the threshold of the Supreme Court of the United States, he was suddenly so overcome with emotion that he couldn't speak. It was a moment with deep emotional significance for the nation as well.

It reminded us all that, at its best, this country still stands for the belief that every person should be allowed to rise as high as his abilities will take him. That ideal has not been realized in full in American society, but Thomas' nomination symbolizes our continued commitment to make it a reality, despite serious and sincere disagreements about how to reach that goal.

Critics question whether the quota-bashing president has embraced his own quota for the Supreme Court, replacing a black with a black. They miss a crucial point about the Supreme Court, which is that it serves as guardian of our belief in "equal justice under law."

When Lyndon Johnson named the first black justice, Thurgood Marshall, in 1967, he provided something badly needed: visible proof that the court, and the law, are of, by and for the people—all the people. Today, sad to say, that fact still needs affirmation.

It was rumored that Bush would pick a Hispanic for the job instead—a choice that had obvious political attractions, since Republicans are far more likely to attract Hispanic votes than black ones. The Hispanic judges who were mentioned as possibilities most likely would have stirred little of the controversy that the independent-minded Thomas certainly will. It took courage for Bush to set these considerations aside.

There is much to be learned about the nominee in his Senate confirmation hearings, but he appears fully qualified for the job, bringing a wealth of experience in government unusual for someone of 43 years. A Yale Law School graduate, Thomas worked in the office of the Missouri attorney general and on Capitol Hill before joining the Reagan Education Department as assistant secretary for civil rights. In 1982 he became chairman of the Equal Employment Opportunity Commission, and since last year he has served on the U.S. Court of Appeals for the District of Columbia.

The coming controversy stems not from his credentials or his ability but his ideology. Thomas has been an unyielding opponent of racial preferences and of federal policies that he feels foster quotas. As head of the EEOC, he rejected the old policy of treating statistical disparities as proof of discrimination, while scorning racial adjustments in aptitude tests as assuming "some inherent inferiority of blacks, Hispanics and other minorities."

For these and other stands, he was attacked by liberal lawmakers and organizations. But his views, whether one agrees with them or not, were not formed without a full and deeply personal understanding of the plight of African-Americans. Senators and interest groups have every right to argue that Thomas is wrong on many racial issues; they would be unfair and ill-advised to suggest that he is indifferent to racial justice.

Bush could have found many nominees who could have counted on easier approval by the Senate. Thomas will probably require a harder fight, but there is reason to think he's worth it.

STRONG CHOICE

Judge Thomas is a man of integrity, ability

It is said that the finest steel is tempered in the hottest fires. If true, Judge Clarence Thomas, President Bush's nominee for the U.S. Supreme Court, is a man of fine steel. A child of poverty reared by grandparents in a tenement lacking indoor plumbing, Judge Thomas, through strength of character and with the devoted help of his grandparents, has constructed for himself an exemplary life, a life that raises a standard to which future generations of Americans may repair.

Like the man he has been chosen to succeed, Justice Thurgood Marshall, Judge Thomas is black. Like Justice Marshall, he rose through great personal effort and in the face of obstacles that would have thwarted lesser men. Unlike Justice Marshall, Judge Thomas has developed a view of life and law that places greater emphasis on individual effort, individual responsibility and the sanctity of law above race. These beliefs have led him to oppose quotas and other affirmative action tools that grew out of the civil rights movement of the 1960s.

There will be an attempt by liberals who believe that individuals are victims of society's failings, and that special legal redress is essential to overcome discrimination, to cast him as an "Uncle Tom" who has adopted his conservative views from expediency, not conviction. No less an authority than Alphonso Jackson, director of the Dallas Housing Authority, asserts any such allegations would be pure bunk.

"Capable, competent and compassionate" are the words Mr. Jackson, a man who chooses his words with care, uses to de-

scribe his friend of 20 years, Judge Thomas. "Judge Thomas is a man who believes at the deepest level, justice must be colorblind," asserts Mr. Jackson. "He believes African-Americans should use their economic power to do for themselves rather than ask for something they feel they are owed."

While some might take issue with that philosophy, any detractors will find it difficult to take issue with Judge Thomas' legal abilities, his mental strength, his character or his judicial temperament.

It will be hard indeed for even those senators who most vigorously disagree with Judge Thomas' voluminous written record to fault a man who could climb from such abject poverty through a then all-white seminary school, through Holy Cross (on scholarships) and finally through Yale Law School. It will be hard for a Senate Judiciary Committee that voted 21 to 1 to confirm Judge Thomas for the 1st U.S. Circuit Court of Appeals to now find issues with which to reject him for the high court.

Although many justices have gone through a metamorphosis from one philosophy to another, Judge Thomas would begin his tenure on the high court as an acknowledged conservative. Many will find the stark contrast with Justice Marshall offensive. The goals of these two men, however, are not so different. They both believe deeply in justice. However different the roads they would take to attain that justice, President Bush has clearly found a nominee whose character, integrity and intellect equal those of Justice Marshall.

TUESDAY, JULY 2, 1991

Judge Thomas's Nomination

JUDGE Clarence Thomas, who was nominated yesterday by President Bush to fill a vacancy on the Supreme Court, has been a well-known and sometimes controversial figure in the government for more than a decade. But even those who have disagreed with him on policy grounds will concede that his life, which began in extreme poverty, has been one of accomplishment. If confirmed, he would bring to the court a range of experience not shared by any other sitting justice.

Conservative black Republicans are a rare breed, and Judge Thomas's performance in high-visibility civil rights jobs in the Reagan and Bush administrations was watched carefully. His actions in these positions will surely be the focus of the Senate Judiciary Committee's inquiry, which will begin soon.

The terrain is not unfamiliar, however. Only 18 months ago he went before the same panel to be confirmed in his present position on the U.S. Court of Appeals for the D.C. Circuit. Sen. Howard Metzenbaum initiated a thorough investigation, listened to every group and individual with a grievance, sifted through thousands of documents and was nevertheless able to persuade only one

other senator to vote with him against the nomination. This time the stakes are higher and the questioning will go beyond his record in the government to his broader judicial philosophy. Groups that chose to sit out the last confirmation battle will surely be involved this time.

Judge Thomas is the first person nominated to the Supreme Court who was born after World War II. He is only the second black named to that position. But it is his personal background that would bring the most important element of diversity to the court. Justice Thurgood Marshall, the only black to have served on the Supreme Court, certainly knew discrimination and adversity, but he was the product of a stable, working-class family living in Baltimore. Judge Thomas was raised in rigidly segregated Georgia by grandparents who he says were functionally illiterate. Nevertheless, they managed to provide him an education, a disciplined and loving home and the encouragement necessary to convince him that he could succeed.

He said yesterday that he wanted to be "an example to those who are where I was." In the court, he could be more. He could add to those who chose to, a welcome and much needed sensitivity on issues of race and poverty.

July 2, 1991

Justice Thomas

Judge Thomas's life is a model for Americans. President Bush honored both the ideals of civil rights and the principles of the emerging conservative jurisprudence. Clarence Thomas's record of achievement and his well-developed judicial philosophy make him more than qualified to join the Supreme Court. The combination of who he is and what he believes would make his nomination President Bush's most important domestic-political accomplishment.

Judge Thomas's remarkable career began when he overcame the hurdles of a life that started in the poverty of segregated rural Georgia. His independence was clear when he graduated from Yale Law School intending to become a tax attorney, but refused to join the prestigious law firms that viewed him primarily as a black, not as a gifted legal mind. As Dinesh D'Souza writes nearby, he instead went to work in government for John Danforth. One irony is that Judge Thomas's refusal to become a law-firm token means the American Bar Association may mark him down for failing to practice law long enough.)

Ralph Neas and People for the American Way claim to doubt Judge Thomas's commitment to racial equality. None of this will surprise Judge Thomas. He also endured sniping from the pro-quota lobbyists during his eight years as head of the Equal Employment Opportunity Commission. His years in the hothouse of political Washington will serve him well during the nomination process and later in adjudicating the political issues that inevitably come to the Supreme Court.

We would like to put everyone on notice that those who say Judge Thomas was nominated to fill a racial quota run the risk of being labeled racists. Opposition to quotas does not

mean that race is a wholly irrelevant consideration. As Mr. Thomas wrote in the Journal in 1987, "The Constitution, by protecting the rights of individuals, is colorblind. But a society cannot be colorblind, any more than men and women can escape their bodies." We would strongly oppose a law that mandates that one of the nine Supreme Court seats must be held by a black, but it is also desirable that a President nominate a black who is so clearly qualified for the job.

This is especially true here and now. Just as I nurtured the generation that overcame Jim Crow, Justice Thomas would serve as a beacon for a troubled generation of minorities who deserve reminders of the importance of strong families and education. "In my view, only in America could this have been possible," Judge Thomas said yesterday in accepting the nomination to the post where he said he hoped to "be an example to those who are where I was, and to show them that indeed, there is hope."

Judge Thomas is another role model as well. Many talented minorities and women have experienced the double-edged sword of affirmative action. Judge Thomas signaled at yesterday's press conference that he can be stoic in the face of taunts by those who refuse to believe that his accomplishments are his own.

Unlike David Souter, this nominee has a long and distinguished paper trail. From his writings and actions, we have no doubt that Justice Thomas would join Antonin Scalia on the scholarly and sometimes libertarian wing of the conservative court. We would not be surprised if he gives the court a greater understanding of economic liberties as one of the Founding Fathers' more important civil rights.

Judge Thomas has made very clear that he is of the judicial-restraint school that abhors legislating

from the bench. He has written several important decisions, but we are especially impressed with his May 10 opinion in *Cross-Sound Ferry Services v. Interstate Commerce Commission*.

In it, he addressed the key question of standing—that is, when does a case raise the kind of controversy that courts are supposed to decide. "When federal jurisdiction does not exist, federal judges have no authority to exercise it—even if everyone—judges, parties, members of the public—wants the dispute resolved," Judge Thomas wrote. "The truistic constraint on the federal judicial power, then, is this: A federal court may not decide cases when it cannot decide cases, and must determine whether it can, before it may." Judicial restraint has rarely been so pithily expressed.

Judge Thomas is precisely the kind of jurist President Bush assured voters he would select. He would take the Constitution seriously and apply the laws equally. We eagerly await the beginning of many years of service by Justice Clarence Thomas.

Clarence Thomas

8/26/91 9 a.m.

**U.S. Supreme Court Nominee Judge Clarence Thomas
Association and Organization Endorsements**

*Mass Retailing Endorses Thomas Nomination For Supreme Court
(8/23/91)*

The International Mass Retail Association (IMRA), representing the nation's discount store industry, has endorsed the nomination of Federal appellate judge Clarence Thomas to serve on the U.S. Supreme Court.

IMRA represents over 100 major discount retail chains operating over 35,000 stores, with sales representing an overwhelming majority of the nation's \$150 billion a year discount retail industry.

In endorsing the nomination, IMRA noted its first-hand knowledge of Judge Thomas' "highly principled and effective tenure as chair of the Equal Employment Opportunity Commission (EEOC), and the major strides he made in making EEOC a more balanced and better managed organization."

The discount association took sharp issue with some who criticize EEOC positions taken under Thomas' leadership in areas such as voluntary waivers under the Age Discrimination in Employment Act (ADEA). The positions the EEOC took were fully in accord with the nation's equal employment laws, which in some cases Congress has since changed. Even though those critics may have disagreed with those positions at the time, it is inaccurate and unfair to fault the former chairman for having taken them, IMRA observed.

"In addition to his solid credentials and established record in public service, Clarence Thomas also would bring to the Court a keen intelligence, proven integrity and a demonstrated willingness to examine all sides of any question without preconceptions or ideological blinkers, the IMRA statement continued.

*Citizens For A Sound Economy Urges Senate To Consider
Judge Clarence Thomas' Economic Views
(8/22/91)*

In a letter sent today to the U.S. Senate, Citizens for a Sound Economy President Paul Beckner urged members to consider Judge Clarence Thomas' sound economic principles when voting on his U.S. Supreme Court nomination.

According to Beckner, "Examining Judge Clarence Thomas' record, we have found that his views reflect CSE's views on free-market economic policy.

". . . Judge Thomas' legal philosophy is based on protecting the individual rights and liberties set forth in the Constitution. From his record, it appears that Judge Thomas believes that protection is best achieved by limiting government power.

". . . These views are consistent with CSE's mission of promoting economic growth and economic freedom."

For these reasons, Beckner concluded that "Judge Thomas' record indicates that he will issue sound decisions affecting economic policy."

Citizens for a Sound Economy is a 250,000-member citizens advocacy organization in Washington, D.C.

*National Council of Young Israel Supports Thomas Nomination
(8/20/91)*

President of the National Council of Young Israel Chaim Kaminetzky hailed Judge Clarence Thomas "as an example of choosing the most qualified person." The Council felt that Judge Thomas "personifies honesty, intelligence, firm convictions, Judicial acumen, with a warm sensitivity." President Kaminetzky also noted that Judge Thomas "will bring to the court the in-depth legal interpretations which will benefit all people." "I see in Judge Thomas the American dream of going from the Log Cabin to the Presidency, a real Horatio Alger story," said Rabbi Sturm, the Executive Vice President.

*Black Nurses Association Backs Clarence Thomas
(8/20/91)*

The Board of Directors of the National Black Nurses Association voted to endorse the nomination of Clarence Thomas to the U.S. Supreme Court. "He is a committed public servant and a respected jurist", remarked the President of the 7,000 member Association. "The uniqueness of his background promises to provide an important voice on the court."

*Associated Builders and Contractors, Inc. Endorses
Thomas for U.S. Supreme Court
(8/21/91)*

The Associated Builders and Contractors' (ABC) Executive Committee announced its "unanimous support" for the nomination of Judge Thomas to the United States Supreme Court. ABC National President John Smith said, "ABC would be delighted to have someone of Judge Thomas' wisdom and integrity on the highest court in the land. We believe Judge Thomas has a keen awareness of the issues and would interpret them with fairness, understanding, sensitivity and compassion. We strongly support the nomination of Judge Clarence Thomas."

*Indian American Forum for Political Education Endorses Judge Thomas
(8/13/91)*

The Indian American Forum for Political Education voted during its Ninth Annual Convention to "vigorously support the nomination of Appeals Court Judge Clarence Thomas to the United States Supreme Court."

"We support Judge Thomas because his record in government indicates he is committed to upholding the Constitution and fighting for individual rights. A majority of the one million Indian Americans are first generation immigrants. We cherish

freedom and the rights of the individual to achieve whatever his talents and inspiration will allow.

"Beyond Judge Thomas's public record, we feel his personal triumphs over poverty and discrimination have provided him with the compassion and insight that is vital to our judicial system," said Krishna Srinivasa, president of the organization.

*American Road & Transportation Builders Association Urges Support for
Supreme Court Nominee Judge Clarence Thomas
(8/9/91)*

American Road & Transportation Builders Association Chairman John C. Lanford said the Association believed "Judge Thomas has demonstrated over a distinguished career the ability to review and take decisive action on often controversial issues in a fair and impartial manner." Lanford also asserted that Judge Thomas "has shown that he is sensitive to the rights and aspirations of all Americans and that he understands the many unique challenges facing small businesses in the United States."

*Knights of Columbus Pass Resolution In Support of Thomas
(8/8/91)*

"Whereas, an examination of the record of Judge Clarence Thomas, nominated for Justice of the Supreme Court, shows him to be exceptionally well qualified for the position to which he has been nominated, having the proper judicial temperament, intellectual capacity, and breadth of legal experience, be it

Resolved, that we urge the Senate Judiciary Committee to report favorably the nomination to the United States Senate and further urge the United States Senate and each of its members to confirm the nomination . . .

Further resolved, that we do all in our power and authority to urge all members to contact their Senators promptly requesting them to support and confirm the nomination of Judge Clarence Thomas as a Justice of the United States Supreme Court."

*The Improved, Benevolent and Protective Order of Elks of the World Endorses
Thomas Nomination to the Supreme Court
(8/8/91)*

During the 92nd Annual Grand Lodge Convention the Improved, Benevolent and Protective Oder of Elks voted by an overwhelming majority "to support and endorse the nomination of Judge Thomas as a Justice on the United States Supreme Court." This petition was thoroughly discussed by the general body and adopted after careful consideration.

*Associated General Contractors of America Support
Supreme Court Nominee Clarence Thomas
(8/7/91)*

" . . . When a Supreme Court nominee has a demonstrably clear record of scholastic achievement, repeated overwhelming Senate approval for important positions, and is also a beacon of light and hope for all who aspire to a better life, we should be grateful for his advancement and seek to enhance it," according to Associated General Contractors of America (AGC) President Marvin M. Black.

*National Small Business United Urges Support for Thomas Nomination
(8/6/91)*

" . . . During his career, Judge Thomas has shown a clear understanding of business issues and the benefits of our free enterprise system," stated John Galles, Executive Vice President of NSBU.

Galles cited Judge Thomas' tenure as chair of the Equal Employment Opportunity Commission, wherein he worked to increase compliance by working cooperatively with the business community, as an example of his understanding of small business. "Judge Thomas was compassionate toward those very small businesses who wanted and needed to comply with the law, but required assistance in interpreting the manifold complexities in the regulations," he said.

Gallas further stated that Judge Thomas' background and upbringing inspire confidence that he understands the meaning and importance of hard work, discipline and entrepreneurship.

"These are all things that small business owners are committed to and care deeply about; they form the major pillars of a general outlook on life," he said.

"Judge Thomas' rise from humble beginnings to such prominence is a living embodiment of those ideals, and NSBU is pleased that a nominee to this country's highest court would both exemplify and subscribe those key ideals."

*National Jewish Coalition Supports Thomas Nomination
(8/5/91)*

. . . Judge Thomas will bring to the highest court in the land an intense concern for individual liberty and equal opportunity. He has been commended by jurists, legal scholars and others for his insight into the law, his scholarship and his moral courage.

The NJC welcomes the nomination of Judge Thomas, whose life is a testament to hard work, discipline and integrity. Judge Thomas has overcome poverty, discrimination, and family hardships. He has struggled for equality and respect not for himself, but for all Americans, through his service on the Equal Employment Opportunity Commission and his legal work on civil rights issues prior to becoming a judge.

Judge Thomas has also been sensitive to issues of religious liberty, and has worked to protect the individual's rights to appropriate religious expression in the workplace according to Title VII of the Civil Rights Act of 1964. The NJC was pleased to learn

that Judge Thomas has strongly condemned anti-Semitism, and has disassociated himself from the anti-Semitism of the Reverend Louis Farrakhan. . .

National Association of Truck Stop Operators Support Thomas
(8/2/91)

. . . We believe that the Nation is well-served by including on the Court a Justice with first hand experience as a business lawyer and in human resources and environmental issues management. The values Judge Thomas learned as a child, reinforced through his work and family experiences, are also important contributions to the future of American jurisprudence. We respect his record of achievement and independent thinking, along with his commitment to the Constitution and the rule of law.

*Central State University President Arthur Thomas Endorses Judge Clarence Thomas
for Supreme Court*
(8/1/91)

Dear President Bush: . . . Because of Central State University's long and rich tradition of educating and graduating students from all walks of life, I was encouraged to learn of your nomination of this African American for the U.S. Supreme Court. Many of these students now enjoy rich careers in the public sector, private business and other fields of endeavor. I have always advocated the need for. . . African American youth to have positive role models as they go throughout critical periods of their development.

The nomination of Judge Thomas to serve on the highest judicial bench in this land will have a positive impact on our African-American youth regardless of Philosophical and ideological differences that are currently under discussion. . .

Cook County Republicans Endorse Thomas For Supreme Court
(7/31/91)

. . . Most fair minded and unbiased Americans who are willing to observe, will discover Clarence's outstanding life-long dedication and service to the causes of social justice, economic progress, quality education, and whose mission has been to achieve equitable representation of a multi-cultural society, in a diverse way. . .

Joshua I. Smith, Chairman of Commission On Minority Business Development and Maxima Corporation, Holds Rally In Support of Judge Clarence Thomas
(7/31/91)

". . . Nearly every African-American I have spoken to has emphasized we must give Clarence Thomas a chance. This rally was a demonstration that blacks are thinking

for themselves and will not be stampeded into a counter-productive reaction."

"I am amazed and appalled at the actions of the Executive Committee of the NAACP.

"I find it particularly shocking that this organization with its longstanding commitment to African Americans has rejected one of our own as a nominee to the Supreme Court although they made no comments on the last three nominees to the Court who shared Judge Thomas' ideology, but not his race."

"I don't know if it is "sour grapes" over the fact that Clarence Thomas has succeeded in life outside the political agenda of many NAACP leaders, or if it is because he is a Republican. But, I do know that Judge Thomas was discriminated against because his is black! That is the tragic irony of Wednesday's action."

*International Mass Retail Association Inc. Strongly Endorses
Nomination of Clarence Thomas to the Supreme Court
(7/30/91)*

In a letter of endorsement sent to President Bush, International Mass Retail Association (IMRA) President Robert J. Verdisco stated, "IMRA knows first-hand of Mr. Thomas' highly principled and effective tenure as Chair of the Equal Employment Opportunity Commission (EEOC), and the major strides he made in making EEOC a more balanced and better managed organization. In addition to his solid credentials and established record in public service, Clarence Thomas also would bring to the Court a keen intellect, proven integrity and a demonstrated willingness to examine all sides of any question without preconceptions or ideological blinkers."

*Women For Judge Thomas Announce Nationwide Support
(7/30/91)*

At a news conference announcing the initial 150 members of the bipartisan organization. . . Labor Secretary Lynn Martin said, "Clarence Thomas understands -- he knows the inequities, the indignities, the insensitivity. That is why I, and why women across this nation, should support Clarence Thomas' nomination to the Supreme Court."

Citing Thomas' long and distinguished record during his 8-year chairmanship of the U.S. Equal Employment Opportunity Commission (EEOC), Martin said "The fact that Clarence Thomas has lived his life as a minority certainly has sensitized him to many of the issues he and women both face. For difference reasons, he has come up against the same barriers many of us in this room have met.

"I don't need to know how Clarence Thomas will vote on any one given court case. My litmus test is much simpler, much broader: Does he understand what it is like to start off life at an immediate disadvantage? Does he understand what it is like to have to fight for a place at the table? Does he understand that despite our staunch belief in the principles enshrined in our 'Declaration of Independence' that all men are created equal, all men, all women, are not always treated equally?" Martin said.

*U.S. Chamber of Commerce Endorses Clarence Thomas for Supreme Court
(7/29/91)*

. . . Chamber President Richard Leshner called Thomas superbly qualified for the Supreme Court. Citing Judge Thomas' diverse background as a corporate counsel, a legislative assistant to Sen. John Danforth, chairman of the Equal Opportunity Employment Commission, and judge on the U.S. Court of Appeals, Leshner stated he was confident Thomas would be an excellent Supreme Court Justice.

"I also have the pleasure of knowing Clarence Thomas personally," Leshner said. "Clarence Thomas is a fine person who overcame great personal adversity through perseverance and hard work to reach great heights. His nomination to the Supreme Court is a reaffirmation that the American dream is alive and well."

*Republican National Lawyers Association Supports Thomas Nomination
(7/26/91)*

. . . We believe that Judge Thomas' qualifications as a lawyer are of the highest order. In addition, he has a distinguished record of public service. Finally, he will bring an unmatched range of experiences and diversity which we believe are essential to the Court's deliberations. In short, Judge Thomas exemplifies the best in the legal profession.

*U.S. Mexico Foundation Supports Nomination of Judge Clarence Thomas to Supreme Court
(7/22/91)*

. . . Throughout our 20 years of existence, we have honored numerous key individuals, who like Clarence Thomas, have risen above negative circumstances to be a success in their fields of endeavor. Through his inspiring hard work, education and perseverance, Judge Thomas has overcome adverse situations to rise to a high level of excellence, an accomplishment which should be emulated not only by minorities, but by all races. He left a legacy while he was Chairman of the Equal Employment Opportunity Commission. He revitalized the agency, emphasizing its law enforcement mission. Judge Thomas sought tougher penalties against discriminatory businesses and instituted policies which protected the rights of American workers while opening up opportunities for women, older Americans and minorities.

*The U.S. Hispanic Chamber of Commerce Endorses Thomas
(7/22/91)*

The board of directors of the U.S. Hispanic Chamber of Commerce (USHCC) today unanimously voted in favor of supporting Judge Clarence Thomas' nomination to the U.S. Supreme Court.

"The USHCC is a business advocate group concerned with economic rights. As

such, we strive to make the market place an even playing field for Hispanic businesses and minority enterprise at large. We believe in economic empowerment of individuals, justice and equal opportunities for all Americans. We value hard work, discipline, moral courage, self-reliance and entrepreneurship. For all these reasons, we support Thomas's nomination."

*The National Catholic Educational Association Endorses Thomas
(7/22/91)*

". . . It can not be denied that he [Clarence Thomas] embodies the best and brightest of the American dream. Against all odds, he overcame a disadvantaged and challenging youth to attain a distinguished education; to reach high public office and to gain the respect and gratitude of the leaders of our country.

"We believe Mr. Thomas has the qualifications to serve on the Supreme Court and are confident that his accomplishment in achieving this post will stand as an incentive to all young people in America that -- despite all odds -- they have a chance at a better life through learning and self-initiative."

*Cuban American National Foundation Endorses Thomas
(7/19/91)*

"We are confident that the confirmation of Judge Thomas will be a victory for all persons who value the democratic principles that have served to preserve and strengthen this nation throughout its history. Judge Thomas' presence on the high court will not only reaffirm the Administration's commitment to assure the progress and protection of minorities, but will also bring a range of experience and diversity essential to the court's delicate deliberations."

*The Republican National Hispanic Assembly Endorses Thomas
(7/19/91)*

The Republican National Hispanic Assembly (RNHA), the official Hispanic auxiliary of the RNC, commends President George Bush on his decision to nominate Judge Clarence Thomas to the U.S. Supreme Court.

"This nomination is not dictated by Judge Thomas' race, it is not dictated by his ideology, it is dictated by his first-hand intellect, his varied legal experiences his outstanding character and his commitment to the Constitution and individual rights."

"The President nominated him for his fidelity to the Constitution and rule of law. These qualities, coupled with his education and experience, will make him an exemplary Justice of the Supreme Court."

*National Coalition for Self-Reliance Endorses Thomas
(7/18/91)*

Robert L. Woodson
President, National Center for Neighborhood Enterprise
&
Co-Chair, Coalition for Self-Reliance

Reverend Buster Soaries
Pastor, First Baptist Church of Lincoln Gardens
Somerset, New Jersey
&
Co-Chair, Coalition for Self-Reliance

Honorable Nate Bush
Vice President, District of Columbia Board of Education

Kimi O. Gray
President, National Association of Resident Management Corporations

Mabel Haden
President, National Association of Black Women Attorneys

Nathan Wright Jr., Ph.D.
Founding Member, AOIP (a consortium representing 94 Black-led organizations)

Fred Brown
Chairman, National Black Republican Council

Tony Brown
Syndicated Journalist

Mildred Hailey
Executive Director, Bromley Heath Tenant Management Corporation
Boston, Massachusetts

Juan A. Scott
Chairman, Connecticut Black Republican Council

Calvin Rolark
President, United Black Fund

*Agudath Israel to Support Bush Supreme Court Nomination
(7/17/19)*

Agudath Israel of America, the nation's largest grassroots Orthodox Jewish movement, today announced its intention to support President Bush's nomination of Judge Clarence Thomas for the U.S. Supreme Court.

"Judge Thomas has impressive credentials, both professionally and personally. He has compiled a strong record of distinguished service -- as a judge in the U.S. Court of Appeals for the D.C. Circuit, and, prior to that, as the chairman of the Equal Employment Opportunity Commission. He has displayed great sensitivity to the cause of religious liberty. He has articulated a vision of equal opportunity for all Americans that will help move the U.S. toward a society in which people are judged on the basis of their qualifications rather than their race, gender, religion or any other extraneous characteristic. He has overcome personal adversity and discrimination in his own life through his steadfast commitment to such basic principles as hard work and intellectual integrity.

*The National District Attorney's Association Supports Thomas
(7/16/91)*

"Be it resolved that the National District Attorneys Association urges the Senate Judiciary Committee and the United States Senate to confirm without delay, President Bush's nomination of Judge Clarence Thomas to the United States Supreme Court."

*Catholic Golden Age Endorses Thomas as Next Supreme Court Justice
(7/15/91)*

"The Board of Directors of Catholic Golden Age, the national non-profit organization of Catholics over 50, fully endorses Judge Clarence Thomas as the next U.S. Supreme Court Justice.

"We have no doubt about Judge Thomas' commitment to civil rights or his ability to serve on the highest court in the land."

*The National Tax Limitation Committee Endorses Judge Clarence Thomas for Supreme
Court
(7/15/91)*

"The NTLC normally does not endorse Judicial nominees. However, in the wake of the Missouri vs. Jenkins decision last year, when, on a 5-4 vote, the Court decreed that federal judges could order local governments to impose taxes, it has become clear that taxpayers have a decided interest in the Judiciary.

"On that and other issues...we believe the Court will be finer, fairer and more sensitive to the rights of individuals, including taxpayers, if Clarence Thomas has the opportunity to serve."

*Students for America Statement of Support for Judge Clarence Thomas
(7/12/91)*

"We. . . state our support for the nomination of Judge Clarence Thomas to serve as the 106th Associate Justice of the United States Supreme Court.

"Judge Thomas has served the United States with distinction for over 17 years, as a Federal Appellate Justice, Chairman of the U.S. Equal Employment Commission and as U.S. District Attorney in Missouri.

"Judge Thomas embodies the values that many young Americans believe so strongly in, and the traditional American values that our forefathers embedded into the foundation of this great country. With Judge Thomas on the bench we can be assured that the Court will not legislate its decisions, but will interpret the Constitution as it is written."

Polish American Congress Support Nomination of Judge Clarence Thomas
(7/10/91)

... We... have carefully considered Judge Thomas' background and experience and we believe that he is uniquely qualified to serve on the highest court of our land.

We are particularly impressed by Judge Thomas' emphasis on self-reliance, hard work and the importance of family. These values are cherished by Polish Americans.

Black Republican Group Endorses Clarence Thomas Nomination
(7/2/91)

"The Council of 100, a national organization of Black Republicans announced its support of President Bush's nomination of Clarence Thomas for Associate Justice of the Supreme Court. An early supporter of Thomas, the Council sent a letter to President Bush prior to the public announcement requesting Bush to consider Thomas for the nomination to the nation's highest court."

"Mr. Thomas is a legal scholar who having recently passed Senate confirmation before his current appointment, is already well known to the Administration. Most importantly, he has the moral [fortitude], the breadth of experience, and regard for conservative construction of constitutional issues needed for a Supreme Court Justice."

9/3/91 9 a.m.

U.S. Supreme Court Nominee Judge Clarence Thomas Association and Organization Endorsements

International Association of Chiefs of Police Endorses Thomas (8/28/91)

The International Association of Chiefs of Police today announced its endorsement of President Bush's nomination of Judge Clarence Thomas to the United States Supreme Court.

. . . It was determined that Judge Thomas is a well-qualified, tough, anti-crime judge who has recognized the problems that law enforcement officers face in combatting crime.

The International Association of Chiefs of Police is the world's oldest and largest non-profit organization of police executives. Established in 1893, the IACP has approximately 12,500 members in 65 nations around the world.

Association of Retired Americans President Praises Clarence Thomas (8/27/91)

Association of Retired Americans President Earl Heath has praised President Bush's nomination of Judge Clarence Thomas to the U.S. Supreme Court to fill the vacancy created by the retirement of Justice Thurgood Marshall.

ARA President Heath stated, "I believe that President Bush has selected a good candidate who understands the value of hard work and good citizenship."

Heath added that the President's nominee appears to be a person that will be sensitive to the problems of America's senior citizens, as well as all the population.

In selecting Judge Thomas, Heath believes that the President has selected a nominee who rose from humble circumstances, experienced many difficulties and understands and will protect the traditional American values embodied in the Constitution and Bill of Rights.

Heath concluded that Judge Thomas appears to be an independent thinker and pledged to interpret laws from the bench rather than make them.

"I believe the rights of all Americans, including, of course, our senior citizens, will be well served by the President's choice," Heath commented.

Heartland Coalition Announces Support for Confirmation of Judge Thomas (8/23/91)

. . . The Coalition urged . . . supporters to demonstrate the bi-partisan, culturally

diverse support which this nomination has in America. We are supporting an outstanding jurist whose legal experience began here in Missouri and whose appointment is a source of pride to so many of us. It is important to demonstrate that we in the Heartland are independent thinkers who choose to exercise our right to aggressively promote the confirmation of Judge Thomas.

John Palmer, spokesman, stated that although the views of Judge Thomas may differ from those held by Justice Thurgood Marshall, he, like Judge Marshall, has overcome hardships, discrimination and deprivation to prepare himself for the calling and the challenge of the highest court in the land.

As an Associate Judge, he will bring academic preparation, legal experience, cultural diversity, intellectual insight, and an invaluable perspective to the U.S. Supreme Court.

The Coalition consists of concerned community, business, political, and church leaders from Missouri and Kansas, and was formed to demonstrate the massive support on behalf of the Thomas nomination, particularly in the minority community.

[Coalition participants are:]

Veda Monday
First District City Councilwoman, Kansas City, KS

Bill Clark
Civil Rights Leader

Carol Coe
33rd District City Councilwoman, Kansas City, KS

Hector Barreto
Chairman, La Plaza International Hispana, Inc.

JoAnn Collins
Vice President, United Missouri Bank

Lutricia Church
Chairman, Heart of America Black Republican Council

Joshua Smith
Chairman, U.S. Commission on Minority Business Development

John Palmer
Vice Chair, National Black Republican Council

*Mass Retailing Endorses Thomas Nomination For Supreme Court
(8/23/91)*

The International Mass Retail Association (IMRA), representing the nation's discount store industry, has endorsed the nomination of Federal appellate judge Clarence Thomas to serve on the U.S. Supreme Court.

IMRA represents over 100 major discount retail chains operating over 35,000 stores, with sales representing an overwhelming majority of the nation's \$150 billion a year discount retail industry.

In endorsing the nomination, IMRA noted its first-hand knowledge of Judge Thomas' "highly principled and effective tenure as chair of the Equal Employment

Opportunity Commission (EEOC), and the major strides he made in making EEOC a more balanced and better managed organization."

In addition to his solid credentials and established record in public service, Clarence Thomas also would bring to the Court a keen intelligence, proven integrity and a demonstrated willingness to examine all sides of any question without preconceptions or ideological blinkers.

*Citizens For A Sound Economy Urges Senate To Consider
Judge Clarence Thomas' Economic Views
(8/22/91)*

In a letter sent today to the U.S. Senate, Citizens for a Sound Economy President Paul Beckner urged members to consider Judge Clarence Thomas' sound economic principles when voting on his U.S. Supreme Court nomination.

According to Beckner, "In examining Judge Clarence Thomas' record, we have found that his views reflect CSE's views on free-market economic policy.

". . . Judge Thomas' legal philosophy is based on protecting the individual rights and liberties set forth in the Constitution. From his record, it appears that Judge Thomas believes that protection is best achieved by limiting government power.

". . . These views are consistent with CSE's mission of promoting economic growth and economic freedom."

For these reasons, Beckner concluded that "Judge Thomas' record indicates that he will issue sound decisions affecting economic policy."

Citizens for a Sound Economy is a 250,000-member citizens advocacy organization in Washington, D.C.

*Associated Builders and Contractors, Inc. Endorses
Thomas for U.S. Supreme Court
(8/21/91)*

The Associated Builders and Contractors' (ABC) Executive Committee announced its "unanimous support" for the nomination of Judge Thomas to the United States Supreme Court.

ABC National President John Smith said, "ABC would be delighted to have someone of Judge Thomas' wisdom and integrity on the highest court in the land. We believe Judge Thomas has a keen awareness of the issues and would interpret them with fairness, understanding, sensitivity and compassion. We strongly support the nomination of Judge Clarence Thomas."

*Christian Methodist Episcopal Church Endorses Thomas
(8/20/91)*

. . . We have carefully studied the writings, decisions, and judicial contributions of Judge Thomas, and in our considered judgement he possesses all the skills,

preparation, and judicial expertise that would suit him to be a most efficient Supreme Court judge. He is worthy of such an honor in the light of his distinguished career and accomplishments.

*National Council of Young Israel Supports Thomas Nomination
(8/20/91)*

President of the National Council of Young Israel Chaim Kaminetzky hailed Judge Clarence Thomas "as an example of choosing the most qualified person." The Council felt that Judge Thomas "personifies honesty, intelligence, firm convictions, Judicial acumen, with a warm sensitivity." President Kaminetzky also noted that Judge Thomas "will bring to the court the in-depth legal interpretations which will benefit all people." "I see in Judge Thomas the American dream of going from the Log Cabin to the Presidency, a real Horatio Alger story," said Rabbi Sturm, the Executive Vice President.

*Black Nurses' Association Backs Clarence Thomas
(8/20/91)*

Dear Mr. President: The Board of Directors of the 7000-member National Black Nurses' Association, Inc. has voted to support your nomination of Judge Clarence Thomas to be the newest Associate Justice to the United States Supreme Court.

The National Black Nurses' Association reaches 130,000 nurses in the United States, the Eastern Caribbean and Africa.

We have known Judge Thomas since 1985, when he spoke to the National Black Nurses Association membership.

We were impressed then by his vision. We continue to admire his strength. He is a committed public servant and a respected jurist. We admire his personal development from a childhood. . . in segregated rural Georgia, to nomination to the highest court in the United States. The uniqueness of his background promises to provide an important voice on the court.

Indeed, we are at a critical junction in the history of our country. Living up to the promise of one nation indivisible requires leadership which includes full ethnic, racial and gender participation in government and private industry. Our nation's fundamental values must promote and enact fairness and justice for all.

As African-Americans, we recognize that the disparity between white and black Americans is widening in all respects. We also recognize that the future of this country and its continued greatness rests on our ability to close this gap.

Justice Thurgood Marshall has been a life-long champion for the creation of an equal America. We expect that Judge Thomas will continue this commitment.

We believe that Judge Thomas, at this point in his life, is prepared to accept this challenge.

Zeta Phi Beta Sorority, Inc., State of Georgia, Supports Thomas
(8/15/91)

Dear President Bush: The members of Zeta Phi Beta Sorority, support the nomination of Judge Clarence Thomas to the Supreme Court. Judge Thomas has done an outstanding job in providing leadership for EEOC and as a Judge, and we feel that he will continue to render distinguished service if confirmed. . .

[Zeta Phi Beta is the third largest black sorority in the country.]

Indian American Forum for Political Education Endorses Judge Thomas
(8/13/91)

The Indian American Forum for Political Education voted during its Ninth Annual Convention to "vigorously support the nomination of Appeals Court Judge Clarence Thomas to the United States Supreme Court."

"We support Judge Thomas because his record in government indicates he is committed to upholding the Constitution and fighting for individual rights. A majority of the one million Indian Americans are first generation immigrants. We cherish freedom and the rights of the individual to achieve whatever his talents and inspiration will allow.

"Beyond Judge Thomas's public record, we feel his personal triumphs over poverty and discrimination have provided him with the compassion and insight that is vital to our judicial system," said Krishna Srinivasa, president of the organization.

Federal Investigators Association Supports Thomas Nomination
(8/12/91)

Dear Mr. President: The Federal Investigators Association, representing federal investigators in the DEA, FBI, BAT&F, US Customs, IRS, Treasury and other Agencies and Departments of our government, back, without reservation, your nomination of Judge Clarence Thomas for the U.S. Supreme Court.

. . . We believe our members understand and agree with the assessment of the legal experts who state that Judge Thomas is tough, but fair, on crime.

The legal scholars who have studied Judge Thomas' record have concluded that he has resisted the efforts of those who would impose unreasonable and burdensome requirements on our police and local prosecutors as they perform their jobs protecting our citizens against lawbreakers. Judge Thomas has shown that he will, and has, resisted efforts by some who would overturn criminal convictions on technicalities not protected by the Constitution. We are also convinced that, from his record, he would guard against infringements of the fundamental rights of criminal defendants.

Most important, Judge Thomas would, we believe, interpret the laws of our country as they are written and not attempt to legislate new law as a Supreme Court Justice.

District of Columbia Black Police Caucus Supports Thomas Nomination
(8/9/91)

Dear Mr. President: The D.C. Black Police Caucus wish to applaud your recent nomination of the Honorable Clarence Thomas to the Supreme Court of the United States. Judge Thomas is an excellent candidate for this high office. . .

*American Road & Transportation Builders Association Urges Support for
Supreme Court Nominee Judge Clarence Thomas*
(8/9/91)

American Road & Transportation Builders Association Chairman John C. Lanford said the Association believed "Judge Thomas has demonstrated over a distinguished career the ability to review and take decisive action on often controversial issues in a fair and impartial manner." Lanford also asserted that Judge Thomas "has shown that he is sensitive to the rights and aspirations of all Americans and that he understands the many unique challenges facing small businesses in the United States."

Knights of Columbus Pass Resolution In Support of Thomas
(8/8/91)

"Whereas, an examination of the record of Judge Clarence Thomas, nominated for Justice of the Supreme Court, shows him to be exceptionally well qualified for the position to which he has been nominated, having the proper judicial temperament, intellectual capacity, and breadth of legal experience, be it resolved, that we urge the Senate Judiciary Committee to report favorably the nomination to the United States Senate and further urge the United States Senate and each of its members to confirm the nomination . . .

[Be it] further resolved, that we do all in our power and authority to urge all members to contact their Senators promptly requesting them to support and confirm the nomination of Judge Clarence Thomas as a Justice of the United States Supreme Court."

*The Improved, Benevolent and Protective Order of Elks of the World Endorses
Thomas Nomination to the Supreme Court*
(8/8/91)

During the 92nd Annual Grand Lodge Convention the Improved, Benevolent and Protective Order of Elks, the nation's largest predominantly black fraternal organization, voted by an overwhelming majority to support and endorse the nomination of Judge Thomas as a Justice on the United States Supreme Court. This petition was thoroughly discussed by the general body and adopted after careful consideration.

*Associated General Contractors of America Support
Supreme Court Nominee Clarence Thomas
(8/7/91)*

" . . . When a Supreme Court nominee has a demonstrably clear record of scholastic achievement, repeated overwhelming Senate approval for important positions, and is also a beacon of light and hope for all who aspire to a better life, we should be grateful for his advancement and seek to enhance it," according to Associated General Contractors of America (AGC) President Marvin M. Black.

*National Small Business United Urges Support for Thomas Nomination
(8/6/91)*

" . . . During his career, Judge Thomas has shown a clear understanding of business issues and the benefits of our free enterprise system," stated John Galles, Executive Vice President of NSBU.

Galles cited Judge Thomas' tenure as chair of the Equal Employment Opportunity Commission, wherein he worked to increase compliance by working cooperatively with the business community, as an example of his understanding of small business. "Judge Thomas was compassionate toward those very small businesses who wanted and needed to comply with the law, but required assistance in interpreting the manifold complexities in the regulations," he said.

Gallas further stated that Judge Thomas' background and upbringing inspire confidence that he understands the meaning and importance of hard work, discipline and entrepreneurship.

"These are all things that small business owners are committed to and care deeply about; they form the major pillars of a general outlook on life," he said.

"Judge Thomas' rise from humble beginnings to such prominence is a living embodiment of those ideals, and NSBU is pleased that a nominee to this country's highest court would both exemplify and subscribe those key ideals."

*National Jewish Coalition Supports Thomas Nomination
(8/5/91)*

. . . Judge Thomas will bring to the highest court in the land an intense concern for individual liberty and equal opportunity. He has been commended by jurists, legal scholars and others for his insight into the law, his scholarship and his moral courage.

The NJC welcomes the nomination of Judge Thomas, whose life is a testament to hard work, discipline and integrity. Judge Thomas has overcome poverty, discrimination, and family hardships. He has struggled for equality and respect not for himself, but for all Americans, through his service on the Equal Employment Opportunity Commission and his legal work on civil rights issues prior to becoming a judge.

Judge Thomas has also been sensitive to issues of religious liberty, and has worked to protect the individual's rights to appropriate religious expression in the workplace

according to Title VII of the Civil Rights Act of 1964. The NJC was pleased to learn that Judge Thomas has strongly condemned anti-Semitism, and has disassociated himself from the anti-Semitism of the Reverend Louis Farrakhan. . .

*National Association of Truck Stop Operators Support Thomas
(8/2/91)*

. . . We believe that the nation is well-served by including on the Court a Justice with first hand experience as a business lawyer and in human resources and environmental issues management. The values Judge Thomas learned as a child, reinforced through his work and family experiences, are also important contributions to the future of American jurisprudence. We respect his record of achievement and independent thinking, along with his commitment to the Constitution and the rule of law.

*Central State University President Arthur Thomas Endorses Judge Clarence Thomas
for Supreme Court
(8/1/91)*

Dear President Bush: . . . Because of Central State University's long and rich tradition of educating and graduating students from all walks of life, I was encouraged to learn of your nomination of this African American for the U.S. Supreme Court. Many of these students now enjoy rich careers in the public sector, private business and other fields of endeavor. I have always advocated the need for. . . African American youth to have positive role models as they go throughout critical periods of their development.

The nomination of Judge Thomas to serve on the highest judicial bench in this land will have a positive impact on our African-American youth regardless of Philosophical and ideological differences that are currently under discussion. . .

*Cook County Illinois Republican Minority Advisory Committee Endorses Thomas For Supreme Court
(7/31/91)*

. . . Most fair minded and unbiased Americans who are willing to observe, will discover Clarence's outstanding life-long dedication and service to the causes of social justice, economic progress, quality education, and whose mission has been to achieve equitable representation of a multi-cultural society, in a diverse way. . .

*Joshua I. Smith, Chairman of Commission On Minority Business Development and Chairman
and CEO of Maxima Corp., Holds Rally In Support of Judge Clarence Thomas
(7/31/91)*

". . . Nearly every African-American I have spoken to has emphasized we must

give Clarence Thomas a chance. This rally was a demonstration that blacks are thinking for themselves and will not be stampeded into a counter-productive reaction."

"I am amazed and appalled at the actions of the Executive Committee of the NAACP.

"I find it particularly shocking that this organization with its longstanding commitment to African Americans has rejected one of our own as a nominee to the Supreme Court although they made no comments on the last three nominees to the Court who shared Judge Thomas' ideology, but not his race."

"I don't know if it is "sour grapes" over the fact that Clarence Thomas has succeeded in life outside the political agenda of many NAACP leaders, or if it is because he is a Republican. But, I do know that Judge Thomas was discriminated against because his is black! That is the tragic irony. . .

*Women For Judge Thomas Announce Nationwide Support
(7/30/91)*

At a news conference announcing the initial 150 members of the bipartisan organization. . . Labor Secretary Lynn Martin said, "Clarence Thomas understands -- he knows the inequities, the indignities, the insensitivity. That is why I, and why women across this nation, should support Clarence Thomas' nomination to the Supreme Court."

Citing Thomas' long and distinguished record during his eight-year chairmanship of the U.S. Equal Employment Opportunity Commission (EEOC), Martin said "The fact that Clarence Thomas has lived his life as a minority certainly has sensitized him to many of the issues he and women both face. For difference reasons, he has come up against the same barriers many of us in this room have met.

"I don't need to know how Clarence Thomas will vote on any one given court case. My litmus test is much simpler, much broader: Does he understand what it is like to start off life at an immediate disadvantage? Does he understand what it is like to have to fight for a place at the table? Does he understand that despite our staunch belief in the principles enshrined in our Declaration of Independence that all men are created equal, all men, all women, are not always treated equally?" Martin said.

*U.S. Chamber of Commerce Endorses Clarence Thomas for Supreme Court
(7/29/91)*

. . . Chamber President Richard Leshar called Thomas superbly qualified for the Supreme Court. Citing Judge Thomas' diverse background as a corporate counsel, a legislative assistant to Sen. John Danforth, chairman of the Equal Opportunity Employment Commission, and judge on the U.S. Court of Appeals, Leshar stated he was confident Thomas would be an excellent Supreme Court Justice.

"I also have the pleasure of knowing Clarence Thomas personally," Leshar said. "Clarence Thomas is a fine person who overcame great personal adversity through perseverance and hard work to reach great heights. His nomination to the Supreme

Court is a reaffirmation that the American dream is alive and well."
Republican National Lawyers Association Supports Thomas Nomination
(7/26/91)

. . . We believe that Judge Thomas' qualifications as a lawyer are of the highest order. In addition, he has a distinguished record of public service. Finally, he will bring an unmatched range of experiences and diversity which we believe are essential to the Court's deliberations. In short, Judge Thomas exemplifies the best in the legal profession.

U.S.-Mexico Foundation Supports Nomination of Judge Clarence Thomas to Supreme Court
(7/22/91)

. . . Throughout our 20 years of existence, we have honored numerous key individuals, who like Clarence Thomas, have risen above negative circumstances to be a success in their fields of endeavor. Through his inspiring hard work, education and perseverance, Judge Thomas has overcome adverse situations to rise to a high level of excellence, an accomplishment which should be emulated not only by minorities, but by all races. He left a legacy while he was Chairman of the Equal Employment Opportunity Commission. He revitalized the agency, emphasizing its law enforcement mission. Judge Thomas sought tougher penalties against discriminatory businesses and instituted policies which protected the rights of American workers while opening up opportunities for women, older Americans and minorities.

The U.S. Hispanic Chamber of Commerce Endorses Thomas
(7/22/91)

The board of directors of the U.S. Hispanic Chamber of Commerce (USHCC) today unanimously voted in favor of supporting Judge Clarence Thomas' nomination to the U.S. Supreme Court.

"The USHCC is a business advocate group concerned with economic rights. As such, we strive to make the market place an even playing field for Hispanic businesses and minority enterprise at large. We believe in economic empowerment of individuals, justice and equal opportunities for all Americans. We value hard work, discipline, moral courage, self-reliance and entrepreneurship. For all these reasons, we support Thomas's nomination."

The National Catholic Educational Association Endorses Thomas
(7/22/91)

". . . It can not be denied that he [Clarence Thomas] embodies the best and brightest of the American dream. Against all odds, he overcame a disadvantaged and challenging youth to attain a distinguished education; to reach high public office and to

gain the respect and gratitude of the leaders of our country.

"We believe Mr. Thomas has the qualifications to serve on the Supreme Court and are confident that his accomplishment in achieving this post will stand as an incentive to all young people in America that -- despite all odds -- they have a chance at a better life through learning and self-initiative."

Cuban American National Foundation Endorses Thomas
(7/19/91)

"We are confident that the confirmation of Judge Thomas will be a victory for all persons who value the democratic principles that have served to preserve and strengthen this nation throughout its history. Judge Thomas' presence on the high court will not only reaffirm the Administration's commitment to assure the progress and protection of minorities, but will also bring a range of experience and diversity essential to the court's delicate deliberations."

The Republican National Hispanic Assembly Endorses Thomas
(7/19/91)

The Republican National Hispanic Assembly (RNHA), the official Hispanic auxiliary of the RNC, commends President George Bush on his decision to nominate Judge Clarence Thomas to the U.S. Supreme Court.

"This nomination is not dictated by Judge Thomas' race, it is not dictated by his ideology, it is dictated by his first-hand intellect, his varied legal experiences his outstanding character and his commitment to the Constitution and individual rights."

"The President nominated him for his fidelity to the Constitution and rule of law. These qualities, coupled with his education and experience, will make him an exemplary Justice of the Supreme Court."

National Coalition for Self-Reliance Endorses Thomas
(7/18/91)

Robert L. Woodson
President, National Center for Neighborhood Enterprise
&
Co-Chair, Coalition for Self-Reliance

Reverend Buster Soaries
Pastor, First Baptist Church of Lincoln Gardens
Somerset, New Jersey
&
Co-Chair, Coalition for Self-Reliance

Honorable Nate Bush
Vice President, District of Columbia Board of Education

Kimi O. Gray
President, National Association of Resident Management Corporations

Mabel Haden
President, National Association of Black Women Attorneys
Nathan Wright Jr., Ph.D.
Founding Member, AOIP (a consortium representing 94 Black-led organizations)

Fred Brown
Chairman, National Black Republican Council

Tony Brown
Syndicated Journalist

Mildred Hailey
Executive Director, Bromley Heath Tenant Management Corporation
Boston, Massachusetts

Juan A. Scott
Chairman, Connecticut Black Republican Council

Calvin Rolark
President, United Black Fund

Agudath Israel to Support Bush Supreme Court Nomination
(7/17/19)

Agudath Israel of America, the nation's largest grassroots Orthodox Jewish movement, today announced its intention to support President Bush's nomination of Judge Clarence Thomas for the U.S. Supreme Court.

"Judge Thomas has impressive credentials, both professionally and personally. He has compiled a strong record of distinguished service -- as a judge in the U.S. Court of Appeals for the D.C. Circuit, and, prior to that, as the chairman of the Equal Employment Opportunity Commission. He has displayed great sensitivity to the cause of religious liberty. He has articulated a vision of equal opportunity for all Americans that will help move the U.S. toward a society in which people are judged on the basis of their qualifications rather than their race, gender, religion or any other extraneous characteristic. He has overcome personal adversity and discrimination in his own life through his steadfast commitment to such basic principles as hard work and intellectual integrity.

The National District Attorney's Association Supports Thomas
(7/16/91)

"Be it resolved that the National District Attorneys Association urges the Senate Judiciary Committee and the United States Senate to confirm without delay, President Bush's nomination of Judge Clarence Thomas to the United States Supreme Court."

Catholic Golden Age Endorses Thomas as Next Supreme Court Justice
(7/15/91)

"The Board of Directors of Catholic Golden Age, the national non-profit organization of Catholics over 50, fully endorses Judge Clarence Thomas as the next

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"We have no doubt about Judge Thomas' commitment to civil rights or his ability to serve on the highest court in the land."

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"The NTLC normally does not endorse Judicial nominees. However, in the wake of the Missouri vs. Jenkins decision last year, when, on a 5-4 vote, the Court decreed that federal judges could order local governments to impose taxes, it has become clear that taxpayers have a decided interest in the Judiciary.

"On that and other issues...we believe the Court will be finer, fairer and more sensitive to the rights of individuals, including taxpayers, if Clarence Thomas has the opportunity to serve."

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"We . . . state our support for the nomination of Judge Clarence Thomas to serve as the 106th Associate Justice of the United States Supreme Court.

"Judge Thomas has served the United States with distinction for over 17 years, as a Federal Appellate Justice, Chairman of the U.S. Equal Employment Commission and as U.S. District Attorney in Missouri.

"Judge Thomas embodies the values that many young Americans believe so strongly in, and the traditional American values that our forefathers embedded into the foundation of this great country. With Judge Thomas on the bench we can be assured that the Court will not legislate its decisions, but will interpret the Constitution as it is written."

Polish American Congress Support Nomination of Judge Clarence Thomas
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. . . We . . . have carefully considered Judge Thomas' background and experience and we believe that he is uniquely qualified to serve on the highest court of our land.

We are particularly impressed by Judge Thomas' emphasis on self-reliance, hard work and the importance of family. These values are cherished by Polish Americans.

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"Mr. Thomas is a legal scholar who having recently passed Senate confirmation before his current appointment, is already well known to the Administration. Most importantly, he has the moral [fortitude], the breadth of experience, and regard for conservative construction of constitutional issues needed for a Supreme Court Justice."

repetition over and over again, all of which could have been said in a few words.

—MAVERICK, Maury, *New York Times*, May 21, 1944, Mag. p. 11.

GOOD

For there is nothing either good or bad, but thinking makes it so. . . Hamlet (II ii 255-257)

—And see Bander, Edward J., "Shakespeare and the Law," in *Case and Comment* (January-February, 1968), p. 48.

GOOD MEN

However, I suppose your reasons are weighty, yet I woul'd suggest that good and able Men had better govern than be goern'd, since 'tis possible, indeed highly probable, that if the able and good withdraw themselves from Society, the venal and ignorant will succeed.

—TYLER, John, Letter to Thomas Jefferson, May 16, 1782; see Boyd, Vol. VI. *Jefferson Papers*, pp. 183-84.

GOOD TEMPER

. . . amid all the difficulties that beset the advocate, he will find GOOD TEMPER the best companion, and COMMON SENSE the surest guide.

—*Harris's Hints on Advocacy*, by George W. Keeton (18th ed., London: Stevens & Sons Limited, 1943), p. 329.

GOVERNMENT

The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right.

—MARSHALL, John, in *Marbury v. Madison*, 1 Cranch 137, 163 (1803).

o o o

Pray for the welfare of the government; but for the fear thereof, men would swallow each other.

—TALMUD, Avot 3.2.

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Vol. I, Ch. 3.

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NATURAL LAW

As I said some years ago in an article in the *Northwestern University Law Review*, the difficulty with natural law—to which we might hope to look for specific help in such situations—is that if it is stated narrowly enough to bring something to bear on specific problems it is not universal enough to qualify as natural law, but as mere temporal tradition; and if it is stated generally enough to escape that difficulty, it is not precise enough to give us answers.”

—PIKE, James A., *Beyond the Law* (Garden City, New York: Doubleday & Company, Inc., 1963), p. 4.

* * *

The jurists who believe in natural law seem to me to be in that naive state of mind that accepts what has been familiar and accepted by them and their neighbors as something that must be accepted by all men everywhere.

—HOLMES, Oliver Wendell, *Natural Law. Collected Legal Papers* (New York: Harcourt, Brace and Company, 1920), p. 312.

* * *

I Cannot fancy to my self what the Law of Nature means, but the Law of God. How should I know I ought not to steal, I ought not to commit Adultery, unless some body had told me so? Surely 'tis because I have been told so? 'Tis not because I think I ought not to do them, nor because you think I ought not; if so, our minds might change, whence then comes the restraint? from a higher Power, nothing else can bind.

—SELDEN, John, *Table-Talk: Law of Nature* (London: E. Smith, MDCLXXXIX), p. 66 in *English Reprints*, no. 1-7.

* * *

NATURAL RESOURCES

But the wealth of Midas and the wit of man cannot produce or reproduce a natural gas field.

—JACKSON, Robert H., in *Federal Power Comm'n. v. Hope Natural Gas Co.*, 320 U.S. 591, 629 (1944).

* * *

A river is more than an amenity, it is a treasure. It offers a necessity of life that must be rationed among those who have power over it.

—HOLMES, Oliver Wendell, in *New Jersey v. New York*, 283 U.S. 336, 342 (1931).

* * *

NECESSITY

. . . social necessity
advance of Law. The
gap between them
is stable; the society
or less happiness
with which the government
—MAINE, Henry
and Company, 18

NEGLIGENCE

A cause does not
has an idiosyncrasy
injury. * * * Such
classification of plaintiff
speech of men. (Cardozo)
strophic nature (Cardozo)
is uninstructed in
—CARDOZO, Benjamin
498 (1934).

The timorous man
—CARDOZO, Benjamin
250 N.Y. 479, 481

“A blind man is not
—HOLMES, Oliver Wendell
Brown and Company

The lack of a bona
—REED, Stan
(1941).

The law decides questions of meum and tuum,
 By kindly consenting to make the thing suum;
 The Aesopian fable instructively tells
 What becomes of the oysters, and who gets the shells;
 The legatees starve, but the lawyers are fed;
 The Seniors have riches, the Juniors have bread;
 The available surplus of course will be nil,
 From the worthy testators who make their own will.

You had better pay toll when you take to the road,
 Than attempt by a by-way to reach your abode;
 You had better employ a conveyancer's hand
 Than encounter the risk that your will shouldn't stand.
 From the broad beaten track when the traveler strays,
 He may land in a bog or be lost in a maze;
 And the law, when defied, will avenge itself still
 On the man and the woman who make their own will.

—PROSSER, William L., *The Judicial Humorist* (Boston: Little, Brown and Company, 1952), p. 246.

* * *

Judicial power is never exercised for the purpose of giving effect to the will of the judge; always for the purpose of giving effect to the will of the legislature; or, in other words, to the will of the law.

—MARSHALL, John, in *Osborn v. Bank of United States*, 22 U.S. (9 Wheat.) 738, 866 (1824).

* * *

When a testator has executed a will in solemn form you must assume that he did not intend to make it a solemn farce,—that he did not intend to die intestate when he has gone through the form of making a will.

—ESHER, Lord, in *Re Harrison*, 30 Ch.D. 390, 393-394 (1885).

* * *

It has been justly observed by some jurist possessed of philosophical perception "that no will has a twin brother." This sage epigram points directly at the difficulties encountered by courts in trying to construe wills in the light of authority. These troubles are nowhere more cogently illustrated than in Mr. Jarman's *Standard Treatise on the Law of Wills*, where one may find authority for almost any proposition which the exigencies of a given case may suggest or demand.

—WERNER, William E., in *re King's Estate*, 200 N.Y. 189, 192 (1910).

* * *

In some instances hor
 —PAGE, Roy M., i
 (1949).

WIRETAPPING

It has been conceded § 605 that either party Each party to a telep party may have an overhear the convers violation of any privat

—WARREN, Earl
 (1957).

We have to choose, criminals should esc ignoble part.

For those who agr the government as j existing code does 1 such dirty business, ties to succeed.

—HOLMES, Olive
 (1928).

But I think, as Mr. I tution, the governm obtainable, by a crim we are bound, and v lished rules. Theref both of which we choose.

—HOLMES, Oliv
 470 (1928).

The Attorney Gener tion—he knew that

¹ The imperatives of technology and organization, not the images of ideology, are what determine the shape of economic society.

Ib.

² We are becoming the servants in thought, as in action, of the machine we have created to serve us.

Ib.

³ The enemy of the market is not ideology but the engineer.

Ib.

⁴ The individual serves the industrial system not by supplying it with savings and the resulting capital; he serves it by consuming its products.

Ib.

⁵ It was with Malthus and Ricardo that economics became the dismal science.¹

The Age of Uncertainty [1977], ch. 1

Lyndon Baines Johnson

1908-1973

⁶ Come now, let us reason together.²

Saying

⁷ I am a free man, an American, a United States Senator, and a Democrat, in that order.

Quoted by ADLAI STEVENSON in his introduction to JOHNSON, A Time for Action [1964]

⁸ All I have I would have given gladly not to be standing here today.

First address to Congress as President [November 27, 1963]

⁹ We have talked long enough in this country about equal rights. We have talked for a hundred years or more. It is time now to write the next chapter—and to write in the books of law.

Ib.

¹⁰ Unfortunately many Americans live on the outskirts of hope—some because of their poverty, some because of their color, and all too many because of both. Our task is to help replace their despair with opportunity.³

First State of the Union Message [January 8, 1964]

¹¹ The challenge of the next half century is whether we have the wisdom to use [our] wealth to enrich and elevate our national life—and to advance the quality of American civilization.

Speech at the University of Michigan [May 22, 1964]

¹ See Carlyle, 474:11.

² See Isaiah 1:18, 28:30.

³ See Michael Harrington, 908:5.

Galbraith — Murrow

¹² We still seek no wider war.

Radio/television speech [August 4, 1964] on the Gulf of Tonkin resolution

¹³ This nation, this generation, in this hour has man's first chance to build a Great Society,⁴ a place where the meaning of man's life matches the marvels of man's labor.

Address, accepting the presidential nomination [August 1964]

Otto Kerner, Jr.

1908-1976

¹⁴ Our nation is moving toward two societies, one black, one white—separate and unequal.

Report of the National Advisory Commission on Civil Disorders [1968], p. 1

Abraham Harold Maslow

1908-1970

¹⁵ A musician must make music, an artist must paint, a poet must write, if he is to be ultimately at peace with himself. What a man can be, he must be.

Motivation and Personality [1954]

Edward Roscoe Murrow

1908-1965

¹⁶ This—is London.

Opening phrase for broadcasts from London during World War II [1939-1945]

¹⁷ We must not confuse dissent with disloyalty.

See It Now (broadcast). Report on Senator Joseph R. McCarthy [March 7, 1954]

¹⁸ We will not be driven by fear into an age of unreason if we . . . remember that we are not descended from fearful men, not from men who feared to write, to speak, to associate and to defend causes which were, for the moment unpopular.

Ib.

¹⁹ I am entirely persuaded that the American public is more reasonable, restrained and mature than most of the broadcast industry's planners believe. Their fear of controversy is not warranted by the evidence.

Speech at the Radio and Television News Directors Convention, Chicago [October 15, 1958]

⁴ See Lippmann, 814:1.

Murrow — Roethke

¹ In order to progress, radio backward, to the time when specials were not allowed on new there was no middle commercial report, when radio was rath and fast.

Theodore Roethke

1908-1963

² My secrets cry aloud.
I have no need for tongue.
My heart keeps open house,
My doors are widely flung.

Open House

³ Thought does not crush to stone
The great sledge drops in vain
Truth never is undone;
His shafts remain.

The Adama

⁴ For something is amiss or out
When mice with wings can v
face.

The Be

⁵ This urge, wrestle, resurrection
Cut stems struggling to put d
What saint strained so much,
Rose on such lopped limbs to
Cutting.

⁶ Nothing would sleep in that c
Root

⁷ Nothing would give up life:
Even the dirt kept breathing a

⁸ Tugging all day at perverse lif
The indignity of it!

The Weed

⁹ And afterwards I always felt i
back over the logging road
As if I had broken the natural o
in that swampland;
Disturbed some rhythm, old ar
portance,

By pulling off flesh from the li
As if I had committed, again
scheme of life, a desecratic

Moss Gati

¹⁰ The whiskey on your breath
Could make a small boy dizzy;
But I hung on like death:
Such waltzing was not easy.

My Papa's Waltz

¹¹ I study the lives on a leaf: the
Sleepers, numb nudgers in cold
Beetles in caves, newts, stone-d